

**Minutes to the Public hearing on the sale of the surplus real property (Schlie property)  
held on September 20, 2007 @ 6 P.M. at Tannery Pond Community Center.**

Town Board member present were Supervisor Thomas, Mr. Eugene Arsenault, Mr. Sterling Goodspeed, and Mrs. Alyce VanKeuren. Absent was Mr. Arnold Stevens.

Supervisor Thomas opened the public hearing at 6 P.M.

Candace Lomax, Account Clerk, sat in for William Rawson, Town Clerk, who was on vacation, read the legal notice as it appeared in the September 15, 2007 edition of the North Creek New Enterprise.

Candace Lomax read two letters, one from Roger Jones, another from Orlando Gezzi. The content of Mr. Gezzi letter indicated the Town was buying property, Supervisor Thomas noted that the town was not buying any property. Supervisor Thomas then opened the floor for comments:

Mark Bergman stated Mr. Jones's letter has some good points, and it's a matter of principal, the land was donated to the town, what message would be sent to those considering future potential gifts. Supervisor Thomas stated, in the past several ideas were mentioned such as: more cemetery space, sand for the Highway, and a walking area, none of these ideas came to fruition, and Roger has made a good point, no offers in the future will come forth. He went on to explain that the town asked for an appraisal to find out the value. Andi McKee stated land values increase, don't divest assets now, Ann Brassel noted the town should hang on to the property and asked if the appraisal was public information. Attn. Jordan stated the appraisal is not public information at this time, which would depend on how the town decided to dispose of the property. Supervisor Thomas asked for other comments, noting once again, Mr. Jones's letter was good and to the point. Jim Jones asked the Board not to sell the property just to have money in the bank. Supervisor Thomas noted that seemed to be the prevailing comment tonight. Councilman Goodspeed stated the market is not strong; this is not the market we would want to be selling in. Mark Bergman's professional opinion was to agree with Sterling stating "wait to the future." Supervisor Thomas said we do have needs in our park, and we should keep this in mind for future uses. Ann Brassel questioned the liability to the town; Mr. Jordan stated we have NYMIR liability insurance. Bob Nettle conveyed it is a nice piece of property with a stream running through, giving it the potential for a pond, it would make a great camp ground however; the close proximity to commercial is a downside

A motion to close the public hearing was made by Councilmen Goodspeed, second by Councilwoman VanKeuren at 6:20 PM. With all members voting in favor to close the public hearing the resolution is declared carried. Ayes-4 (Thomas, Arsenault, Goodspeed, VanKeruen)  
Nays-0

Attn. Jordan advised the Town Board they could proceed with their regular meeting.

**Minutes of the Town of Johnsburg Regular Board Meeting September 20, 2007  
Held at 6:25 at the Tannery Pond Community Center, Main Street North Creek, NY**

Minutes of the regular meeting of the Town Board of the Town of Johnsburg held on Thursday September 20, 2007 at the Tannery Pond Community Center, North Creek, NY. Supervisor Thomas called the meeting to order at 6:25 P.M., the pledge to the flag was led by Councilman Gene Arsenault.

Roll call showed the following persons present: Supervisor Thomas; Town Councilpersons/ Eugene Arsenault, Sterling Goodspeed, and Alyce VanKeuren. Councilman Arnold Stevens was absent. Town Clerk, William Rawson was absent, Candace Lomax, Account Clerk sat in for the Town Clerk.

Guests: On attached list.

**RESOLUTION # 255**

Mr. Arsenault presented the following resolution and moved its passage with a second from Mrs. Vankeuren to accept the minutes of the September 4, 2007, regular Town Board meeting as written. With all members voting in favor the resolution is declared carried, Ayes-4 (Thomas, Arsenault, Goodspeed, Vankeuren) Nays -0

**CORRESPONDENCE:**

A letter from the Gore Mt Region/Town of Johnsburg Chamber of Commerce, extending an invitation to Town Board members to join in Focus Group sessions, aimed at marketing the area. A letter from JCS Yearbook Advisors offering an opportunity to purchase an ad in the 2008 yearbook.

A card from the Johnsburg Fine Arts group thanking the board for continued support and requesting continued support in the coming year.

A card from Martha von Czoernig, President of the Johnsburg Library Board, thanking the Town Board for its continued support, noting the Library had recently received a 2007 Warren County Aid payment.

A letter from Martha von Czoernig, President, Town of Johnsburg Library Board of Trustees, requesting two carousels not be moved unless absolutely necessary when Town Board meetings are held in the Library.

A letter from Jo Ann Smith requesting a reduction in her cleaning duties.

A letter from Evelyn Goodspeed, Tour Director Gore Mt. Seniors, requesting a separate travel fund for the seniors.

In response to the correspondence, Supervisor Thomas noted; in the matter of the Library carousels, the tables could be re-arranged for meetings that are held at the Library, or perhaps the Board would like to have further discussion at the organizational meeting in reference to meeting locations, addressing the change in the cleaners hours, the Town has two cleaning positions, therefore Jo Ann could clean TPCC and another cleaner could be hired for the rest of the buildings.

**COMMITTEE REPORTS**

**OLD BUSINESS:**

Laura Moore, Warren County Planning Associate, spoke in place of Pat Tatich. Laura informed everyone the County, on behalf of the Town, has applied for a Restore NY Grant. The grant is not to exceed \$504,000.00. Laura placed a Public Notice in the Post Star for a Public Hearing on the matter to be held on September 26, 2007 @ 7P.M. in the Library, 219 Main Street, North Creek NY. The cost of the ad is \$300.00 and there is an application fee of \$250.00 Laura noted the application has a “business must have a % of vacancy” requirement. She also stated this application works well with our Empire Zone that extends down Main Street. If the Board moves forward with the grant it will include four local businesses, they are; the Alpine Motel, the old IGA Store, the old bank and Tim McGraws-the former Wally’s Steakhouse. They are all willing to participate in a 10% match, to be paid by the businesses. Laura assured Attn. Jordan that the advertising was a combined ad. Councilman Goodspeed noted they proceeded with the application up to this point to “keep the door open” and not allow it to close prior to further discussion at today’s Town Board meeting.

**RESOLUTION #256**

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

**A RESOLUTION TO PROVIDE PUBLIC NOTICE AND PUBLIC HEARING**

WHEREAS, the Town of Johnsbury has submitted a letter of intent for the submission of a grant application to the NYS Empire State Development Corp. for demolition of dilapidated cottage colony and installation of infrastructure to allow for residential and business mix including site improvements to the following property:

Site Name: Tim McGraw at 302 Main Street, tax id 66.6-2-8; Alpine Lodge at 264 Main Street tax id 66.10-1-69.1; Choptank Mills Associates at 274 Main Street tax id 66.10-1-65; and Choptank Mills Associates at 272 Main Street tax id 66.10-1-66 in the Town of Johnsbury.

WHEREAS, the RESTORE NY program is designed to fund demolition, deconstruction, rehabilitation, and reconstruction deteriorated residential and commercial buildings; and

WHEREAS, the Town Board of Johnsbury is looking to obtain public input into the matter of the application for RESTORE NY funds for said rehabilitation;

**NOW, THEREFORE, BE IT RESOVED AS FOLLOWS**

1. That the Town Board of Johnsbury shall hold a public hearing in the matter of the proposed RESTORE NY Program to be held in the Library, 219 Main Street, North Creek New York on the 26<sup>th</sup> day of September 2007, at 7 p.m. and
2. That the Town Clerk give notice of such public hearings by publication in a daily newspaper for three consecutive days before the hearing date setting forth the time and place of the hearing.

3. That the Town Board of the Town of Johnsbury approves the participation of the Town of Johnsbury in the Restore NY Communities Initiatives program.
4. That the proposed project is consistent with numerous documents and programs including but not limited to the Main Street Program funded through the NYS Housing trust Fund Corp, the First Wilderness Heritage Corridor Local Waterfront revitalization Plan, and the North Creek Action Plan.
5. That the funds dedicated to this project are appropriate for the specific project; that the project facilitates effective and efficient use of existing and future public resources so as to promote both economic development and enhances infrastructure and other facilities in a manner that will attract, create and sustain employment opportunities.
6. That the Town Board authorizes and directs the Supervisor to execute and file the necessary application for the proposed project with the Empire State Development Corporation in accordance with the requirements and regulations of that organization, which application is to be submitted to ESDC not later than September 28, 2007.
7. That the Town Board hereby verifies the Town has site control of the above mentioned property purposes related to this project, and for no other purposes.

With all members voting in favor the resolution is declared carried. Ayes-4(Thomas, Arsenault, Goodspeed and VanKeuren) Nays-0

Andi McKee inquired about using some of these funds for infrastructure, Laura stated it might not qualify for leverage however, she will check into this.

J Anthony Jordan, Town Attorney distributed ZEO fee schedules from the Town of Queensbury to the Board members. Tony mentioned various opportunities to recoup ZEO costs and that Ed Tuttle's recommendations are straight forward and simple.

At this time Supervisor Thomas briefed two late comers on the public hearing and why the regular meeting started early. Then Supervisor Thomas informed the Board that Ed Tuttle, ZEO, would like to institute a fee schedule as early as possible.

#### RESOLUTION #257

Mr. Sterling Goodspeed presented the following resolution and moved its passage with a second from Mr. Gene Arsenault to adopt the following Zoning Enforcement Office Fees:

Zoning Certificates	Dwellings-per unit	\$70.00
	Accessory	35.00
	Demolition	35.00
	Renewals	25.00
Docks, Decks, floats		50.00
Sign Application & Fences		25.00
Septic Systems	Original	80.00
	Improvements	40.00
	Variance	50.00
Salvage Yard License	-per year	25.00

Well Application 25.00  
Floodplain Development 50.00

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

Supervisor Thomas briefed the board on the North Creek Fire District/FSMD agreement; there was a misunderstanding in a recent news article. See attached letter. Mr. Arsenault questioned if the EMS is involved in the negotiations for funding. Mr. Arsenault and Mrs. VanKeuren have met with the EMS and encouraged them to have a dialog and get involved. Mr. Goodspeed stated that Tall Timbers has agreed to acknowledge this agreement.

Attorney Jordan was pleased to announce the Local Land Use Plan has been sent to the Department of State. It will become law upon the State Departments receipt.

It was noted that resolution No. 221 dated August 7, 2007 contained local law numbers 1 through 4 , these local laws should have been number 2 through 5.

#### RESOLUTION # 258

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Goodspeed to renumber local laws as follows:

Local law # 2 of 2007 Town of Johnsubrg Subdivision Control law, #3 of 2007

Town of Johnsburg Zoning law, #4 of 2007 Onsite Wastewater Treatment, #5 of 2007 Junk Storage law. With all members voting in favor the resolution is declared carried. Ayes – 4(Thomas, Arsenault, Goodspeed, VanKeuren) Nays -0

#### NEW BUSINESS

Year book ad-Supervisor Thomas noted the Town has not purchased an ad for the yearbook in the past. Attn. Jordan advised the board this was a bad idea.

Gore Mt Senior request- Supervisor Thomas said this would be considered and discussed during the budget process.

Youth funding-Supervisor Thomas then asked the board for permission to apply for Youth program funding.

#### RESOLUTION #259

Mr. Goodspeed presented the following resolution and moved its adoption, seconded by Mr. Arsenault to authorize and direct the Supervisor to apply for New York State division to Youth Development/Delinquency Prevention (YD/DP) matching funds for the 2007 and additionally that he be authorized and directed to submit a Youth Program budget for 2008 with the understanding that it is contingent on the passage and final adoption of the town budget; and that for eligibility for aid expenditures must be at least twice the amount of said New York State Aid. With all members voting in favor the resolution is declared passed. Ayes -4 (Thomas, Arsenault, Goodspeed, VanKeuran) Nays -0

Supervisor Thomas also handed out the Youth Program report for 2008 noting that Johnsburg has a very strong and active Youth Program. He then informed the Board that the County Youth Bureau has extra funds that need to be spent by the end of this year. Candace Lomax has written

a \$200.00 matching proposal for a cultural event, noting that many Johnsbury children would never have the opportunity to experience an event such as a trip to Proctors Theater.

#### RESOLUTION #260

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Goodspeed to allow the Youth Program to apply for matching funds for a cultural event. With all members voting in favor the resolution is declared carried. Ayes -4 (Thomas, Arsenault, Goodspeed, VanKeuren) Nays- 0

Next on the agenda was the 2007 Beach Report. Supervisor Thomas noted the beach had a successful summer. Bob Nessle stated the participation numbers could be increased 20 to 30% to allow for the after hour swimmers.

Historical Society- Supervisor Thomas explained that the County has been cleaning and shaping up the Waddell Property at the Train Station, and the OSI is about to turn the property over to the County. The county is also looking for proposed uses for the property. The Historical Society is fielding inquiries and suggestions to identify possible participants. Mr. Goodspeed noted that there is a tentative merger of the Depot Museum Preservation Association and the Historical Society. There are some concerns over the decks and platforms, these items are being negotiated.

Supervisor Thomas stated the Budget has been filed with the Town Clerk. On or before October 5<sup>th</sup>, the Town Clerk will deliver copies to the Town Board.

Supervisor Thomas explained that the AATV dues are ½ of the Association of Towns dues which are \$999.00 annually. The AATV is asking for additional funds for the Adirondack Park regional Assessment Project. Mr. Goodspeed attended a meeting and stated municipalities are not getting a fair shake without state lands. Where do the equities lie at the end of they day? Mr. Arsenault asked Supervisor Thomas his opinion of the effectiveness of the group, supervisor Thomas believes they are a worthwhile group. Mr. Arsenault stated it would be a modest investment to help us make reasonable judgments.

#### RESOLUTION # 261

Mr. Goodspeed presented the following resolution and moved its passage with a second from Mr. Arsenault to contribute \$400.00 extra funding - \$250.00 from the 2007 budget and \$150.00 in the 2008 budget. With all members voting in favor the resolution is declared carried. Ayes- 4(Thomas, Arsenault, Goodspeed, Vankeuren) Nays -0

The Town has received a request for a speed zone in North River. Supervisor Thomas stated there is one in every hamlet on the state road.

#### RESOLUTION # 262

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Goodspeed to file paper work requesting a reduced speed limit. With all members voting in favor the resolution is declared carried. Ayes – 4 (Thomas, Arsenault, Goodspeed, VanKeuren) Nays -0

Next, Supervisor Thomas informed the Board the Occupancy Tax contract is a basic contract for \$30,000 which requires renewal every year. Mr. Paul Dusek, County Attorney, has re written the contract making the term indefinite, subject to termination by either party on thirty days written notice.

RESOLUTION # 263

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

**AUTHORIZING AGREEMENT BETWEEN TOWN OF JOHNSBURG  
AND COUNTY OF WARREN FOR TOURISM PROMOTION AND TOURIST  
AND CONVENTION DEVELOPMENT FUNDS**

WHEREAS, the County derives revenues from the Occupancy Tax authorized by act of the New York State Legislature (Chapter 422 of the Laws of 2003) and, after deducting the amount provided for administering such Tax, is to allocate the funds to enhance the general economy of the County of Warren and its Cities, Towns and Villages through the promotion of tourist activities, conventions, trade shows, special events and other directly related and supported activities, and

WHEREAS, as Agreement between the County of Warren and the Town of Johnsburg (hereinafter "Municipality") is presented at this meeting, which Agreement proposes to provide funds to the Municipality for Tourism promotion and tourist and convention development (hereinafter "Agreement" from Occupancy Tax Revenues and which Agreement:

- 1) Provides that the county shall pay and disburse to the Municipality from Occupancy Tax Revenues received for 2007 a) the sum of Thirty Thousand Dollars (\$30,000.00), on or about October 15, 2007 and b) an additional sum to be calculated pursuant to a municipal sharing formula approved by the Board of Supervisors, in its sole discretion, on or about June 1, 2008 with these payments to be contingent on the availability of sufficient Occupancy Tax Revenues;
- 2) Provides that the two payment previously described will continue, respectively, in subsequent years with regard to Occupancy Tax Revenues received in years subsequent to 2007 unless this agreement is terminated on thirty (30) days written notice as provided in Part III, paragraph 6 hereof; and
- 3) Contains provisions concerning allowable fund expenditures, accounting, record keeping and under certain circumstances, refunds of Occupancy Tax Funds being paid to the Municipality and

WHEREAS, the Municipality is ready, willing and able to provide for promotion of tourist activities, conventions, trade shows, special events and other directly related and supported activities, and possesses or can make available all necessary qualified personnel, licenses, facilities and expertise to carry out the terms of the Agreement and now, therefore, be it

RESOLVED, that the Town of Johnsburg hereby enter into the Agreement with the County of Warren and the Town Supervisor be and hereby is authorized and directed to execute the Agreement on behalf of the Town of Johnsburg with the County of Warren for the purposes of providing funds to the Municipality for Tourism promotion and tourist and convention development (hereinafter "Agreement") from Occupancy Tax Revenues with the understanding that the Agreement authorized by this resolution will continue indefinitely for payments and use

of said funds in subsequent years unless terminated in a manner provided for under the agreement without the need to approve and sign additional agreements or adopt additional resolutions; and, be it further

RESOLVED, that specific expenditure of the funds provided under the Agreement shall be subject to further approving resolution of the Town of Johnsbury Town Board.

With all members voting in favor the resolution is declared carried. Ayes- 4 (Thomas, Arsenault, Goodspeed, Vankeuren) Nays -0

Town Board members received a copy of the minutes of the Tannery Pond Community Center Association meeting. It was noted that the crickets were given permission to install molding that will be used to display student art work. The crickets were also given permission to bring a large cabinet into the building, to house their art supplies.

Secretary, Cherie Ferguson, informed the board the WIFI antenna will be located in the attic space of TPCC.

Supervisor Thomas attended a grant presentation for a 2007 Adirondack Park Community Smart Growth Grant Program. There is one million dollars available for municipalities, they are 100% matching grants, and the town is allowed 2 or 3 proposals. Andi McKee asked if the Town could apply for monies to update the 1993 North Creek Action Plan. Cherie will work with Andi to develop a proposal.

#### RESOLUTION #264

Mr. Goodspeed presented the following resolution and moved its passage with a second from Mr. Arsenault to allow Andi McKee and Cherie Ferguson to write a proposal and apply for grant money. With all members voting in favor the resolution is declared carried. Ayes -4 (Thomas, Arsenault, Goodspeed, VanKeuren) Nays -0

#### PRIVILEGE OF THE FLOOR

Bob Nettle briefed the board on the Wevertown Parking project. Mr. Nettle stated the drainage has been installed; fill needs to be put in place. Bob will contact Curt; hopefully the parking lot will be usable by Election Day which is November 6, 2007.

Map amendments were submitted to the APA at the same time the Comprehensive Plan was approved. Shortly after submission, the request for the Map Amendment was put on hold. Mark Bergman asked if the Supervisor could now write a letter to the APA requesting to proceed with the processing the Map Amendment application.

#### RESOLUTIN #265

Mr. Arsenault presented the following resolution and moved its passage with a second from Mrs. Vankeuren to allow Supervisor Thomas to request, in writing, the APA to proceed with the processing of the Map Amendment application. With all members voting in favor the resolution is declared carried. Ayes -4 (Thomas, Arsenault, Goodspeed, VanKeuren) Nays -0

Mr. Dick Armstrong questioned a news article regarding the ladder truck being used outside the fire district. Supervisor Thomas, again, explained the situation.

Bob Nettle asked if the Budget hearing could be on a different day than the meeting day in which the Town Board votes on the budget. Supervisor Thomas explained the proper process that is bound by law.

Dick Armstrong inquired about paving roads, and is there money in the budget. Mr. Arsenault conveyed an overview of a meeting in which the highway priorities were outlined and necessary budget constraints were discussed.

#### RESOLUTION #266

Mr. Arsenault presented the following 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 #18G/claims #385-401; Highway Fund-Warrant-18H/claims #190-206; North Creek Water District-Warrant #18W/claims #75-81; Library Fund-Warrant #9L/claims #61-66. With all members voting in favor the resolution is declared passed and carried. Ayes-4 (Thomas, Arsenault, Goodspeed, VanKeuren) Nays-0.

Motion to adjourn the meeting was presented by Mr. Goodspeed with a second from Mrs. VanKeuren at 8:25 pm. With all members voting in favor the resolution is declared carried. Ayes -4 (Thomas, Goodspeed, Arsenault. VanKeuren) Nays-0 Meeting closed.

There will be a Public Hearing on September 26, 2007 at 7pm at the Johnsbury Library, for the proposed application to Empire State Development Corporation for a RESTORE-NY Program funding request.

The next regular Town Board meeting will be held at 7pm on October 2, 2007 at the Wevertown Community Center, Wevertown, NY.

Prepared by Candace Lomax, Account Clerk.