

**Minutes of the Town of Johnsbury Regular Board Meeting April 17, 2007
Held at 7:00pm at the Town of Johnsbury Library, North Creek, NY and an Executive
Session to Interview Candidates for a Vacancy on the Planning Board and the Zoning
Enforcement Officer at 6:00pm**

Minutes of the Executive Session of the Town Board of the Town of Johnsbury held on Tuesday April 17, 2007 at 6:00pm at the Johnsbury Library, North Creek, NY. Supervisor Thomas called the meeting to order at 6:00pm for the purpose of conducting interviews for a vacancy on the Planning Board for the alternate member and the Zoning Enforcement Officer.

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.

Also present were the following interviewees: James J. Morris IV (Planning Board vacancy) and Tim Record, Paul Burgess, and Ed Tuttle (Zoning Enforcement Officer). Mr. Jack Hughes was to be interviewed for the Planning Board vacancy but could not be present due to weather related issues.

Mr. Arsenault made a motion, with a second from Mr. Stevens to enter into executive session for the purpose of conducting interviews for the alternate member on the Planning Board and the Zoning Enforcement Officer at 6:00pm. With all members voting in favor the motion is carried. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas) Nays - 0

Mrs. VanKeuren made a motion, with a second from Mr. Goodspeed to adjourn the executive session at 6:55pm. With all members voting in favor the motion is carried. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas) Nays - 0

Minutes of the regular meeting of the Town Board of the Town of Johnsbury held on Tuesday April 17, 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 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.

Guests: On attached list

RESOLUTION NO. 120

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Goodspeed to accept the minutes of the April 3, 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. Donald Greene regarding the Gore Mountain Region Chamber of Commerce office in the Tannery Pond Community Center.

2. A letter from Ms. Tatiana Kudrjavcev requesting the use of the auditorium in the Tannery Pond Community Center for the purpose of conducting a Pre-professional Ballet Camp during the weeks of August 13th and 20th.
3. A letter from Mrs. Lorna Bunker requesting the use of the Sodom Scout Hall for the purpose of working with a Pathfinder group on Mondays from April 16th through June 18th.
4. A letter from Highway Supt. Curtis Richards requesting that the Town Board support his decision to purchase a new pickup to replace his current vehicle which will be transferred to the Deputy Highway Supt. to replace the vehicle currently used by him.
5. A letter from Highway Supt. Curtis Richards requesting that the Town Board give permission to bid out the surplus material collected near the Town Highway garage.
6. A letter from Town Justice Carl (Ted) vonCzoernig updating the Town Board on his health condition and tentative return to work in early July.

COMMITTEE REPORTS:

Supv. Thomas asked that the Town Clerk read an update on the status of the National Grid repairs to the damage caused by the weekend nor'easter:

National Grid Update at 3:30 04/17/2007

172	2-man Line Crews
20	1-man Crews
57	Tree Crews
15	Survey Crews examining damage

National Grid representative Keith McAfee:

At the height of outage 28,000 customers affected now 7,500 customers still out of power. All circuits are being worked on. In the Town of Johnsburg most of the North Creek Line 51 to be restored tonight (midnight) and the North Creek Line 52 mostly restored tonight but portions of Garnet Lake Road will be out until tomorrow. Also, some Town of Johnsburg customers on the line fed from Thurman will be out until tomorrow. Single customer lines will probably be out until tomorrow. The Gore Mountain and Prospect Mountain lines are being examined and National Grid hopes to have power to the radio towers there by the day after tomorrow

OLD BUSINESS:

Supv. Thomas reminded the Town Board that a resolution (#113) had been passed at the preceding regular Town Board meeting to move ahead with the United States Department of Agriculture (U.S.D.A.) plan to manage the geese at the Ski Bowl Park swimming area and to obtain the pump available from N.Y.S. Emergency Services to drain the swimming area. Ms. Evelyn Greene was present to discuss the effect of draining the pond on snails, geese and snakes. Ms. Greene explained that she had spoken with several experts on the animal species involved and there seemed to be a consensus that a short-term draining such as for three days would not kill the snails or deter the geese and snakes from remaining in the beach area. In a related question Supv. Thomas said that he had spoken with Paul Butler at the Warren County Fish Hatchery regarding the fish stocking program and Mr. Butler had asked if the Town Board wanted the pond area stocked as in the past; this is a decision which the Town Board needed to make tonight due to the stocking schedule. There was an extended discussion of the merits of

draining the pond for the purpose of making the swimming area more inviting; as well as the merits of having the pond stocked for fishing. As a result of the discussion the following resolution was presented.

RESOLUTION NO. 121

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Goodspeed to rescind the portion of Resolution Number 113 of 2007 stating that the Town Board authorizes the draining of the swimming area, while continuing to pursue the removal of the geese and that the Town Board agrees to the stocking of the pond area for fishing. With all members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas) Nays - 0

Supv. Thomas thanked Ms. Greene for her work on the Step It Up program held on Saturday April 14th. Supv. Thomas presented a copy of Resolution Number 101 of 2007 in support of the Step It Up group at the program.

Supv. Thomas recognized Ms. Susan Murante and Mrs. Margaret Prashaw to present a petition to the Town Board requesting “the Town Board plan and implement an indoor/outdoor swimming pool to be operated year round for the benefit of every individual starting from the very young pre-k child to the senior population”. Ms. Murante, Mrs. Prashaw, Barbara Lynch, and Ms. Phyllis Hudson, a certified aquatic director, spoke on behalf of the pool project. Mr. Douglas Cole and Mr. Philip Santasiero spoke in opposition to the project. After a discussion of the proposal Ms. Murante asked that a committee investigate the various aspects of building and operating a municipal pool. The pool issue will be discussed and investigated further by the Ski Bowl Park Committee.

Supv. Thomas asked Town Attorney Jordan to update the Town Board on the Peaceful Valley Townhouses (Comlinks) \$40,000.00 contribution 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 after conversations today with Mr. George Hezel and Mr. Brian Cassini that an agreement is imminent. The costs are to be proportionally split on a basis of 5/7 to Front Street and 2/7 to Peaceful Valley Townhouses (Comlinks) and this needs to be implemented

RESOLUTION NO. 122

Mr. Stevens presented the following resolution and moved its passage with a second from Mrs. VanKeuren that the Town Board will allow the Town Supervisor to sign the agreement between Peaceful Valley Townhouses (Comlinks) and the Town of Johnsbury with the approval of the Town Attorney and to authorize the North Creek Water District Superintendent to turn the water supply on to the currently completed project upon the check for payment clearing at the bank. With all members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas) Nays - 0

Supv. Thomas announced that as a result of the latest testing done upon the water at the Wevertown Community Center the water supply for the building is not drinkable according to Department of Health standards. Three options currently exist to solve the problem: 1) drill a

new well; 2) treat the existing well; 3) rent a water cooler and put up notice that cooking water must be boiled. Of the three options the third is the least expensive by far. Cooler and bottled water fees would be approximately \$15.00 per month and a deposit of \$8.00 per month. The third option will be pursued and Mr. Stevens suggested that James Hutchins, engineer, be asked to look into the placement of a new well for the building.

Supv. Thomas asked Town Attorney Jordan to update the Town Board on the Johnsburg Planning Board request to 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. Attorney Jordan explained that upon review of N.Y.S. laws it was his opinion that if the Town Board allowed two newspapers for the purpose of notification that all notifications would have to be placed in both newspapers each time a notice was placed. Attorney Jordan said that possibly the Town Board could name a newspaper of record for the Planning Board separately from the other Town notices; there is still the problem of an individual saying that they had checked one newspaper but not the other and a legal problem with the noticing arising from this choice. No action was taken on this issue.

Supv. Thomas noted that the Town Board was waiting to hear from the Planning Board in regard to the question of engineering contracts; the regular Planning Board meeting of April 16th was cancelled due to the weather and numerous power outages resulting from the storm.

Supv. Thomas informed the Town Board that a request had been received from the Planning Board that as a result of recently enacted legislation that members of the Zoning Board of Appeals and the Planning Board are required to receive annual education on zoning and planning issues. A resolution has been received from the Planning and Zoning Boards requesting the Town Board allow the chairs of these boards to choose training opportunities for their respective boards. Mr. Goodspeed suggested putting a cap on the amount to be spent by each board for training; Mr. Stevens noted that the Town Board has set a budget amount and monitors the vouchers. Planning Board member, Mark Bergman, said that the training costs should be minimal

RESOLUTION NO. 123

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

WHEREAS, the adoption and implementation of Local Land Use decisions have a profound effect on the character of a community and the well being of its citizens; and

WHEREAS, the administration of Land Use Laws is a complex and highly diverse process that requires specialized knowledge and familiarity with the applicable laws and regulations; and

WHEREAS, well considered and timely decisions, consistent with those laws attract quality community development, result in fewer lawsuits and generally decrease the discord within the community; and

WHEREAS, the Town of Johnsburg desires to provide, for the benefit of its citizens, a well trained and knowledgeable body of officials to administer the Local Land Use process.

NOW THEREFORE BE IT RESOLVED, as follows:

1. Pursuant to the provisions of Town Law Section 267 and 271 all Planning Board and Zoning Board of Appeals members shall be required to complete at least four (4) hours of suitable training per year.
2. The authority to determine suitable training is hereby delegated from the Town Board to the respective Planning and Zoning Board chairs, who shall note annually in Board minutes the selected training.
3. The training requirements may be satisfied by educational activities substantially devoted to planning, zoning or other land use issues, such as 1) attending conferences, seminars or workshops; 2) participating in on-line training or tutorials; 3) attending college courses; 4) reading journal articles or books; or 5) any other educational activities considered acceptable by the respective Board chair. Training may be offered by a municipality, regional or county planning office or commission, county, regional or state planning federation, state agency, statewide municipal association, college or university or similar entity.
4. A record of annual completion of training shall be maintained by the Town Clerk or planning director and a copy provided to the Town Board prior to considering a Planning Board or Zoning Board member for reappointment. Eligibility for reappointment to the se Boards shall be conditioned upon completion of training prior to the end of each calendar year.
5. Suitable training in excess of four (4) hours per year may be accumulated and carried over into the succeeding year for the purpose of satisfying these training requirements.

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

Supv. Thomas asked Secretary Cherie Ferguson to update the Town Board on the parking lot usage issue. Ms. Ferguson said that she had monitored the parking lot use as her duties allowed; many people have made suggestions about parking. The most common suggestion is to make the upper lot all 30 minute parking and make the lower lot a longer term parking lot. Supv. Thomas appointed Mr. Goodspeed and Mrs. VanKeuren to form a committee to include a member from the Tannery Pond Community Center Association, the Gore Mt. Region-Town of Johnsbury Chamber of Commerce, and the Town Library to suggest options which will satisfy as many parties as possible; Ms. Becky Milner suggested adding a member from the Our Town Theater Group as one of the largest users and/or offenders in the parking issue.

NEW BUSINESS

Supv. Thomas asked if the Town Board wished to act upon Highway Supt. Curtis Richards request that the Town Board support his decision to purchase a new pickup to replace his current vehicle which will be transferred to the Deputy Highway Supt. to replace the vehicle currently used by him. Mr. Stevens noted that the Highway Committee (Mr. Arsenault and Mr. Stevens) has discussed this purchase with Highway Supt. Richards; there is \$80,000.00 in the Highway Department budget for equipment purchases. Highway Supt. Richards had presented three quotes for a Ford 2008 4 x 4 pickup Stevens 112 Ford Lincoln Mercury (\$18,500.00), Wicker Ford (\$22,347.00), and Metro Ford Sales (\$19,345.00).

RESOLUTION NO. 124

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Goodspeed that the Town Board authorizes Highway Supt. Curtis Richards to purchase a 2008 Ford F250 4 x 4 regular cab pickup at the price quoted from Stevens 112 Ford Lincoln Mercury of \$18,500.00, from his Highway Department budget line for equipment purchases. With all members voting in favor, 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 Highway Supt. Curtis Richards request that the Town Board give permission to bid out the surplus material collected near the Town Highway garage. Mr. Stevens requested that Highway Supt. Richards provide the Town Board with a list of the surplus material to be bid for removal.

Supv. Thomas informed the Town Board that he had been contacted regarding the 181 acre parcel owned by the town off Goodman Road, called the Schlie property, by an adjacent property owner about the town selling the property. Supv. Thomas noted that there are no restrictions on the property as to use or disposal; several ideas for use had been looked at including gravel mining for the Highway Department, cemetery space, and hiking and nature trails. Mr. Tim Record asked if the conditions were conducive to creating a cemetery; Supv. Thomas answered that they were not. Mr. Richard Cipperly, a registered forester, had looked at the property and found no value in timbering the parcel. Supv. Thomas suggested asking Ann Deppe, Town Assessor, to discuss the property value with the Town Board at the next meeting.

Supv. Thomas asked if the Town Board wished to act upon the building request from Ms. Tatiana Kudrjavcev for the use of the auditorium in the Tannery Pond Community Center for the purpose of conducting a Pre-professional Ballet Camp during the weeks of August 13th and 20th. The Town Board wished to have the request forwarded to the Tannery Pond Community Center Association for review. Mrs. Karen Smith, T.P.C.C.A. president said that the association would love to have this use and would try to work out the details for the requested equipment as well as the proper fees for the building use.

Supv. Thomas asked if the Town Board wished to act upon the building request from Mrs. Lorna Bunker for the use of the Sodom Scout Hall for the purpose of working with a Pathfinder group on Mondays from April 16th through June 18th. Supervisor's Secretary, Ms. Ferguson, said that the dates were available.

RESOLUTION NO. 125

Mrs. VanKeuren presented the following resolution and moved its passage with a second from Mr. Goodspeed to allow Mrs. Lorna Bunker the use of the Sodom Scout Hall for the purpose of working with a Pathfinder group on Mondays from April 16th through June 18th of 2007. With all members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas) Nays - 0

Supv. Thomas announced that it was necessary to have an audit performed on the expenditures associated with the grant to fund the new pavilion in the Ski Bowl Park in order to recover the final \$12,000.00 of the grant reimbursements. Accounts Clerk Candace Lomax

contacted four separate accounting firms about performing the audit and received one response from the accounting firm of Whittemeore, Downen, and Ricciardelli, L.L.P. with an estimate of fees to range from \$1,700.00 to \$2,000.00 for the audit. Supv. Thomas asked if the Town Board wished to contract with the firm to conduct the audit of the pavilion.

RESOLUTION NO. 126

Mr. Arsenault presented the following resolution, with a second from Mr. Goodspeed that the Town Board approves contracting with the accounting firm of Whittemeore, Downen, and Ricciardelli, L.L.P. to conduct the audit of the pavilion grant. With all members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas) Nays - 0

Supv. Thomas distributed copies of the Town of Johnsbury 1st Quarter of 2007 financial report to the members of the Town Board.

Supv. Thomas noted that one of the interviewees for the alternate member position could not be present for an interview this evening due to weather related problems; therefore there would be no action taken on that position at this meeting. The interview would be rescheduled for May 1, 2007 prior to the regular Town Board Meeting.

Supv. Thomas asked, if the Town Board having interviewed three candidates for the position of Zoning Enforcement Officer, wished to act upon appointing a new Zoning Enforcement Officer. Mr. Goodspeed noted that the three interviewees were all good candidates.

RESOLUTION NO. 127

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Arsenault that the Town Board having conducted interviews with candidates for the position of Zoning Enforcement Officer that the Town Board appoints Mr. Edward Tuttle as the Zoning Enforcement Officer for the Town of Johnsbury effective May 1, 2007. With all members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas) Nays – 0

Secretary Cherie Ferguson asked the Town Board for permission to re-install a telephone line at the Tannery Pond Community Center so that on-site adjustments may be made to the heating-cooling system and end the need for a service call to adjust the heating and cooling cycles. Following a short discussion of the training to be held on the system; Supv. Thomas said that Ms. Elise Widlund should be included in the training along with Buildings Supt. Matt Olden and possibly a representative from the Our Town Theater Group and Supervisor's Office staff.

RESOLUTION NO. 128

Mr. Arsenault presented the following resolution, with a second from Mr. Goodspeed that the Town Board approves the re-installation of a telephone line at the Tannery Pond Community Center so that on-site adjustments may be made to the heating-cooling system. With all members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas) Nays – 0

Secretary Cherie Ferguson asked the Town Board for permission to remove the meter from North Creek Water District Well Number Three as the well is not currently being used. Ms. Ferguson explained that National Grid had been estimating the cost for Well Number Three which is not currently in use; Ms. Ferguson explained that according to a National Grid representative there is no charge for removing the meter.

RESOLUTION NO. 129

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Arsenault that the Town Board authorizes the removal of the electric meter from North Creek Water District Well Number Three as the well is not currently being used. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas) Nays - 0

RESOLUTION NO. 130

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Arsenault to suspend the reading of the warrants due to the crowd noise in the room. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas) Nays - 0

RESOLUTION NO. 131

Mrs. VanKeuren 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 #8G/Claims #164-178; Highway Fund- Warrant #8H/Claims #72-77; North Creek Water Dist.- Warrant #7W/Claims#31-35; Library Fund- Warrant #34L/Claims#23-30. With all members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas) Nays – 0

PRIVILEGE OF THE FLOOR

Mr. Joel Beaudin noted that while Matt Olden is overwhelmed with buildings, that the Tannery Pond Community Center could with proper scheduling and a good manager pay for itself and suggested the hiring of a building manager to oversee its operation. Supv. Thomas said that the Town had originally envisioned a presence or manager in the building.

Mr. Tim Record asked about a local committee to review applicants at the Peaceful Valley Townhouses; Mr. George Hezel had mentioned such a committee during the application process. Supv. Thomas said that he would ask Peaceful Valley Townhouses (Comlinks) about that.

Mr. Robert Nettle asked about the Parking for the Thomas the Tank event at the Ski Bowl Park and suggested that there should be a contribution to the Town for using the area. Mr. Goodspeed said that the building committee is still working on use and fee issues. Mr. Stevens said that possibly the committee should move forward on the items which are ready and bring along the remaining items as they are worked through.

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.

A motion to adjourn the meeting was presented by Mr. Stevens with a second from Mr. Arsenault at 9:40pm. All in favor. Motion carried. Meeting Closed.

The next regular Town Board meeting will be held at 7:00pm on May 1, 2007 at the Town Library, North Creek, NY. At 6:30pm the Town Board will interview the final candidate for the alternate member of the Planning Board in executive session.

Prepared by William Rawson, Town Clerk