

**Minutes of the Town of Johnsbury Regular Board Meeting February 20, 2007
Held at 7:00pm at the Town of Johnsbury Library, North Creek, NY**

Minutes of the regular meeting of the Town Board of the Town of Johnsbury held on Tuesday February 20, 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 Councilman 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. 67

Mr. Arsenault presented the following resolution, with a second from Mr. Goodspeed to accept the minutes of the February 6, 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 the Planning Board unanimously recommending adoption of the proposed land use plan.
2. A letter from Mr. Mark Kennedy of the NYS Regional Transportation System Operations, acknowledging receipt of the November 2006 Route 28 speed limit request.
3. A letter from Gore Mt. Region-Town of Johnsbury Chamber of Commerce president, Patricia Connor, informing the Town Board of the Chamber of Commerce position on the following three Occupancy Tax funding requests: Upper Hudson Arts & Consortium advertising in guide (\$2,000.00), Upper Hudson Arts & Consortium insert advertising (\$1,250.00), Gore Mt. Region-Town of Johnsbury Chamber of Commerce winter radio advertising campaign (\$600.00) and Gore Mt. Region-Town of Johnsbury Chamber of Commerce Ski Sale & Street Fest (\$3450.00) -recommended for approval.

COMMITTEE REPORTS:

Supv. Thomas asked Mr. Mark Bergman to report on the Special Planning Committee meeting of February 15, 2007 for the Town Board. Mr. Bergman explained that the committee had reviewed the comments received from both the Public Hearings and the written comment period. The committee recommended two major changes in the land use plan: the first being changes in the adult entertainment regulations (Article 8, section 802) to the effect that there will be a 1000' setback from all property lines and secondly, that there will be no alcoholic beverages sold on the premises. The second change deals with the design standards in the HB2 district. These standards will be the same as the "Scenic Overlay" zone. Mr. Bergman said that the committee was asking that the Town Board pass a resolution approving the changes and sending the land use plan to the A.P.A. with the changes. Town Attorney Jordan noted that there should be a subsequent public hearing on these and any further changes requested by the A.P.A.

RESOLUTION NO. 68

Mr. Goodspeed presented the following resolution, with a second from Mr. Arsenault:
Resolution Authorizing the Town Board to Submit a Local Land Use Program to the Adirondack Park Agency

WHEREAS, the Town of Johnsbury has developed a Local Land Use Program, including a Comprehensive Plan dated July 19, 2005, and administers a Zoning Law enacted originally March 2, 1964, and Subdivision Regulations adopted on November 19, 1989, and

WHEREAS, the Town of Johnsbury has updated its local Land Use Program and intends to amend the Town Zoning Law, the Town Subdivision Control Law, the Town Junk Storage Law and the Town On-Site Wastewater Treatment Local Law to comply with approval standards contained in 9NYCRR Part 582 of Agency regulations, and

WHEREAS, the Town of Johnsbury desires to assert review authority over Class B regional projects and certain variances as provided in the Adirondack Park Agency Act, and

WHEREAS, the Town of Johnsbury duly advertised and conducted Public Hearings, one on December 13, 2006 at 6:00pm and continued on January 11, 2007 with the Public Comment period left open by the Town of Johnsbury until 5:00pm on January 31, 2007 and the Town of Johnsbury having considered the comments and having concluded that no significant changes having been made to the Local Land Use Programs identified herein;

THEREFORE BE IT RESOLVED, that the Town of Johnsbury formally submit to the Adirondack Park Agency the proposed Town Zoning Law, Town Subdivision Control Law, Town Junk Storage Law and Town On-site Wastewater Treatment Local Law as referenced above, for review and approval pursuant to Article 27 of the Executive Law, section 807.

Resolution adopted by the following vote:

Ayes: 5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas)

Nays: 0

OLD BUSINESS:

Supv. Thomas asked if the Town Board wished to accept the Wood Policy as designed by Highway Supt. Curtis Richards to allow for excess wood to be brought to the North Country Outreach Center.

RESOLUTION NO. 69

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Goodspeed to accept the following wood removal policy as designed by Highway Supt. Curtis Richards:

Johnsbury Highway Department Policy for Wood Removal

1. When removing wood from the Town of Johnsbury right-a ways, the brush and small wood will be chipped at the site of operation, and all other salvageable wood will be transported and donated to the North Country Outreach Center located in Wevertown, New York and dumped in a specified area. It will be available to town residents through the Outreach Center.
2. When it becomes necessary to remove wood from private property, the landowner will be notified and will retain all rights to that wood unless they request that the wood be removed. In that case, please refer to policy as stated in Number 1.

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 Buildings Committee had a report on the buildings usage fees. Mr. Goodspeed reported that the Tannery Pond Community Center Association had not responded and that the committee was not currently in a position to make a presentation.

Supv. Thomas recognized Mr. Jeff Anthony of the L.A. Group to make a presentation on behalf of Front Street Mountain Development (David Crikelair, Mac Crikelair, present). The presentation was regarding the Front Street Mountain Development Notice of Incomplete Permit Application (N.I.P.A.) response to the A.P.A. The A.P.A. has requested that the Town of Johnsbury and O.R.D.A. both make responses due to the proximity of the Ski Bowl Park and the O.R.D.A. operations to the Front Street development. Mr. Goodspeed and Mr. Stevens agreed that the plans were in general agreement with the Ski Bowl Park Committee plans. Town Attorney Jordan noted that there are a few missing pieces in the response; the additional information is coming from a company which is doing research to provide the answers which deal with the effects of development in the town. Attorney Jordan advised that the response should be returned to the Town Board with all the data complete for their action; he recommended that the Town Board meet and approve the N.I.P.A. response as a complete package. Mrs. Kelly Nettle voiced concerns that the Ski bowl Committee should be given the response and be allowed to review and comment upon it. Mr. Goodspeed noted that the committee had last seen the plans about 10 months earlier and agreed with Mrs. Nettle; Mr. Arsenault agreed with Mr. Goodspeed. Mr. Stevens and Mr. Arsenault requested the maps and information for the Ski Bowl Committee to review.

A discussion of the Golf Course Agreement with Front Street Mountain Development followed. General Agreement was acknowledged for the agreement and attention was paid to the default provisions. To be included were the following proposals from the previous meeting: should Front Street Mountain Development not be in compliance of the agreement and should this continue for three years the Town Can terminate golf course usage on Town property. Attorney Jordan noted that S.E.Q.R. needs to be completed

RESOLUTION NO. 70

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Goodspeed that the Town Board agrees to the Golf Course Agreement in concept and conceptually approves the proposed Golf Course Operating Agreement subject to the S.E.Q.R. process completion. With all members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas) Nays - 0

A discussion of O.R.D.A. operations in the Ski Bowl Park area followed. Mr. Goodspeed questioned the provision which showed that O.R.D.A. would own the Ski Hut building and the Town of Johnsbury would own the land. Attorney Jordan explained that in order to insure the building as is O.R.D.A.'s responsibility then the authority needs to be the owner; if O.R.D.A. discontinues operations then the building will revert to ownership by the Town of Johnsbury.

Supv. Thomas explained to the Town Board that as a part of the Water Memorandum of Understanding there was an agreement calling for the Peaceful Valley Townhouses (Comlinks)

to contribute \$40,000.00 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; the company does not currently possess the necessary funds. Comlinks expects to have the funding during the late spring or early summer. Front Street Mountain Development has a well driller ready to begin work and is requesting the funding to begin the drilling operation. Supv. Thomas requested that the Town Board approve the North Creek Water District making the \$40,000.00 payment and Comlinks repaying the Water District during the late spring or early summer. Attorney Jordan recommended that the Town of Johnsbury enter into an agreement with Peaceful Valley Townhouses to assure the payment. Mr. Arsenault said that the Town should be compensated for the use of the \$40,000.00 in the form of interest; Mr. Stevens said that Peaceful Valley Townhouses (Comlinks) should bear the cost of the attorney fees for drawing up the agreement. Supv. Thomas asked that the Town Board agree to the payment contingent upon the attorney putting the agreement in place. Mr. Goodspeed suggested that the penalty for failure to meet the repayment deadline of July 1, 2007 be the reopening of the P.I.L.O.T. agreement with Peaceful Valley Townhouses (Comlinks).

RESOLUTION NO. 71

Mr. Stevens presented the following resolution; with a second from Mr. Goodspeed that the Town Board will commit to payment of up to \$40,000.00 from the North Creek Water District to Front Street Mountain Development, towards a water district well to be drilled by Front Street in agreement with the terms of the Water Memorandum of Understanding, contingent upon a signed agreement with Peaceful Valley Townhouses (Comlinks) in which it is agreed that Peaceful Valley Townhouses (Comlinks) will pay interest on the \$40,000.00 or any portion of the money and that Peaceful Valley Townhouses (Comlinks) will pay the attorney fees for the drawing up of said agreement and that Peaceful Valley Townhouses (Comlinks) will repay the \$40,000.00 with interest by July 1, 2007 with the penalty for default being that their P.I.L.O.T. agreement will be voidable by the Town; further the Town Supervisor may sign the agreement including the above conditions with the approval of the Town Attorney. With all members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas) Nays - 0

Mr. Goodspeed noted that when the new Local Land use is put into effect it will rely heavily for enforcement on the Z.E.O. and the position will need to be changed to a full time position. Supv. Thomas requested that the Town Board discuss this issue regarding a specific individual employee.

Supv. Thomas informed the Town Board that while grant funds are available for instituting a shuttle system they need to be applied for by a county or city. There have been discussions, led by Front Street Mountain Development, involving a number of local businesses as well as O.R.D.A., the Tri-County Nursing Home and other developers and the group is requesting that the Town Board form a North Creek Shuttle Committee to develop a service plan for review by the state Department of Transport. A topic of discussion by the committee would be the question of a private or public system. Mr. Mark Bergman volunteered for the committee; Supv. Thomas requested that Ms. Cherie Ferguson contact local businesses for representation on the committee.

NEW BUSINESS

Supv. Thomas informed the Town Board that Mr. Adam Pearsall had contacted him on behalf of the White Water Derby Committee with concerns regarding the Vendor Permit regulations. Mr. Pearsall was present and requested that the structure of the permit to allow for a day or weekend for vendors associated with the White Water Derby; the major issue is enforcement and a lack of fairness to those vendors who pay for the permits but there is no system to penalize those who do not purchase the permit. Supv. Thomas noted that the Town has historically supported the derby and that as a part of supporting other events the Town Board has allowed a blanket permit.

RESOLUTION NO. 72

Mr. Stevens presented the following resolution; with a second from Mrs. VanKeuren that the Town Board will allow the White Water Derby to obtain a blanket vending permit at no charge for the weekend of May 5th and 6th of 2007 in support of the event. With all members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas) Nays - 0

Supv. Thomas asked the Town Board to authorize him to sign a new collateral agreement with Citizens Bank to allow the bank to collateralize the Town's deposits through a new third party custodian, the Bank of New York.

RESOLUTION NO. 73

Mrs. VanKeuren presented the following resolution and moved its passage with a second from Mr. Stevens that the Town Board authorizes Supv. Thomas to sign the collateral agreement with Citizens Bank to allow the bank to collateralize the Town's deposits through a new third party custodian, the Bank of New York. With 4 members voting in favor the resolution is declared carried. Ayes-4 (Goodspeed, Stevens, VanKeuren, Thomas) Nays – 0 Abstentions -1 (Arsenault)

Supv. Thomas informed the Town Board that William McGarr of Warren County Veteran's Services had nominated James A. Lomax of North Creek as Warren County Veteran of the Month for March 2007 and requested that the Town Board pass a resolution in support of the county nomination.

RESOLUTION NO. 74

Mr. Arsenault presented the following resolution, with a second from Mr. Goodspeed:

Proclamation

The Johnsbury Town Board, does hereby proclaim March 5, 2007 to be dedicated to the memory of a good friend of the Town of Johnsbury

James A. Lomax

In recognition of his service to the Town of Johnsbury and his Country

WHEREAS, he was a resident of the Town of Johnsbury since 1948, and

WHEREAS, he served in the United States Navy from February 6, 1941 through the Korean War receiving many medals and commendations; later becoming a member of North Creek American Legion Post 629, and

WHEREAS, he has served the Town of Johnsbury by being the Superintendent of the North Creek Water District and a member of the North Creek Fire Company, and

WHEREAS, he was active in business in North Creek operating two businesses, and

WHEREAS, he was a past president of the North Creek Rotary Club and a member of the North Creek Pilot's Association, and

THEREFORE, be it firmly resolved that the Town of Johnsbury strongly encourages the public to join Warren County in proclaiming that March 5, 2007 be dedicated to the memory of a good friend and longtime resident of the Town of Johnsbury, James A. Lomax

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

Supv. Thomas noted that the Town Board had received in their packets the following three Occupancy Tax funding requests: Upper Hudson Arts & Consortium advertising in guide (\$2,000.00), Upper Hudson Arts & Consortium insert advertising (\$1,250.00), Gore Mt. Region-Town of Johnsbury Chamber of Commerce winter radio advertising campaign (\$600.00) and Gore Mt. Region-Town of Johnsbury Chamber of Commerce Ski Sale & Street Fest (\$3450.00); all of the requests are recommended for approval by the Gore Mt. Region-Town of Johnsbury Chamber of Commerce. Supv. Thomas asked if, having received the Occupancy Tax requests, the Town Board wished to act upon these requests.

RESOLUTION NO. 75

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Goodspeed that the Town Board approves the following three Occupancy Tax funding requests: Upper Hudson Arts & Consortium advertising in guide (\$2,000.00), Upper Hudson Arts & Consortium insert advertising (\$1,250.00), Gore Mt. Region-Town of Johnsbury Chamber of Commerce winter radio advertising campaign (\$600.00) and Gore Mt. Region-Town of Johnsbury Chamber of Commerce Ski Sale & Street Fest (\$3450.00). With 5 members voting in favor and none opposed the resolution is declared passed. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas).

Supv. Thomas informed the Town Board of the receipt of a voucher from Thomas LaBombard for engineering work on the Transportation Corporation at Top Ridge as the Town Engineer on the project. Supv. Thomas informed the Town Board that the work had been done and that the voucher was added as claim #100 to the General Fund Warrant number 4G to be audited at this meeting. Top Ridge will reimburse the Town for Mr. LaBombard's work relating to the transportation corporation.

RESOLUTION NO. 76

Mr. Arsenault presented the following resolution and moved its passage with a second from Mrs. VanKeuren that the following certified bills which have been reviewed by the board members be paid: General Fund- Warrant #4G/Claims #76-100; Highway Fund- Warrant #4H/Claims #33-41; North Creek Water Dist.- Warrant #3W/Claims#12-18; Library Fund- Warrant #2L/Claims#7-14. 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 informed the Town Board that he is working as the event coordinator for the Thomas the Tank Engine for the Upper Hudson River Railroad.

Mrs. Kelly Nettle said that the Ski Bowl Park Committee had asked that she research grant opportunities for the park. The problem that she has encountered is that there are funding entities which will not fund a project without defined boundaries for the park. Ms. Cherie Ferguson added that all the park areas not just the Ski Bowl Park have funding needs.

A motion to enter executive session to discuss a personnel issue was presented by Mr. Arsenault with a second from Mr. Goodspeed at 9:30pm. With all members voting in favor the motion is declared carried. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas) Nays - 0

A motion to adjourn the executive session and return to the regular meeting was presented by Mrs. VanKeuren with a second from Mr. Stevens at 9:46pm. With all members voting in favor the motion is declared carried. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas) Nays - 0. The executive session was closed at 9:46pm.

A motion to adjourn the meeting was presented by Mrs. VanKeuren with a second from Mr. Goodspeed at 9:47pm. All in favor. Motion carried. Meeting Closed.

The next regular Town Board meeting will be held at 7:00pm on March 6, 2007 at the Wevertown Community Center, Wevertown, NY. Prior to the regular meeting there will be an executive session to interview candidates for the position of alternate member of the Planning Board at 6:00pm and at 6:30pm the Town Board will conduct a Public Hearing Public Hearing regarding the proposed Local Law #1 of the Town of Johnsbury for the Purpose of Establishing a Fee Schedule for Attorneys and Engineers.

Prepared by William Rawson, Town Clerk