

Minutes of the Public Hearing on Local Law #1 of the Town of Johnsbury for the Purpose of Establishing a Fee Schedule for Attorneys and Engineers Held on Tuesday January 2, 2007, at 6:30pm, at the Wevertown Community Center, Wevertown, NY

The Public Hearing on the proposed Fee Structure for the Town of Johnsbury Planning Board and Zoning Board of Appeals was called to order at 6:45pm. by Supv. Thomas. The Town Clerk read the legal notice as it appeared in the North Creek News-Enterprise on December 30, 2006.

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 sheet

Supv. Thomas began by asking for public comment on the proposed Local Law #1 of 2007.

Mr. Roger Mosher asked when the law would take effect. Mr. Goodspeed answered that it will take effect following the filing with the Secretary of State and it will be in effect for any projects not previously filed; it will not affect any projects already filed. Mr. Mosher asked if the fees were fair; Mr. Goodspeed answered that the fees were to be held to cover attorney fees generated above normal work on a project and they are not intended to take effect in normal operations.

Mr. Robert Nettle asked who decides when the fees will be collected; he added that there should be more specification as to when fees are collected. Mr. Goodspeed answered that the statute says that the Town Board and the Town Attorney would make the decision based on the size and complexity of the project. Mr. Nettle added that even small projects can be complex and this should be in the regulation and raw discretion should be avoided, also he asked why all related attorney and engineering fees would not be paid by the applicant. Mr. Mark Bergman said that applicants cannot be made responsible for all the legal needs of the Town, according to state law. The current law is designed to capture extended negotiation or other legal work outside the range of normal operation.

Mr. Patrick Cunningham asked when does the amount in question have to be paid; Mr. Goodspeed answered that it was due at the time of application. Mr. Cunningham said that this encourages too much duplication of work and he is not in favor of the law as it would stifle development. Supv. Thomas said that the Town needs legal and engineering advice. Also, sometimes the applicant and the Town have different needs and perspectives.

Mr. Roger Jones suggested that an exemption be included for an in-family subdivision such as in the case of gifts or wills; he also agreed with Mr. Nettle regarding duplication of effort.

Mr. Goodspeed suggested that the triggering mechanism needed further review. Supv. Thomas agreed that some re-working of the law was in order and that another public

hearing would be held following the changes and further stated that no action would be taken during the regular meeting tonight.

A motion to adjourn the Public Hearing was presented by Mr. Arsenault with a second from Mr. Goodspeed at 7:00pm. With all members voting in favor the motion is declared passed. The Public Hearing was closed at 7:00pm.

Prepared by William E. Rawson, Town Clerk