

**Minutes of the Town of Johnsbury Regular Board Meeting July 3, 2007
Held at 7:00pm at the Wevertown Community Center, Wevertown, NY and an Executive
Session to Interview Candidates for the position of Assistant to the Superintendent of the
North Creek Water District**

No interview session for applicants for the position of assistant to the Supt. of the North Creek Water District was held as there were no applicants.

Minutes of the regular meeting of the Town Board of the Town of Johnsbury held on Tuesday, July 3, 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 Councilman Arnold Stevens.

Roll call showed the following persons present: Supv. William H. Thomas; Town Councilpersons/ Eugene Arsenault, Sterling Goodspeed, and Arnold Stevens Alyce VanKeuren; Town Clerk/ William Rawson. Councilwoman Alyce VanKeuren was absent.

Guests: On attached list

RESOLUTION NO. 192

Mr. Goodspeed presented the following resolution and moved its passage with a second from Mr. Arsenault to accept the minutes of the June 19, 2007, Regular Town Board Meeting as written. With 4 members voting in favor the motion is carried. Ayes-4 (Arsenault, Goodspeed, Stevens, Thomas) Nays - 0

CORRESPONDENCE:

1. A letter from Mr. Matthew Olden, Parks and Buildings Supt., requesting that the three Parks and Recreation employees who receive reimbursement benefits be allowed to receive reimbursement for work boots as well.
2. A letter from Mr. Edward Tuttle, Zoning Enforcement Officer, serving as his monthly report to the Town Board, detailing his actions during the month of June 2007.
3. A letter from Mr. Mark Millington and Mrs. Tami Millington requesting that the Town Board support their plans for an October Harvest Festival to be held on October 13, 2007.

COMMITTEE REPORTS:

The July 2007 monthly meeting of the Library Board of Trustees will be held on July 11, 2007; an agenda for the meeting was distributed to the Town Board.

OLD BUSINESS:

Supv. Thomas asked Mr. Goodspeed to open the discussion of usage fees for the Ski Bowl Park. Mr. Goodspeed noted that as a part of the discussion of building usage fees that fees for the usage of the Ski Bowl Park had been discussed; particularly in regard to "for profit" uses. Mr. Peter Burns explained that two years ago when Mr. Mike Pratt, O.R.D.A. manager at Gore Mt. had requested that the ski sale be removed from O.R.D.A. property the Town Board had allowed the use of the Ski Bowl property. It was reported to the Town Board that the sale a joint effort between Beaver Brook Outfitters and Schuss had received Occupancy Tax funding; Mr. Burns (Beaver Brook Outfitters) and Mr. Dennis Lazovik (Schuss) informed the Town Board

that they had invited all local ski retailers to join them at the Ski Bowl Park for their October Ski Sale and they paid for the advertising and included references to all activities on that weekend in the town. Supv. Thomas asked if they (Mr. Burns and Mr. Lazovik) were willing to allow other merchants to become a part of the event; Mr. Burns and Mr. Lazovik replied that they would be happy to have more participation as that would help attract more customers. They (Mr. Burns and Mr. Lazovik) did note that they would expect any other retailers to pay a use fee to the Town as well. They (Mr. Burns and Mr. Lazovik) suggested a use fee of \$100.00 per day for town resident businesses and \$200.00 per day for non- town resident businesses for the sale days; according to the terms of a grant for rebuilding the pavilion the rate charged to a non-resident cannot be more than twice the rate charged a resident. Mr. Arsenault suggested that the Town Board take this under advisement until the next Town Board meeting, July 17, 2007; the other Board members agreed. They, Mr. Burns and Mr. Lazovik, also noted that they had discussed the festival with Mr. Mark Millington and Mrs. Tami Millington and felt that this would benefit both events. Mr. Goodspeed noted that the ski sale would dovetail well with the expected return of skiing to the Ski Bowl Park this winter. The Town Board thanked Mr. Burns and Mr. Lazovik for bringing this issue to the Town Board.

Mr. Stevens explained that Warren County has received a grant of approximately \$9,500.00 for paving at the Wevertown Community Center to increase parking at the building. Using Town Highway employees the area to the north side and rear of the building will be leveled, catch basins installed, the area will be paved and some additional lighting will be installed. A green buffer will be left and a playground area or a blacktopped basketball court and/or a skateboard module could be added. The cost of the project is expected to be approximately \$25,000.00 less the grant funding for a balance of about \$15,000.00 cost to the town. Mr. Stevens noted that the timbering operation on the parcel near The Glen had yielded approximately \$40,000.00 and recommended using a portion of these funds for the paving and additional work at the Wevertown Community Center. Supv. Thomas added that there would be no paving at the back of the building due to the septic system. Mrs. Linda Combs asked if there are a significant number of children in the Wevertown area to use the playground. Ms. Andrea McKee said that the hamlets need playgrounds, especially considering the cost of gasoline. Supv. Thomas added that the basic portion of the request is to create necessary, additional parking for the Wevertown Community Center. Mr. Lyle Dye requested that the Town Board look into the possibility of reinforcing the upper floor, used by the Johnsbury Historical Society; Mr. Stevens said that public engineer James Hutchins had looked over the third floor and found no structural problems. Supv. Thomas suggested having Mr. Hutchins look at the building again.

RESOLUTION NO. 193

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Goodspeed that \$25,000.00 of the funds received from the timbering of the Town property near The Glen be used on the property of the Wevertown Community Center for the purpose of enlarging the parking area and paving said area in conjunction with Warren County, as well as possibly adding some playground area and working on the interior of the building. With 4 members voting in favor the motion is carried. Ayes-4 (Arsenault, Goodspeed, Stevens, Thomas) Nays - 0

Supv. Thomas informed the Town Board that Secretary Cherie Ferguson had received quotes on the materials to be used in the installation of drainage around the property; the quotes are below the \$3,000.00 amount which necessitates 2 or 3 verbal quotes and a voucher cosigned by the bookkeeper. The catch basins are only available from a single supplier. Supv. Thomas asked the Town board for the authority to accept the lowest responsible quote for the materials and to purchaser catch basins from the sole supplier.

RESOLUTION NO. 194

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Stevens to allow the Town Supervisor to accept the lowest responsible quote for the materials necessary to complete the drainage portion of the parking lot project at the Wevertown Community Center; additionally, the Supervisor is authorized to purchase the catch basins from the sole provider. With 4 members voting in favor the motion is carried. Ayes-4 (Arsenault, Goodspeed, Stevens, Thomas) Nays - 0

Supv. Thomas recognized Ms. Andrea McKee to request the use of the new pavilion at the Ski Bowl Park for the Youthworks "Kids Club"; while this use was mentioned at the February 6, 2007 Town Board meeting no formal request for the use was made, nor was any action taken by the Town Board to allow the use of the property. Secretary Cherie Ferguson stated that there were no scheduling conflicts for the periods in question.

RESOLUTION NO. 195

Mr. Goodspeed presented the following resolution and moved its passage with a second from Mr. Arsenault to allow the Youthworks "Kids Club" the use of the new pavilion at the Ski Bowl Park for the hours between 11:30am and 2:30pm from Mondays through Thursdays for the purpose of conducting programs to occupy children following the Summer Youth Program. With 4 members voting in favor the motion is carried. Ayes-4 (Arsenault, Goodspeed, Stevens, Thomas) Nays - 0

Supv. Thomas recognized Ms. Andrea McKee, chairman of the Ski Bowl Park Committee, to discuss park related issues. Ms. McKee informed the Town Board that several of the items which had been approved for purchase by the Town Board have arrived and were available for use at the Independence Day program. For daily use the Ski Bowl Park Committee requests permission to enclose the base of the lifeguard station to house the equipment; following discussion it was determined that storage in the locked changing house with the lifeguard dispensing them as requested. It was determined that the vandalism earlier in the year demonstrated that the lifeguard station was easily subject to damage. A wagon or similar type of conveyance would be obtained for the lifeguard to use in moving the items in and out from the changing house. Secondly, the Ski Bowl Park Committee requested strongly that the rest rooms in the new pavilion be unlocked and open during park use hours. Supv. Thomas disagreed strongly with this request; he noted the vandalism to the toilets in the old pavilion and that the repairs were very costly. It was suggested that the toilets in the old pavilion be opened by the Parks and Buildings employees during their daily check of the area and locked by the transfer station attendant at the end of his shift at 5:00pm. Supv. Thomas would arrange the changes.

Supv. Thomas recognized Secretary Cherie Ferguson to report to the Town Board on the Independence Day Celebration at the Ski Bowl Park on June 30, 2007. Ms. Ferguson told the Town Board that there were a larger number of vendors than last year, four bands sponsored by Braley & Noxon Hardware, a good turnout and a very positive response to the fireworks display. The date for the 2008 Independence Day Celebration has been set for July 5th and it is hoped that there will be midway rides. Ms. Ferguson thanked Mr. and Mrs. Mark and Tami Millington, Mr. Norman Petty and the Parks and Buildings employees for their help in setup and cleanup. Ms. Andrea McKee led a round of congratulatory applause to thank Ms. Ferguson for her work in organizing the event.

Supv. Thomas recognized Mr. Lyle Dye to explain to the Town Board about the petition which he is circulating regarding the proposed Tall Timbers development. Mr. Dye, also the co-president of the Johnsbury Historical Society, explained that the petition is being circulated regarding the ingress and egress from the proposed Tall Timbers site along either East Holcomb Street or River Road; Mr. Dye informed the Town Board that the Planning Board and the Zoning Board of Appeals are the agencies to which he is planning to deliver the petition. Mr. Dye noted residents' concerns over the possibility of a large volume of traffic on East Holcomb Street which has a steep grade at its eastern end, a legally blind resident and a resident group home situated on it. Due to its narrow character emergency vehicles and other vehicles could not meet and pass each other on the street. Also he suggested that with the restaurant and retail shops being near the East Holcomb Street exit that no signage will keep people from using that street as an entrance/exit. Mr. Dye noted concerns over the narrow character of River Road as well. Mrs. Helen Miner read the Town Board a letter which she has written to the Adirondack Park Agency (A.P.A.) regarding airport usage. The issues relate to the proximity of the airstrip to residential areas, anticipation of a marked increase in aircraft takeoffs and landings, increased hours of operation, the increased noise level in the adjacent areas and a question of the appropriate governmental oversight agency. Mr. Arsenault asked if the project was being reviewed by the A.P.A.; he was informed that it was as well as currently before the Planning Board. Mr. Goodspeed suggested a possible overlap with the Town Board regarding the need to reexamine the Land Use Plan as well as possible pressure on the infrastructure of the area.

Supv. Thomas informed the Town Board that Ms. Donna Farrar; C.P.A. had conducted an audit of the Ski Bowl Park new pavilion project grant. The report while generally favorable noted that according to General Municipal Law all purchases over \$10,000.00 are to be awarded through a competitive bid process and that the Town needs to obtain change of work orders prior to incurring expenses such as the Tot Lot walkway and the finished ceiling. Additionally, at her suggestion Candace Lomax, Accounts Clerk, will reconcile the Town Clerk bank accounts. Supv. Thomas said that it was a good audit report.

NEW BUSINESS

Supv. Thomas informed the Town Board that the North Country Outreach Center had asked for assistance in getting rid of items left at its location on Route 28. While some of the items dropped off are usable a large portion is not. Supv. Thomas recommended that the Town Board allow the North Country Outreach Center to purchase trash tickets or punch cards at one half of the normal cost as they perform services to benefit the community. Mr. Stevens agreed that they perform a good service and deserve the support of the Town.

RESOLUTION NO. 196

Mr. Goodspeed presented the following resolution and moved its passage with a second from Mr. Stevens that the Town Board authorizes the Town Clerk to sell the North Country Outreach Center trash tickets or punch cards at one half of the normal cost as the Outreach Center performs services to benefit the community and is deserving of support from the Town. With 4 members voting in favor the motion is carried. Ayes-4 (Arsenault, Goodspeed, Stevens, Thomas) Nays - 0

Supv. Thomas informed the Town Board that the Johnsbury Fire Company has been asked by the Warren County Youth Fair to prepare the barbeque for the Youth Fair; the fire company has requested the use of the barbeque pits from the Ski Bowl Park to perform this fund raiser. The only time that they are used is for the Independence Day Celebration.

RESOLUTION NO. 197

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Goodspeed that the Town Board allows the Johnsbury Fire Company to use the barbeque pits from the Ski Bowl Park to prepare the barbeque for the Warren County Youth Fair with the Johnsbury Fire Company to be responsible for the barbeque pits while providing the transportation and during their use. With 4 members voting in favor the motion is carried. Ayes-4 (Arsenault, Goodspeed, Stevens, Thomas) Nays - 0

Supv. Thomas informed the Town Board that the Town Buildings Cleaner has reported two instances of damage to the Tannery Pond Community Center (T.P.C.C.) which resulted in excess of three additional hours to clean up and will require additional repair. The Arts and Nature Camp has been billed for the three hours of time needed to clean up paint spills and stains throughout the lower level and informed that further instances resulting in this amount of extra cleanup may result in the termination of the privilege of using the T.P.C.C. The Cheerful Crickets Nursery School through the use of tape on the walls of the lower meeting rooms has caused damage requiring the repair and repainting of the walls. The teacher of the nursery school has written asking if the schools board of directors or other qualified adult volunteers may undertake to make the repairs. The dialogue has been opened and it is expected that it will be resolved soon. The Cheerful Crickets Nursery School has received the same warning as the Arts and Nature Camp regarding the suspension of the privilege of using the T.P.C.C.

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

Supv. Thomas asked if the Town Board wished to act upon the request read earlier in the meeting from Mr. Matthew Olden, Parks and Buildings Supt. that the three Parks and Buildings employees who receive reimbursement benefits will be allowed to receive reimbursement for work boots as do the Highway Department employees. Ms. Ferguson informed the Town Board that the three Parks and Buildings employees are not covered under the Highway Contract but have a Memorandum of Understanding and that this action would not increase the amount of funds available for reimbursement, but would add an additional reimbursable item.

RESOLUTION NO. 198

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Goodspeed that the Town Board will authorize a change in the Memorandum of Understanding for the three Parks and Buildings employees who receive reimbursement benefits to allow those three employees to receive reimbursement for work boots in addition to the medical, optical and dental reimbursements which they may currently request. With 4 members voting in favor the motion is carried. Ayes-4 (Arsenault, Goodspeed, Stevens, Thomas) Nays - 0

Supv. Thomas asked if the Town Board wished to act upon the request read earlier in the meeting from Mr. & Mrs. Mark Tami Millington that the Town Board support their plans for an October Harvest Festival to be held on October 13, 2007. The Town Board having discussed this issue in conjunction with the Columbus Day Ski Sale event noted that they were in general agreement with the plans, but the Town Board wished to reserve action until they acted upon the Columbus Day Ski Sale.

Town Attorney Jordan informed the Town Board that the adjustments that the Adirondack Park Agency (A.P.A.) will require in the Local Land Use Plan are expected to be minor definition changes. The A.P.A. will be meeting at the Tannery Pond Community Center on Friday July 13th beginning at 10:00am and it is expected that the A.P.A. will approve the Local Land Use Plan with the definition changes. Attorney Jordan explained that the Town Board will need to conduct a Public Hearing on the Local Land Use Plan and suggested scheduling the Public Hearing at the meeting following receipt of the A.P.A. approval.

Town Attorney Jordan informed the Town Board that the A.P.A. is still reviewing the Front Street Mountain Development N.I.P.A. response and that this may cause the time frame on agency action to be extended.

Supv. Thomas reminded the Town Board that there were currently no applicants for the position of Back-up person for the North Creek Water District. Supv. Thomas asked Town Attorney Jordan if the Town Board could appoint a Back-up person for the North Creek Water District on a per diem basis as the North Creek Water District Superintendent needed to be out of town for a couple of days on a personal matter; Attorney Jordan answered that the Town Board could make an emergency, short-term appointment on a per diem basis. Supv. Thomas asked if the Town Board wished to act upon making an emergency, short-term appointment in the position of Back-up person for the North Creek Water District.

RESOLUTION NO. 199

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Arsenault that the Town Board authorizes the Town Supervisor to temporarily appoint Jeremiah Bradway to the position of Back-up person for the North Creek Water District for an emergency, short-term basis at a per diem pay rate to cover the North Creek Water District while the Water District Superintendent is out of Town. Ayes-4 (Arsenault, Goodspeed, Stevens, Thomas) Nays - 0

The Town Clerk noted that he had been assured that documentation for General Fund Warrant 13G-voucher number 279 would arrive prior to the meeting and since it has not the Town Clerk asked that the Town Board not authorize payment at this time.

RESOLUTION NO. 200

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 #13G/Claims #262-278 with Claim #279 not to be paid at this time; Highway Fund- Warrant #13H/Claims #130-139; North Creek Water Dist.- Warrant #12W/Claims#56-59. With 4 members voting in favor the motion is carried. Ayes-4 (Arsenault, Goodspeed, Stevens, Thomas) Nays - 0

PRIVILEGE OF THE FLOOR

Mr. Donald Walp reminded the Town Board of his letter in early March of this year informing the board of A.T.V. riders illegally riding on Cleveland Road and requested that the Town Board place signage on the road indicating that the riding of A.T.V.'s on Cleveland Road was illegal. Supv. Thomas agreed to have the Highway Department put up signs on Cleveland and River Roads indicating that the riding of A.T.V.'s is illegal.

Mr. Mark Schmale asked about building usage fees for Tannery Pond Community Center. Mr. Goodspeed answered that there were problems in determining fees that were consistent with the uses and the groups involved. The problem was the mixture of for-profit and not-for-profit groups in a single program and the fairness of charging for the use under those conditions.

A motion to adjourn the meeting was presented by Mr. Goodspeed with a second from Mr. Stevens at 8:25pm. All in favor. Motion carried. Meeting Closed.

The next Regular Town Board meeting will be held at 7:00pm on July 17, 2007 at the Town Library, North Creek, NY. Interviews for the vacant alternate position on the Planning Board are scheduled to be held at 6:30pm on July 17, 2007 at the Town Library, North Creek, NY.

Prepared by William Rawson, Town Clerk