

**Minutes of the Town of Johnsburg Regular Board Meeting Thursday, December 4, 2007  
Held at 7:00pm at the Wevertown Community Center, Wevertown, NY**

Minutes of the regular meeting of the Town Board of the Town of Johnsburg held on Tuesday, December 4, 2007 at 7:00pm at the Wevertown Community Center, Wevertown, NY. Supervisor Thomas called the meeting to order at 7:00pm and the pledge to the flag was led by Councilwoman Alyce VanKeuren.

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.

**RESOLUTION NO. 319**

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Arsenault to accept the minutes of the November 20, 2007 Regular Town Board Meeting and the November 8, 2007 Public Hearing on the 2008 Town of Johnsburg Budget and the November 20, 2007 continuation of the Public Hearing on the 2008 Town of Johnsburg Budget as written. With all members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas) Nays - 0

Guests: On attached list

**CORRESPONDENCE:**

1. A letter from Mr. Michael Bowers of barVino, LLC. requesting a waiver of the thirty day waiting period associated with the application for a liquor license for barVino, LLC. at 272 Main Street, North Creek, NY.
2. A letter from Ms. Tara Sears requesting that the Johnsburg Town Board consider a "No Parking" zone on River Road in North Creek between the intersection of Main Street and the driveway of Mrs. Pauline Shephard due to the narrow aspect of the road.
3. A letter from Mr. Ed Milner, President of the Gore Mtn Region-Town Of Johnsburg Chamber Of Commerce notifying the Town Board of the delivery of Occupancy Tax funding requests and asking that the Town Board approve all their requests.
4. A letter from Ms. Rosine Leloir encouraging the Town Board to appoint Mr. Ronald Vanselow to fill the vacant, unexpired term of Sterling Goodspeed on the Town Board.

**COMMITTEE REPORTS:**

The agenda for the December 2007 monthly meeting of the Library Board of Trustees that was held on December 5, 2007 was distributed to the Town Board.

**OLD BUSINESS:**

Supv. Thomas announced that Engineer James Hutchins, had estimated the amount of sand available onsite at the Town Highway Garage to be between 100,000 and 125,000 yards; he further estimated a use of 20,000 yards per year leading him to estimate between 5 and 6 years of use. Mr. Robert Nettle considered Engineer Hutchins yearly usage estimate to be too high and believed the actual annual usage to be only about one-half of Engineer Hutchins estimate. Supv. Thomas noted that the estimate of sand is related to the issue of the waiver agreement being negotiated between Front Street and the Town of Johnsburg. Town Attorney Jordan explained

that the Front Street proposed waiver would allow for the Town to remove sand for a period of up to 5 years following the transfer of the property and that the transfer would not occur for at least 18 months following the executing of the agreement; this would allow for 6½ years of use. Regarding the question of picking a site for the movement of the Highway Garage the waiver would allow the Town Board to reject an unreasonable site; however, the Town Board would have to prove the site in question to be unreasonable. Attorney Jordan suggested negotiating the description of points to make a site reasonable and including this in the agreement. Supv. Thomas noted that the conveyance of the Front Street property for the siting of the lift will be tied to the conveyance of Parcel C from the Town to Front Street through the waiver. Mr. Goodspeed urged caution in moving forward on the waiver issue; Mr. Arsenault was not comfortable moving forward with a vague agreement. The Town Board announced that it would conduct an executive session following the regular meeting for the purpose of discussing contract negotiations with the Town Attorney.

Supv. Thomas informed the Town Board that he found out by reading the Post Star newspaper that the Town of Johnsbury had received a grant for the Ski Bowl Park in the amount of \$57,910.00. Supv. Thomas suggested the resurfacing of the tennis and basketball courts as a starting point for the grant. Mr. Goodspeed said that he had discussed the grant with the Chairman of the Ski Bowl Park Committee, Jill Broderick, and will meet with her again on Thursday morning; he added that there is a need to search for funding to support the grant that will not come from taxpayer funds.

Supv. Thomas informed the Town Board that Johnsbury and North Warren Emergency Squads had reached an agreement on a mutual aid agreement. The Town board of the Town of Chester is not pleased with this agreement and has refused to assist in paying to draft the agreement. Supv. Thomas asked if the Town Board of the Town of Johnsbury would pay for the draft agreement in the interest of the safety of those residents of North Creek living just across the Hudson River in the Town of Chester. Mr. Arsenault was disappointed that there is no funding support for this effort from the Town of Chester; he added that this is the same issue as with the Town of Chester and the Riparius Fire Department of lack of payment for service. Mr. Mark Bergman, an emergency squad member, said that a check of the emergency squad records suggested an average of fewer than 20 calls per year; he noted that there is not a large financial impact. Supv. Thomas urged payment for the drafting of the agreement in order to secure protection for the area of North Creek which has historically been closely allied to the Town of Johnsbury. Town Attorney Jordan said that the cost to draft the agreement would not be too great.

#### RESOLUTION NO. 320

Mr. Goodspeed presented the following resolution and moved its passage with a second from Mrs. VanKeuren that the Town Board authorizes payment for the drafting, by the Town of Johnsbury attorney, of a mutual aid agreement between the Johnsbury and North Warren Emergency Squads in the interest of the safety of those residents of North Creek living just across the Hudson River in the Town of Chester. 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 Youth Committee is requesting that the Town Board authorize them to donate taxpayer funds in their budget line to the “Teens Only” program. Town Attorney Jordan stated that taxpayer monies cannot be donated by a government entity; he added that the funds can be used to purchase a specific service for the program such as a “deejay” or a band. Attorney Jordan also noted that if the program was made a part of the Youth Committee programs it would be an acceptable use of funds. Supervisor’s Secretary Cherie Ferguson noted that the program is heavily funded.

Supv. Thomas explained to the Town Board that the town has historically acted for Warren County as the municipality applying for the 1<sup>st</sup> Wilderness Heritage Corridor Program grant at no cost to the Town of Johnsbury; this year however, he was informed that there would be a cost to the town. Supv. Thomas explained that following his discussion with county personnel that he had been informed by Mr. Wayne LaMothe, Assistant Director of Warren County Planning & Community Development, has passed along the following information as provided by the Department of State: that there will be no cost to the Town of Johnsbury to include the North Creek Action Plan as part of the 2007 Local Waterfront Revitalization Program application and that County Resolution 802 of 2006 can be used as match.

**RESOLUTION NO. 321**

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

**RESOLUTION AUTHORIZING APPLICATION FOR GRANT FUNDING FROM THE LOCAL WATERFRONT REVITALIZATION PROGRAM, YEAR 2007-2008**

WHEREAS, the Town of Johnsbury is committed to the development of the First Wilderness Corridor Program promoting the Communities along the Rail Line and the Hudson River to further enhance quality of life, recreation, economic development and environmental character, and

WHEREAS, the Town of Johnsbury and the Corridor communities along with the partnership of Warren County have agreed to provide the matching funds for a grant application to the New York State Department of State to fund a Local Waterfront Revitalization Strategy Plan, and

NOW THEREFORE BE IT RESOLVED, the Town of Johnsbury Town Board hereby authorizes and directs the Supervisor, to file an application for funds in cooperation with Warren County from the Local Waterfront Revitalization Program, in an amount no greater than \$1,000,000 (One million dollars), and upon approval of said request to enter into and execute a project agreement.

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

Supv. Thomas explained to the Town Board that as a result of the water agreement with the developers of the Top Ridge project that the developers are paying the town at a rate of \$50.00 per hour for the Water Superintendent to oversee the installation of the pipeline that is to service the development. As this is oversight is in addition to the normal work of the Water Superintendent; Supv. Thomas requested that the Town Board authorize the payment of \$30.00 per hour to the Water Superintendent for his time spent in performing the oversight duties. The

money for this is to come from the payments of \$50.00 per hour from the developers of the Top Ridge project to the North Creek Water District. The balance of the payment is to be retained in the North Creek Water District account for future expenses.

#### RESOLUTION NO. 322

Mr. Goodspeed presented the following resolution and moved its passage with a second from Mrs. VanKeuren that the Town Board of the Town of Johnsburg authorizes the North Creek Water District Superintendent to be paid \$30.00 per hour in addition to his normal salary for his time overseeing the installation of the water connection line to the Top Ridge development; the funding is to come from payments made to the North Creek Water District by the developers of the Top Ridge project who are installing the water line. 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 Town Attorney Jordan, Mr. Goodspeed and himself had met with the Tall Timbers developers to discuss a memorandum of understanding regarding the inclusion of the Tall Timbers project in the North Creek Water District and an agreement between the North Creek Fire District and the Tall Timbers developers. Town Attorney Jordan requested that the Town Board review the agreement between the North Creek Fire District and the Tall Timbers developers with a view toward moving forward at the next regular Town board meeting. Attorney Jordan added that the memorandum of understanding regarding the inclusion of the Tall Timbers project in the North Creek Water District will be available at the next regular Town board meeting as well. The advantage to the North Creek Water District resulting from the addition of the Tall Timbers development in the North Creek Water District is that the wells drilled at this development draw from a separate aquifer than the others which are a part of the water district system.

#### NEW BUSINESS

Supv. Thomas asked if the Town Board wished to act upon the letter from Mr. Michael Bowers of barVino, LLC. requesting a waiver of the thirty day waiting period associated with the application for a liquor license for barVino, LLC. at its 272 Main Street, North Creek location.

#### RESOLUTION NO. 323

Mr. Goodspeed presented the following resolution and moved its passage with a second from Mr. Arsenault that the Town Board, having received a request from Mr. Michael Bowers of barVino, LLC., agrees to waive the thirty day waiting period involved in the application for a liquor license by barVino, LLC. at its 272 Main Street, North Creek; the Town Board will have no objection to the liquor license application and authorizes the Town Clerk to notify the N.Y.S. Liquor Authority of the Board decision. With 5 members voting in favor, and none opposed the resolution is declared passed. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas) Nays-0.

Supv. Thomas asked Town Attorney Jordan if the Town Board could establish a "No Parking" zone as requested by Ms. Tara Sears; Attorney Jordan answered that as the road in question was a Town road that the Town Board could establish the zone by resolution. Supv. Thomas asked if the Town Board wished to act upon the request. Mr. Arsenault suggested that prior to taking an action that a dialogue should be opened with Mrs. Shephard. Mr. Stevens asked if there was an

off-street option available to Mrs. Shephard; Supv. Thomas answered that there was a driveway for her to park in. Mr. Goodspeed noted that in addition to other problems that this could be an issue regarding the use of River Road as an entry point for the Tall Timbers development. The Town Board after a short discussion wished to have the dialogue with Mrs. Shephard opened as suggested by Mr. Arsenault; if this does not produce a satisfactory result, then the issue will be addressed at a future meeting

Supv. Thomas informed the Town Board that the annual drug screening tests contract for the calendar year of 2008 with Standard Medical Services had been received; the charges for 2008 are to remain the same as for 2007. Supv. Thomas requested that the Town Board authorize him to execute the 2008 contract for this service with Standard Medical Services.

#### RESOLUTION NO. 324

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Goodspeed that the Town Board of the Town of Johnsbury authorizes the Town Supervisor to sign the annual contract with Standard Medical Services for the calendar year of 2008 for the performance of drug screening tests; the charges for 2008 are to remain the same as 2007. 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 the Adirondack Association of Towns & Villages will hold its General Membership Meeting in Lake George on December 9<sup>th</sup> and 10<sup>th</sup>. There is a cost of \$30.00 per person for the dinner on December 9<sup>th</sup> and \$5.00 for the breakfast on December 10<sup>th</sup>. Supv. Thomas asked that the Town Board allow any town boards' members to be reimbursed for either of the meals as well as mileage if attending.

#### RESOLUTION NO. 325

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Stevens that the Town Board authorizes the reimbursement of any member of the town boards for the dinner and/or breakfast and mileage for attending the Adirondack Association of Towns & Villages General Membership Meeting in Lake George on December 9<sup>th</sup> and 10<sup>th</sup>. 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 two Occupancy Tax funding requests have been received from the Gore Mt. Region-Town of Johnsbury Chamber of Commerce, one in the amount of \$1500.00 for the 4<sup>th</sup> quarter of 2007 newspaper insert of cultural and community events and the second in the amount of \$500.00 for the 4<sup>th</sup> quarter of 2007 co-operative advertisement of the Gore Mt. Region. Supv. Thomas noted that currently there is money available and asked if, having received the Occupancy Tax request, the Town Board wished to act upon these requests.

#### RESOLUTION NO. 326

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Goodspeed that the Town Board approves the following two Occupancy Tax funding requests from the Gore Mt. Region-Town of Johnsbury Chamber of Commerce, the first in the amount of \$1500.00 for the 4<sup>th</sup> quarter of 2007 newspaper insert of cultural and community

events and the second in the amount of \$500.00 for the 4<sup>th</sup> quarter of 2007 co-operative advertisement of the Gore Mt. Region. With all members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas) Nays - 0

Supv. Thomas noted that the Town Board had received approximately \$71,400.00 in Occupancy Tax funding requests for 2008 funds; \$13,100.00 for use by the Town of Johnsbury, 7 requests from the Gore Mtn Region-Town Of Johnsbury Chamber Of Commerce and individual requests from the Hudson River White Water Derby (\$5000.00), Upper Hudson Festivals, Inc. (\$4000.00) and North Creek Railway Depot Museum (\$5000.00). The Town is guaranteed \$30,000.00 in 2008 funding and has an unexpended balance from 2007 to carry over of approximately \$2000.00; the Town usually receives an additional payment during the year as well, the amount of the additional payment varies. Early in 2008 the Town Board will create a committee from its members to review the applications, probably listen to presentation from requesting groups and make recommendations to the entire Town board on the use of the 2008 Occupancy Tax funds.

Supv. Thomas distributed the Monthly Report of the Zoning Enforcement Officer, Mr. Edward Tuttle, for the month of November 2007, to the members of the Town of Johnsbury Town Board. Mr. Tuttle noted that he had reviewed several projects and issued zoning compliance forms and mailed a number of letters notifying their recipients of violations.

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

#### PRIVILEGE OF THE FLOOR

Mr. Joseph LaRocque suggested that a light be installed to brighten the parking to the rear of the Wevertown Community Center in the interest of safety. Supv. Thomas noted that this issue had been discussed and would be looked at in the future as well; possibly a streetlight could be adjusted to provide more light to the area under discussion.

Mr. Robert Nettle brought forward three issues: first, he has seen ATV tracks at the Ski Bowl Park and soon he expects to see snowmobile tracks as well possibly causing damage and raising liability issues; second regarding the Parcel "C" discussion he urges the immediate passage of the waiver agreement with Front Street to allow for the securing of the prime site for relocating the Highway Garage facility and noting that the Ski Bowl Park Committee would request the use of up to ½ of the sand on Parcel "C" ; Mr. Nettle noted that he went to the Gore Mtn Region-Town Of Johnsbury Chamber Of Commerce "branding " program and while it was an informative 45 minute presentation he felt that the Town of Johnsbury should not be funding the entire cost of the program through Occupancy Tax funding when many of the participants were from outside the town (Indian Lake, Schroon Lake, Chester and Minerva). Supv. Thomas noted that a permitted snowmobile trail runs next to the park through land now owned by Front Street Mt. Development in order to connect the former Casey's North, Valhaus Motel and the Stewart's Shop to the main snowmobile trail. Mr. Stevens said that there was a need for added security. Mr. Arsenault suggested that both O.R.D.A. and Front Street may be interested in added security as their operations expand in and near the park. Mr. Ed Milner, President of the Gore Mtn Region-Town Of Johnsbury Chamber Of Commerce, answered regarding the "branding " program that there needs to a regional view of advertising the town as part of a

region in order to bring more people into the area. Mr. Stevens said that if this is a regional effort then the financial support should be regional as well. Mr. Goodspeed suggested that the Gore Mtn Region-Town Of Johnsburg Chamber Of Commerce discuss funding with the chamber in Chester and make this a cooperative effort; Mr. Arsenault added that if the other communities were involved in the funding it would give more credibility to a regional approach. Mr. Milner answered that the chamber was reaching out to attempt to widen the funding for the project.

#### RESOLUTION NO. 327

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 #23G/Claims #490-501; Highway Fund- Warrant #23H/Claims #250-254; Capital Projects Fund-Warrant #11CPF/Claim#15. With all members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas) Nays - 0

Mr. Goodspeed made a motion, with a second from Mrs. VanKeuren to enter into executive session for the purpose of conducting contract discussions regarding Parcel "C" and the waiver agreement between the Town of Johnsburg and Front Street Mountain Development with the Town Attorney at 8:33pm. With 5 members voting in favor and none opposed the resolution is declared carried. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas) Nays – 0

Mr. Stevens made a motion, with a second from Mr. Arsenault to adjourn the executive session for the purpose of conducting contract discussions regarding Parcel "C" and the waiver agreement between the Town of Johnsburg and Front Street Mountain Development with the Town Attorney at 9:23pm. With 5 members voting in favor and none opposed the resolution is declared carried. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas) Nays – 0

A motion to adjourn the meeting was presented by Mr. Steven with a second from Mr. Arsenault at 9:24pm. With 5 members voting in favor and none opposed the resolution is declared carried. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas) Nays – 0

The next Regular Town Board meeting will be held at 7:00pm on December 18, 2007 at the Town Library, North Creek, NY; if there are interviewees for the Zoning Board of Appeals interviews will be conducted at 6:30pm; at 7:00pm there will be a bid opening for the Senior Transportation bid.

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Prepared by William Rawson, Town Clerk