

**Minutes of the Town of Johnsbury Regular Board Meeting June 3, 2008  
Held at the Wevertown Community Center, Wevertown, NY**

Minutes of the regular meeting of the Town Board of the Town of Johnsbury held on Tuesday, June 3, 2008 at 7:00pm at the Wevertown Community Center, Wevertown, NY Supervisor Goodspeed called the meeting to order at 7:02pm 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. 102**

Mr. Stevens presented the following resolution, with a second from Mr. Arsenault, to accept the minutes of the May 20, 2008 regular meeting as written. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

**CORRESPONDENCE:**

1. A letter from Sarah Sargent requesting the use of the Tannery Pond Community Center for the purpose of conducting a summer dance camp; she lists her qualifications, her knowledge of the fee required and notes that she will operate the dance camp in the same manner as her 2005 dance camp.

**COMMITTEE REPORTS:**

**OLD BUSINESS:**

Supv. Goodspeed informed the Town Board that the he was still attempting to arrange a meeting with the Adirondack Park Agency (A.P.A.) to discuss the interaction of the Town Planning Board and Zoning Board of Appeals with the A.P.A. under the new Zoning Laws. Town Attorney J. Anthony Jordan added that with some projects having been accomplished that the responsibilities regarding Type A and Type B projects should be worked through. Supv. Goodspeed added that no date has yet been set.

Supv. Goodspeed reminded the Town Board that he had requested that the Town Board members look the Town owned property on Bateman Road in Bakers Mills (132.10-1-4) over and review the information previously supplied to them and be ready to discuss this issue further at this meeting with the Town Attorney present. Supv. Goodspeed noted that the parcel is small, approximately 165' by 158' and seems to be full of litter and waste. Town Attorney J. Anthony Jordan explained that for the Town Board to sell the property the property must first be declared to be excess; this declaration is subject to permissive referendum. Attorney Jordan said that a Public Hearing was not required for the Town to declare the property as excess; he noted that the Town Board has historically held a Public Hearing before deciding on such a declaration. Following that procedure the Town is free to sell the property by any of these methods: negotiation, sealed bid, or listing the property with a realtor. Attorney Jordan added that the Town must receive fair market value for the property. Mr. Morehouse asked how and when the Town came into possession of the property; Mr. Stevens said that he believed that the property was either the site of a Boy Scout Hall or adjacent to that hall. Mr.

Vanselow noting that the Boy Scouts was listed as a second owner asked if there was a shared ownership; Attorney Jordan replied that this was a deed issue and he was unsure of the possibility of joint ownership. Mr. Morehouse asked about timing this so that if there was a permissive referendum it could be accommodated during the regular election cycle, thus avoiding potential Town expense; Attorney Jordan said that he would check into the timing to work this issue into the regular election cycle. Supv. Goodspeed said that he would bring this issue back before the Town Board with answers to these questions.

Supv. Goodspeed updated the Town Board on the cleanup of the properties on Goodman and South Johnsbury Roads. Supv. Goodspeed said that he had spoken with Zoning Enforcement Officer Ed Tuttle on this issue; Mr. Tuttle indicated that while there has been some cleanup activity that it has slowed as of late. Supv. Goodspeed asked Town Attorney J. Anthony Jordan to contact Mr. Tuttle to discuss how to continue the cleanup at a brisk pace.

Supv. Goodspeed recognized Mr. Michael Jacobs owner of a parcel north of the hamlet of North Creek which houses primitive camping. Mr. Jacobs explained that a North Creek Water District line runs through his property and requests that the Town Board allow him to connect to the water line for no charge other than the cost of materials to achieve the connection. The fee to connect to the water district for a single connection is \$2000.00. Mr. Stevens said that he had no problem with allowing the connection; however, he saw no reason to waive the connection fee. Supv. Goodspeed noted that there seemed to be no other responses from the Town Board. Mr. Jacobs indicated that he has allowed the Town a one hundred year easement for the use of his property by the water district and without a waiver of the fee he will not pursue the connection to the water district.

Supv. Goodspeed noted that the Town Board had conducted a public hearing earlier today on Proposed Local Law #1 of 2008 entitled Amendment to Town of Johnsbury Zoning Law. Supv. Goodspeed noted that the need for correction resulted from a typographical error during the processing of the map for the Local Land Use Program (Local Laws #1-4 of 2007). Supv. Goodspeed asked if the Town Board wished to move forward to enact Proposed Local Law #1 of 2008.

#### RESOLUTION NO. 103

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

WHEREAS, the Town of Johnsbury implemented its new Local Land Use Plan by enacting on August 7, 2007, a new Subdivision Control Law, a new Zoning Law, a new Junk Storage Law, a new On-Site Wastewater Treatment Local Law and adopting a revised Zoning Map, and

WHEREAS, the purpose of this proposed amendment is to correct a labeling error, in the aforesaid Local Land Use Plan, contained on a portion of the Hamlet Map is northwest of Ski Bowl Road to conform to the previous zoning maps as contained in the Zoning Ordinance adopted March 2, 1964 and any amendments thereto; thereby changing the delineation in this area from HP to HX (map attached as page 2a). 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 Johnsbury, and

WHEREAS, the Town of Johnsbury duly advertised and conducted a Public Hearing on proposed Local Laws Number 1 of 2008, on June 3, 2008, commencing at 6 p.m.,

THEREFORE BE IT RESOLVED that the Town of Johnsbury formally approves Proposed Local Law #1 of 2008 entitled Amendment to Town of Johnsbury Zoning Law.

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

Supv. Goodspeed updated the Town Board on his preliminary meeting with the approximately fifteen long term use groups on Friday, May 30, at 3:00pm to discuss setting up contracts for such use. Supv. Goodspeed noted that all of the groups were understanding of the situation and willing to discuss a contract; he added that the ability of the groups to make contributions was not equal. Supv. Goodspeed will meet with the groups again on Wednesday, June 11, in individual discussions in an attempt to come to some agreements; he would then have Town Attorney J. Anthony Jordan prepare contracts for the approval of the Town Board.

Supv. Goodspeed informed the Town Board that the wells associated with the landfill closing will be tested later this week. The testing is performed by a company contracted with in a co-operative agreement with several neighboring towns.

Supv. Goodspeed reported to the Town Board that the Elan Group had held its first workshop seminar on the Kellogg (Waddell) Property on Thursday May 29, 2008 at the Tannery Pond Community Center and that he had attended; the Elan Group will hold one or two additional seminars on the property within one or two months.

Supv. Goodspeed explained that the report and recommendations of the Community Economic Coalition had been given to the Town Board at the previous meeting and noted that the absent members had received copies of the report. Supv. Goodspeed noted that the Community Economic Coalition committee will continue to monitor the North Country Ministries additional costs for energy assistance, food pantry requests and fuel assistance for medical visits to Glens Falls resulting from economic issues. Ms. Barbara Thomas is continuing to investigate the Angelfood Ministry program; Supv. Goodspeed noted that he had been involved in discussions with Warren County to move some of the Social Services contacts to the North Country Outreach Center. Mr. Robert Nettle asked if the Town could ask Mike Pratt, the manager of O.R.D.A. at Gore Mountain, to allow some of the trees cut as a result of trail cutting to be donated to the North Country Outreach Center for heating fuel; there was a discussion of the possibility that trees cut on State Land needing to remain on the property. Supv. Goodspeed that some of the trail cutting will be on non- O.R.D.A. land and that this could be donated.

Supv. Goodspeed informed the Town Board that he was still trying to arrange a meeting between Mr. Robert Nettle and a representative from Warren County Code Enforcement to discuss the code requirements of accessing storage space available above the new pavilion. Mr. Nettle said that he had discussed this with Charles Wallace, a representative from Warren County Code Enforcement and that they had developed a plan which he would communicate to Supv. Goodspeed in the future.

Supv. Goodspeed informed the Town Board that the Budget Advisory Committee groups would be meeting on Thursday, June 5, at the Wevertown Community Center to discuss possible budget savings ideas for the Town of Johnsburg 2009 budget.

Supv. Goodspeed reminded the Town Board of previous discussions with Mike Pratt, the manager of O.R.D.A. at Gore Mountain regarding a joint Town and O.R.D.A. project to improve the condition of the older, enclosed or red pavilion at the Ski Bowl Park; he informed the Town Board he would ask Mike Pratt to come to either the June 17 or July 1 for further discussion of this issue; Mike Pratt has

informed him that the probable availability of the National Grid funding seems to be increasing. Supv. Goodspeed informed the Town Board that he had received an e-mail from Ms. Jill Broderick, Chairman of the Ski Bowl Park Committee, in support of the pavilion project

In a related issue, Mrs. Kelly Nettle presented the Town Board with a request from the Ski Bowl Park Committee for conceptual approval for the removal of the chain link fence from the pavilion and playground area; the committee suggested replacement by a split rail type of fence. Ms. Candace Lomax asked if the Youth Program Director Ann Dingman and Mr. Philip Goodman had been consulted; if they had not she suggested that the Town Board ask for their opinions on the fence issue. Supv. Goodspeed said that he had discussed the fence issue with Ms. Dingman and that she was opposed to the fence removal; he added that the tot lot playground needed a secure fence. Mr. Mark Bergman said that a Fort Knox was not needed to protect children from their parents; Supv. Goodspeed replied that there is a need for security as often at drop-off or pick up time the area can become chaotic with children running to or from vehicles. Mr. Vanselow suggested a split rail with a wire mesh fence behind for security which would be less noticeable. Mr. Joseph LaRocque suggested moving the gate closing the area to the end of the road and totally block off access. Mrs. Nettle agreed to discuss this issue with Youth Program Director Ann Dingman as she is a member of the Youth Committee as well and she will have a response for the next meeting.

Supv. Goodspeed asked Accounts Clerk Candace Lomax to update the Town board on the grants which were recently awarded to the Town of Johnsburg. Ms. Lomax explained that there has been no further response on the municipal software grant in the amount of \$12,000.00; a seventy-five page pre-contract questionnaire has arrived for the generator award in the amount of \$13,000.00 and Ms. Lomax will contact Brother James of the North Country Outreach Center for assistance in filling it out; Ms. Lomax noted that she had just received, from Mrs. Kelly Nettle, a copy of the submission made for the \$12,000.00 award for the expansion of recreational areas at the Ski Bowl Park and with this she can fill out the pre-contract questionnaire for this contract. Supv. Goodspeed added that the contract for the Ski Bowl Park Project Grant had not yet been received; Mr. John Albert, the grants administrator, has lately retired and Supv. Goodspeed believes that this is the cause for the slowness of the receipt of the grant contract.

#### NEW BUSINESS

Supv. Goodspeed informed the Town Board that he had been approached by Café Sarah owner Sarah Williams to place a professionally designed mural on the building housing the café. Supv. Goodspeed said that he could find no apparent zoning law issues; he asked that the owners discuss this with the Planning Board as a courtesy. Mr. Vanselow added that he had suggested to Sarah that she look into a revitalization grant to help pay for the mural. Mr. Joseph LaRocque asked about a mural on the wall across the street from the café; Supv. Goodspeed replied that he had held some preliminary discussions with Maria Glode, an art teacher at Johnsburg Central School about a mural on that wall. Mr. Arsenault noted that the wall in question has been a source of graffiti in the past and that the ivy planting had helped. Mr. Ed Milner suggested that painting a wall mural might be a proper community service project for the park area vandals; Supv. Goodspeed said after all other proper penalties have been applied, that Mr. Milner's suggestion would be appropriate to pursue.

Supv. Goodspeed reported he had attended an Adirondack Association of Towns and Villages (A.A.T.V.) meeting at Lake Placid on June 2 regarding the Adirondack Economic Group. The A.A.T.V. is interested in forming an economic group to look into identifying Park-wide economic issues and to attempt to identify green industries to attract to the area. While at the A.A.T.V. meeting,

Supv. Goodspeed found out that the Village of Lake Placid has recently concluded a marketing study to determine the identifying attributes of the area. Many residents believed that the Olympic tag would be the most identified; however, this was response received the lowest vote total by non-residents who cited the Adirondack Mountains and the environment. Supv. Goodspeed thought that the results of this study would interest the Chamber of Commerce; Mr. Ed Milner, Chamber of Commerce President, replied that he would try to get a copy of the survey and the results.

Supv. Goodspeed informed the Town board that he had received a copy of the registration form for the 4<sup>th</sup> Annual Forum on Water Quality Management and Resource Conservation to be conducted by the Lake George Watershed Conference on June 18, at the Fort William Henry Conference Center in Lake George.

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

Supv. Goodspeed asked the Town Board if they wished to act on the Tannery Pond Community Center building use request letter read earlier in the meeting from Ms. Sarah Sargent, requesting the use of the Tannery Pond Community Center for the purpose of conducting a summer dance camp. Supv. Goodspeed asked Secretary Cherie Ferguson if the building was available on the requested dates; Ms. Ferguson replied that Ms. Sargent seemed quite flexible on her schedule.

#### RESOLUTION NO. 104

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Arsenault to allow permission for the Ms. Sarah Sargent the use of the Tannery Pond Community Center for the purpose of conducting a summer dance camp contingent upon availability and with the usual fees to be paid to the Town. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays – 0

#### PRIVILEGE OF THE FLOOR

Mrs. Kelly Nettle asked what was the cost to for profit users of the Tannery Pond Community Center; Supv. Goodspeed replied that the cost was generally a ten percent payment to the Town of the receipts.

Mr. Joel Beaudin informed the Town Board that the Thomas the Tank weekends seemed to bring in many out of town visitors, many of whom visited other establishments in North Creek; he thanked Mr. Elliot Monter for the use of his lot near the railway depot for parking. Supv. Goodspeed added that the Town had seemed to be very busy for those weekends. Mr. Beaudin added that former Town Supervisor William Thomas was now working for the Upper Hudson River Railroad.

Mr. Michael Jacobs asked if the Town Board would allow the fees for the connection to the North Creek Water District of his parcel housing primitive camping to be grandfathered to the fees at the old level prior to the September 2006 increases. Supv. Goodspeed noted that the Town Board made no response, which he believed to indicate that the Town Board was not in favor of creating exemptions to the fee schedule such as this.

RESOLUTION NO. 105

Mr. Vanselow 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 #11G/Claims #206-26; Highway Fund- Warrant #11H/Claims #108-117; North Creek Water Dist.- Warrant #11W/Claim#49. 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. Stevens with a second from Mr. Vanselow at 8:15pm. 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 June 17, 2008 at the Town Hall (Library), North Creek, NY.

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Prepared by William Rawson, Town Clerk