

**Minutes of the Town of Johnsburg Regular Board Meeting March 6, 2007
Held at 7:00pm at the Town of Johnsburg Library, North Creek, NY**

Minutes of the regular meeting of the Town Board of the Town of Johnsburg held on Tuesday March 6, 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 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. Town Attorney Jordan was also present.

Guests: On attached list

RESOLUTION NO. 77

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Stevens to accept the minutes of the February 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 Upper Hudson River Railroad requesting the use of the Ski Bowl Park for parking during the "Thomas the Tank" event (May 18th through 20th and 25th); also requesting a blanket vending permit for the park area and permission to display their banner at the park for the same period.
2. A letter from Town Justice Carl E. (Ted) vonCzoernig informing the Town Board of his taking a sick leave for approximately 8 weeks beginning March 13, 2007 due to surgery.
3. A letter from the Warren County Department of Public Works informing the Town of a 4.5 cent per gallon charge on all diesel transactions beginning March 1, 2007.
4. A letter from Mr. Donald Greene regarding the lease agreement with the Gore Mt. Region-Town of Johnsburg Chamber of Commerce for space in the Tannery Pond Community Center and suggesting that it not be renewed.
5. A letter from Andrea McKee, acting Chair of the Ski Bowl Park Committee, acknowledging that the committee met with Jeff Anthony (L.A. Group) regarding the O.R.D.A. lift placement at the park and stating general agreement with the presentation.
6. A letter from Dorothy Osterhout, Chair of the Town of Johnsburg Planning Board, requesting that the Town Board allow the use of the Glens Falls Post Star as an official publication due to difficulties with the publishing schedule of the North Creek News-Enterprise in meeting legal notice requirements.

COMMITTEE REPORTS:

OLD BUSINESS:

Supv. Thomas explained that Jim Leiberum, Warren County Soil and Water, and Engineer James Hutchins were present to explain the grant application regarding the dam and issues involved in retaining an adequate water level at the swimming area of the beach. Mr. Leiberum explained that he has reviewed the dam operation and that the grant application has

been filed with the D.E.C.; he added that he had suggested some procedures to Parks Supt. Matt Olden to allow for a lower impoundment of water while retaining the necessary depth required for the diving float at the beach. Parks Supt. Olden is going to try these procedures this year on a trial basis. The Town Board members asked about decreasing the snake population; Mr. Leiberum replied that trap and transfer may be the best solution. The problem of the infestation of geese would also best be solved by the removal of the geese by hunting or chasing to make them change areas. Supv. Thomas noted that the issue will be revisited at the next meeting.

Supv. Thomas noted that he had received a letter from Mr. Richard Cipperly requesting that the Town Board grant an extension of the logging contract termination date to October 1, 2007 to G & T Enterprises in consideration of the winter weather and that G & T Enterprises provide full payment as a condition of the contract extension. In a related issue Mr. Cipperly noted that he could not recommend a timber harvest at the current time on a parcel owned by the Town off Garnet Lake Road.

RESOLUTION NO. 78

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Goodspeed that the Town Board will grant an extension of the logging contract termination date to October 1, 2007 to G & T Enterprises in consideration of the winter weather and that G & T Enterprises will provide full payment as a condition of the contract extension. With all members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas) Nays - 0

Supv. Thomas asked for comment from the Town Board on the N.I.P.A. response produced by the L.A. Group for Front Street Mountain Development and which the Town Board needs to approve as a co-applicant due to the Ski Bowl Park. Mr. Goodspeed commended the L.A. Group on the high quality of their work with reservations regarding the workforce housing and following up on the Front Street commitment to help the E.M.S. squad with fund raising; he noted general agreement. It was noted that the land the Town will be receiving from Front Street will only be in narrow strips along the previous ski trails. Mr. Arsenault asked Town Attorney Jordan for his input on the response. Attorney Jordan said that he had only received the information on Monday and had forwarded the storm water control plans to Engineer James Hutchins for review. Attorney Jordan stated that he had not had time to review the copious documentation of the N.I.P.A. response. Engineer James Hutchins stated that he had not had time for a full review; however, in the short time that he had had the report he had found the positioning of a storm water collection basin near the pavilion in the Ski Bowl Park. Engineer Hutchins explained that these collection (infiltration) basins are not visually attractive and may detract from the park. Kevin Franke and Mark Taber were present representing the L.A. Group and said that the plans were not final and could be altered to move the basins or place them underground at a later date. Mr. Goodspeed stated that he saw this as a breach of faith with the Town Board and presented a motion to table the discussion.

RESOLUTION NO. 79

Mr. Goodspeed presented the following resolution and moved its passage with a second from Mrs. VanKeuren to table the Town Board discussion of the Front Street N.I.P.A.

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

Supv. Thomas admonished the L.A. Group for taking two weeks to get the information to the Town Attorney and Engineer James Hutchins for review.

Supv. Thomas asked Town Attorney Jordan to explain the issue of a transportation corporation for Top Ridge. Attorney Jordan explained that the Top Ridge development plan requires a septic system for multiple residential units which will require a transportation corporation according to the D.E.C. A private transportation system needs the approval of the municipality. Attorney Jordan explained that the problem results from the language of the law which states that the town "shall" require a performance bond for the cost of the project. Top Ridge attorney Rob Simon explained that the developers would have no objection to posting such a performance bond; but that they were having difficulty finding a concern to issue such a bond and requested that the Town Board accept a line of credit in lieu of the performance bond. Mr. Arsenault agreed that it is very hard to secure such a bond. Mr. Stevens asked what would be the result of accepting a line of credit. Attorney Jordan noted that a line of credit would be in direct opposition to the law and open the Town to an Article 78 action.

RESOLUTION NO. 80

Mr. Goodspeed presented the following resolution and moved its passage with a second from Mr. Stevens to table the Town Board discussion of a performance bond for the Top Ridge transportation corporation. With all members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas) Nays - 0

Supv. Thomas asked Attorney Jordan to report on the status of the contract with the Peaceful Valley Townhouses (Comlinks) to contribute \$40,000.00 to the drilling of a new well the water supply from which is necessary to satisfy the N.Y.S. Department of Health supply requirement. Attorney Jordan explained that according to George Hezel there are several entities involved in the project and they all need to be contacted; Attorney Jordan expects to have an answer to the conditions requested by the Town Board for the agreement to handle the \$40,000.00 payment. Mr. Arsenault and Mr. Goodspeed expressed a worry about the units becoming filled without a water agreement being in place.

Supv. Thomas informed the Town Board that Peaceful Valley Townhouses (Comlinks) is requesting that the Town Board acknowledge the name of the private road in the Peaceful Valley Townhouses (Comlinks) development to be Peaceful Valley Ridge to allow for the assignment of 911 house numbers to the buildings.

RESOLUTION NO. 81

Mr. Arsenault presented the following resolution and moved its passage with a second from Mrs. VanKeuren that the Town Board acknowledge the name of the private road in the Peaceful Valley Townhouses (Comlinks) development to be Peaceful Valley Ridge With all members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas) Nays - 0

Supv. Thomas explained that it had been brought to his attention that the name for the bank as one of the official depositories for the Town of Johnsbury for the year of 2007 was inadvertently listed as Charter One Bank instead of Citizens Bank; the current name of the institution. Supv. Thomas requested that the Town Board rescind Resolution Number 7 of 2007 and replace it with one listing the bank name as Citizens Bank.

RESOLUTION NO. 82

Mr. Goodspeed presented the following resolution and moved its passage with a second from Mrs. VanKeuren that the Town Board rescind Resolution Number 7 of 2007 and to designate the following banks as official depositories for the Town of Johnsbury for the year of 2007:

Citizens Bank, North Creek, NY
 Evergreen National Bank, Warrensburg, NY
 Glens Falls National Bank, Warrensburg, NY

With four members voting in favor the resolution is declared carried. Ayes-4 (Goodspeed, Stevens, VanKeuren, Thomas) Abstained – 1 (Arsenault) Nays - 0

Supv. Thomas asked if the Town Board, having conducted Public Hearings on proposed Local Law #1 of 2007 establishing a Fee Structure for the Town of Johnsbury Planning Board and Zoning Board of Appeals on January 2, 2007 and March 6, 2007, wished to approve Local Law #1 of 2007 and file the local law with the Secretary of State.

RESOLUTION NO. 83

Mr. Goodspeed presented the following resolution and moved its passage with a second from Mrs. VanKeuren that whereas the Town Board has held Public Hearings on proposed Local Law #1 of 2007 establishing a Fee Structure for the Town of Johnsbury Planning Board and Zoning Board of Appeals on January 2, 2007 and March 6, 2007 and as the proposed law was changed in accordance with comments from the January 2nd Public Hearing and that there was no negative comment at the March 6th Public Hearing; therefore, the Town Board of the Town of Johnsbury approves the enactment of Local Law #1 of 2007 (copy attached to the minutes). With all members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas) Nays - 0

NEW BUSINESS

Supv. Thomas asked if the Town Board wished to act upon the Upper Hudson River Railroad letter requesting the use of the Ski Bowl Park for parking during the “Thomas the Tank” event (May 18th through 20th and 25th) and also requesting a blanket vending permit for the park area and permission to display their banner at the park for the same period.

RESOLUTION NO. 84

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Arsenault that the Town Board of the Town of Johnsbury will allow the use of the Ski Bowl Park for parking during the “Thomas the Tank” event (May 18th through 20th and 25th) as well as the requested blanket vending permit for the park area and permission to display their banner at the park for the same period. 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 asked if the Town Board wished to act upon the Johnsbury Planning Board letter requesting the Town Board allow the use of the Glens Falls Post Star as an official publication due to difficulties with the publishing schedule of the North Creek News-Enterprise in meeting legal notice requirements. Mr. Stevens asked if the Glens Falls Post Star would have to be used by the Planning Board for its notices. Town Attorney Jordan requested that he be allowed to research the issue and return with an answer at the next meeting; during the previous summer when working on the question of whether the North Creek News-Enterprise was a newspaper in the legal description he thought he had found a ruling that would necessitate advertising in all official newspapers for all notices. The Town Board members indicated that did not want to double advertise.

RESOLUTION NO. 85

Mr. Goodspeed presented the following resolution and moved its passage with a second from Mr. Stevens to table the Town Board discussion of the Johnsbury Planning Board letter requesting the Town Board allow the use of the Glens Falls Post Star as an official publication. With 5 members voting in favor and none opposed the resolution is declared carried. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas) Nays - 0

Minutes of the February 27, 2007 meeting of the Youth Committee were distributed to the Town Board members.

Supv. Thomas informed the Town Board that he had a memorandum from Assemblywoman Teresa Sayward on the CHIP's allotment for 2006-2007 and 2007-2008. In the enacted 2006-2007 budget the Town of Johnsbury will receive up to \$144,116.00 and in executive budget for 2007-2008 the Town of Johnsbury will be reduced to a maximum reimbursement of \$135,246.00.

Supv. Thomas noted that the Town Board had received in their packets copies of the current town policies for procurement and investment as well as the guidelines for reporting positions to the NYS Retirement System; he requested that the Town Board review these three policies in anticipation of updating them at the next regular Town Board meeting.

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

Supv. Thomas noted that there will be a short Executive Session on a personnel issue following the Privilege of the Floor.

RESOLUTION NO. 86

Mr. Goodspeed presented the following resolution and moved its passage with a second from Mrs. VanKeuren that the following certified bills which have been reviewed by the board members be paid: General Fund- Warrant #5G/Claims #101-119; Highway Fund- Warrant #5H/Claims #42-49; North Creek Water Dist.- Warrant #4W/Claims#19-21. 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. Robert Nettle sent a memo which he asked Supv. Thomas to read to the Town Board during the Privilege of the Floor. Mr. Nettle noted that the Town should, in his opinion, put the T-Bar lift in the park out to bid either as a lift or for scrap steel; he requested that any resultant money be placed in the Parks Capital Funds account. His second issue was a plan for the removal of the sand bank belonging to the town near the park. Mr. Tim Record noted that the sand is an asset to the town for highway sanding.

Mr. James Jones asked about an enforcement agency for the problem of older subdivisions with roads that are too narrow to permit access for emergency vehicles. Attorney Jordan suggested contacting Mr. Marv Lemery, Warren County Code Enforcement Officer. He also asked about the problem with the Wevertown Community Center and was informed that the well was very low and the town was trying to keep enough water for the building to continue to be used for the Justice Court until warmer spring weather would allow for a stronger well recovery.

A motion to enter executive session to discuss a personnel issue was presented by Mrs. VanKeuren with a second from Mr. Stevens at 9:05pm. 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. Goodspeed at 9:33pm. 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 9:33pm.

A motion to adjourn the meeting was presented by Mr. Stevens with a second from Mr. Goodspeed at 9:35pm. All in favor. Motion carried. Meeting Closed.

The next regular Town Board meeting will be held at 7:00pm on March 20, 2007 at the Town Library, North Creek, NY.

Prepared by William Rawson, Town Clerk