

**Minutes of the Town of Johnsburg Regular Board Meeting May 6, 2008
Held at the Wevertown Community Center, Wevertown, NY**

Minutes of the regular meeting of the Town Board of the Town of Johnsburg held on Tuesday, May 6, 2008 at 7:00pm at the Wevertown Community Center, Wevertown, NY Supervisor Goodspeed called the meeting to order at 7:00PM and the pledge to the flag was led by Councilman Frank Morehouse, Jr.

Roll call showed the following persons present: Supv. Sterling Goodspeed; Town Councilmen/ Eugene Arsenault, Frank Morehouse, Jr., Arnold Stevens, and Ronald Vanselow; Town Clerk/ William Rawson.

Guests: On attached list

RESOLUTION NO. 88

Mr. Morehouse presented the following resolution, with a second from Mr. Arsenault, to accept the minutes of the April 22, 2008 regular meeting as written. With all members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

CORRESPONDENCE:

COMMITTEE REPORTS:

Supv. Goodspeed recognized Mr. Vanselow to report on the progress of the Building Committee regarding the NYSERDA energy audit of the Town Hall, the Wevertown Community Center and the Highway Garage; a response has been received and he will meet with Mr. Morehouse and Mr. Stevens to discuss the report. Supv. Goodspeed added that he wished to meet with Mr. Vanselow to discuss some possible changes to the Local Land Use Plan (Zoning Law).

OLD BUSINESS:

Supv. Goodspeed informed the Town Board that the Public Hearing for Proposed Local Law #1 of 2008 entitled Amendment to Town of Johnsburg Zoning Law to authorize the correction of an error on the Town of Johnsburg Zoning Map and scheduled for this evening had been cancelled due to the error on the part of the North Creek New-Enterprise in omitting to run the advertisement as submitted by the Town Clerk in a timely fashion. Supv. Goodspeed requested that the Town Board reschedule the Public Hearing for Proposed Local Law #1 of 2008 for June 3, 2008 at 6:30 p.m. at the Wevertown Community Center, Wevertown, NY

RESOLUTION NO. 89

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

Whereas Proposed Local Law #1 of 2008 entitled Amendment to Town of Johnsburg Zoning Law was presented to the Town Board at its regular meeting held on April 22, 2008, I move that a public hearing on said Proposed Local Law #1 of 2008 be held on June 3, 2008 at 6:30 p.m. at the Wevertown Community Center in accordance with Municipal Home Rule Law and direct that the Town Clerk publish the required notice in the Town's Official Newspaper at least one time at least 5 days in advance of said public hearing. The purpose of the amendment is to correct a labeling error contained on a portion of the Hamlet Map Northwest of Ski Bowl Road to conform to the previous

zoning maps as part of the zoning ordinance adopted March 2, 1964 and any amendments thereto; thereby changing the delineation in this area from HP to HX. The tax map parcels affected are identified as tax map numbers a portion of 66.-1-15, 66.-1-18 and a portion of 66.-1-19 on the roles of the Town of Johnsburg; this resolution replaces Resolution Number 85 Of 2008 due to the error of omission by said Town's Official Newspaper in the April 26th edition. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

Supv. Goodspeed informed the Town Board that he had expected to be able to report the signing of a letter of intent with C.A. Smith, L.L.C. regarding discussions of the placement of a cell tower; he said that there was one phrase in the letter which he was uncomfortable with and the letter is being reviewed by the Town Attorney. The letter would not commit the town to anything beyond a sixty day negotiation period.

Supv. Goodspeed opened the discussion of the Occupancy Tax funding by saying that he planned to generally follow the recommendations of the Occupancy Tax Allocation Committee regarding non town items. Supv. Goodspeed noted that some requests are already attached by the Town Budget or by Town Board resolution. Supv. Goodspeed explained that he would like to remove the \$8500.00 for the Ski Bowl as it has been covered by Recreation Fees and timbering revenue. Mr. Arsenault asked about the North Creek Railway Depot Museum. Supv. Goodspeed replied that there will be ways to assist the North Creek Railway Depot Museum besides the Occupancy Tax funding, such as an arrangement to have the North Creek Railway Depot Museum augment the school local history curriculum. Supv. Goodspeed asked if there was a consensus regarding the Town of Johnsburg Occupancy Tax requests.

RESOLUTION NO. 90

Mr. Vanselow presented the following resolution and moved its passage with a second from Mr. Stevens to authorize the following Town of Johnsburg requests for 2008 Occupancy Tax funding: the Winter Extravaganza in the amount of \$1068.00; the fireworks request for the Independence Day Celebration in the amount of \$5,000.00; the Beautification (Flower Boxes) request in the amount of \$1500.00; the Town of Johnsburg Advertisement in the Gore Mt. Guide in the amount of \$225.00; the final installment in the payment for the kiosks in the Lake George Visitors Center in the amount of \$2375.00; and the payment to the Gore Mt. Region-Town of Johnsburg Chamber of Commerce in the amount of \$3000.00. The Occupancy Tax funding for the Ski Bowl Park project has been withdrawn in anticipation of the use of funding from Recreation Fees and timbering to replace the Occupancy Tax funding. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

Mr. Vanselow suggested eliminating the reduced payment of \$700.00 to Warren County for the Fire Chiefs Convention. Mr. Arsenault asked why \$700.00 for the Fire Chiefs Convention; Supv. Goodspeed replied that if the Town of Warrensburg felt that it was worth \$1000.00 then it was probably worth seventy percent of that amount to the Town of Johnsburg. Mr. Stevens added that the \$2700.00 amount had come as a strong suggestion from Warren County with the inference that all towns would contribute an equal share; he would have no problem eliminating the request. Mr. Morehouse was in favor of some contribution and noted that most towns had contributed some funding; Supv. Goodspeed agreed with Mr. Morehouse. Supv. Goodspeed added that the sales tax revenue from the convention county wide is a large amount.

RESOLUTION NO. 91

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Morehouse to authorize the contribution of 2008 Occupancy Tax monies up to a maximum of \$700.00 to Warren County for the purpose of funding the request by Warren County to continue funding for the New York State Association of Fire Chiefs 2008 convention in Lake George, New York. With 3 members voting in favor the resolution is declared carried. Ayes-3 (Arsenault, Morehouse, Goodspeed) Nays – 2 (Stevens, Vanselow)

Supv. Goodspeed asked about the Occupancy Tax funding for other organizations; he suggested funding these requests at the level suggested by the Occupancy Tax Allocation Committee. There was a discussion of the Occupancy Tax requests from the Chamber of Commerce and especially the branding project. Mr. Edward Milner, Chamber of Commerce president, was not at the meeting; Ms. Kelly Nettle, a member of the Occupancy Tax Allocation Committee tried to explain the circumstances surrounding the Chamber of Commerce requests, but she could not answer all the questions. Mr. Arsenault noted that the Chamber of Commerce funding is approximately sixteen to seventeen thousand and suggested capping their funding in the future. Mr. Vanselow agreed with Mr. Arsenault and was especially concerned about the branding request. Supv. Goodspeed suggested that the Town Board table the discussion of the remaining requests until the May 20th meeting.

RESOLUTION NO. 92

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Stevens to table the discussion of the remaining Occupancy Tax requests until the Town Board meeting of May 20, 2008. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

Supv. Goodspeed updated the Town Board on the Wevertown Community Center parking project expenses. He noted that \$25,000.00 had been allocated for the project by the Town Board from timbering and that \$9,406.48 had been made available from a Warren County Board of Elections grant for a project total of \$34,406.48; of the total amount of \$34,406.48, \$28,079.30 has been spent on the project. Striping of the parking lot for handicapped parking areas remaining to be performed to fill the grant; an allocated balance of \$6327.18 remains in that capital project fund. Mr. Stevens noted that the Town Board had discussed some building improvements. Mr. Robert Nettle said that additional blacktopping on the north side parking would improve the drainage.

Supv. Goodspeed reminded the Town Board that on April 1, 2008 they had requested that the Town Health Officer, Dr. Ruge look at one property each on South Johnsbury Road and Goodman Road. Dr. Ruge has returned his reports on the properties and they are in the Town Board members' packets. Dr. Ruge explained that there was no significant health nuisance on the Goodman Road property; however, the property warranted a cleanup. The plan to continue to the Supreme Court to obtain compliance on cleaning up the property is still in effect. Dr. Ruge explained that on the South Johnsbury Road property there is a problem with the septic system requiring correction and that there was some waste which presents a public health hazard requiring cleanup. A representative of the owner of the South Johnsbury Road property was present to address the Town Board. The representative explained to the Town Board that an attempt was being made to clean up the waste and perform other corrective measures; he further explained that as a result of financial struggles that it is taking time to make these corrections. Supv. Goodspeed requested that the representative meet with

Zoning Enforcement Office Edward Tuttle to discuss the situation; the representative said that he would meet with Mr. Tuttle on Thursday.

Supv. Goodspeed next updated the Town Board on his talks with Glens Falls Transit regarding a shuttle in the Town of Johnsbury for the purpose of connecting O.R.D.A. at Gore Mountain, the Ski Bowl, downtown and the developments was discussed with Front Street Mountain Development. Supv. Goodspeed discussed with Glens Falls Transit the preliminary studies done by Warren County Economic Development in association with that company. Supv. Goodspeed added that he is also looking into the feasibility of a transit connection to Glens Falls. Supv. Goodspeed said that next week he will meet with Mike Pratt, the manager of O.R.D.A. at Gore Mountain, to discuss routes, costs and any additional details which seem pertinent.

NEW BUSINESS

Supv. Goodspeed informed the Town Board that the fireworks contract had arrived from Alanzo Fireworks. The contract is to provide a fireworks display for the Independence Day Celebration at an overall cost of \$7500.00. The funding is in part from Occupancy Tax monies in the amount of \$5,000.00 and \$2500.00 is from private donation. Supv. Goodspeed asked the Town Board for authorization to sign the contract.

RESOLUTION NO. 93

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Arsenault to authorize the Supervisor to sign the contract with Alanzo Fireworks to provide a fireworks display for the Independence Day Celebration at an overall cost of \$7500.00 with funding from Occupancy Tax monies in the amount of \$5,000.00 and \$2500.00 from a private donation. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

Supv. Goodspeed reported on the Ski Bowl Park garden irrigation system. Supv. Goodspeed noted that the establishment of an "adopt-a-garden" plan for the intersection of Ski Bowl Road and Dump Road in the Ski Bowl Park had been authorized by Resolution Number 204 of 2007; no funding was included in this resolution. Mrs. Judith Brown of the "Master Gardener" group which has established the garden is requesting funding to provide irrigation for the garden and a fence for the garden area. Supv. Goodspeed asked that the Town Board allocate funding in the amount of \$1250.00 for this project which was not included in the 2008 Town Budget.

RESOLUTION NO. 94

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Stevens to authorize the expenditure of \$1250.00 for the purpose of providing irrigation for the garden and a fence for the garden area in the Ski Bowl Park at the intersection of Ski Bowl Road and Dump Road. With 4 members voting in favor and 1 opposed the resolution is declared carried. Ayes-4 (Arsenault, Morehouse, Vanselow, Goodspeed) Nays – 1 (Stevens)

Mr. Stevens explained that his vote against the expense resulted from his stance against all out of budget expenses and not from the particular request; Supv. Goodspeed said that the funding being left out was not the fault of the "Master Gardener" group.

Supv. Goodspeed informed the Town Board that Senator Elizabeth O'C. Little had announced the approval of three funding requests for the Town of Johnsbury. An award was announced in the

amount of \$12,000.00 for the expansion of recreational areas at the Ski Bowl Park; Supv. Goodspeed thanked Mrs. Kelly Nettle for her work in securing this funding. Secondly, an award was announced in the amount of \$12,000.00 for upgrading computer technology in the Town offices to improve efficiency in such areas as payroll, accounting and assessment work. The final award announced was in the amount of \$13,000.00 for assisting in the purchase of a generator system for the North Country Outreach Center; this will allow the heating and refrigerators to run during a power outage.

Supv. Goodspeed reminded the Town Board that at the March 11, 2008 Town Board meeting a letter was read from Mrs. Nancy Beaudin writing on behalf of the Upper Hudson Musical Arts, requesting permission for the group to purchase and install shades at their own expense for the upper meeting room in the Tannery Pond Community Center. Supv. Goodspeed said that he was hoping soon to get a response from the Tannery Pond Community Center Association on this request.

RESOLUTION NO. 95

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Vanselow to allow permission for the Upper Hudson Musical Arts to purchase and install shades at their own expense for the upper meeting room in the Tannery Pond Community Center; this approval is given contingent upon approval from the Tannery Pond Community Center Association. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays – 0

Supv. Goodspeed informed the Town Board that a budget committee meeting had been held on May 2nd; a major topic of discussion was fees for town buildings and venues. Supv. Goodspeed explained that he and Mr. Stevens had worked to arrive at fees for town buildings and had been stymied by the diversity of those buildings and venues. The Tannery Pond Community Center and the Highway Garage are very expensive buildings to operate. Supv. Goodspeed suggested fees for long term users of the Tannery Pond Community Center; the long term users are those who lock up the building for a large block of time annually. Supv. Goodspeed announced that he planned to discuss this issue with Mr. Michael Markwica, Superintendent of Johnsburg Central School. Supv. Goodspeed added that this will not eliminate the cost of the Tannery Pond Community Center; he was hopeful that this would reduce the costs to the taxpayer by around ten thousand dollars. Mr. Arsenault and Mr. Stevens both expressed their support; Mr. Morehouse said that he hated to see the school budget charged in an effort to assist the town budget. Accounts Clerk Mrs. Candace Lomax said that the school charges the town for services which it provides; such as the newsletter and bus transportation for the Summer Youth Program. Mr. Joel Beaudin said that the school budget and the town budget are totally separate items.

Supv. Goodspeed updated the Town Board on the recent acts of vandalism in and near the Ski Bowl Park. There have been additional acts of vandalism: more graffiti was found in underpass on the Carol Thomas Trail and the changing house at the beach was broken into. The graffiti incident was witnessed; the witness could not make identification of any suspect. The State Police and the Warren County Sheriff have been investigating the vandalism incidents; one suspect has been processed in the first incident. Mr. Robert Nettle said that he hoped that the newspapers would publicize this issue and make as much information public as possible; Supv. Goodspeed noted that youthful offender status will not allow the release of names. North Creek News-Enterprise reporter Mr. Brett Hagadorn replied that his paper was worried about fueling the situation by providing recognition for the vandalism activities. Supv. Goodspeed added that any disposition will include restitution for those

found guilty of the acts of vandalism. Supv. Goodspeed noted that he was worried about the mentality of the perpetrators; students attending from Johnsbury Central School said that they believed that the teens were seeking attention and that this was not a crime motivated by racial or religious hatred. Ms. Cherie Ferguson noted that the acts were perpetrated in an area where the town was trying to benefit the young people of the area; Supv. Goodspeed added that the Town Board was preparing to spend serious money to make park improvements. Mr. Vanselow said that while it may not seem to be motivated by race or religion that this is a serious problem to those being misused by the vandals' attacks; he added that he really appreciated the comments from the students. Mr. Arsenault noted that these actions are a bad response to the attempts to improve the Ski Bowl Park. The students replied that they understood that those responsible were ruining the area for others; they added that those who had committed the first act were sorry and had attempted to clean it up. Supv. Goodspeed said that when the person who witnessed the event and asked those involved to stop and that the perpetrators did not stop the activity; he added that he wanted children to be able to use the park safely. The students replied that they loved the park and being able to use it; they said that the activities of some don't reflect the attitudes of the entire group of young people. Mr. Arsenault suggested that members of the Town Board would be open to conducting a discussion in any venue such as a school class or an assembly to discuss the situation.

Supv. Goodspeed informed the Town Board that Warren County had awarded the Elan Group the Request for Proposal for the Kellogg (Waddell) Property in North Creek. This group is composed of many ex-members of the L.A. Group and therefore is acquainted with the property and the overall plan for the area. The Elan Group plans to hold two or three workshop seminars on the property. The first is scheduled for Thursday May 29, 2008 at 7:00pm at the Tannery Pond Community Center; other seminars will be scheduled later.

Supv. Goodspeed distributed the Supervisor's Monthly Report, for the month of April 2008, to the members of the Town of Johnsbury Town Board.

Supv. Goodspeed distributed the monthly report of the Zoning Enforcement Officer Mr. Edward Tuttle, for the month of April 2008, to the members of the Town of Johnsbury Town Board.

PRIVILEGE OF THE FLOOR

In regard to the earlier discussion relating to the long term users of the Tannery Pond Community Center, Mrs. Candace Lomax said to Mr. Morehouse that she did want to become too defensive about the Town budget; he answered that he did not want to cut off one arm to support the other referring to hurting the Johnsbury Central School budget over the Town budget.

RESOLUTION NO. 96

Mr. Stevens 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 #9G/Claims #166-184; Highway Fund- Warrant #9H/Claims #86-93; North Creek Water Dist.- Warrant #9W/Claims#40-41. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

A motion to adjourn the meeting was presented by Mr. Arsenault with a second from Mr. Vanselow at 9:00pm. With 5 members voting in favor the motion is carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

The next regular Town Board meeting will be held at 7:00pm on May 20, 2008 at the Town Hall (Library), North Creek, NY.

Prepared by William Rawson, Town Clerk