

**Minutes of the Town of Johnsburg Regular Board Meeting October 20, 2009**  
**Held at 7:00pm at the Town of Johnsburg Library, North Creek, NY**

Minutes of the regular meeting of the Town Board of the Town of Johnsburg held on Tuesday, October 20, 2009 at 7:00pm at the Town Library, North Creek, NY Supervisor Goodspeed called the meeting to order at 7:00pm and the pledge to the flag was led by Councilman Eugene Arsenault.

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. 194**

Mr. Stevens presented the following resolution, and moved its passage with a second from Mr. Arsenault, to accept the minutes of the October 6, 2009 regular Town Board 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 Mrs. Eunice Kill expressing her dissatisfaction with the Town Highway Department equipment being stopped in the road on Oven Mt. Road and the personnel not directing traffic around the stopped vehicles.
2. A letter from Town Attorney Jordan explaining to the Town Board options for handling the feral cat problem.

Supv. Goodspeed noted that he had asked the Town Attorney to draft a Local Law authorizing the Animal Control Officer to deal with cats running at large.

**COMMITTEE REPORTS:**

**OLD BUSINESS:**

Supv. Goodspeed explained that he would alter the agenda and move the information item on the proposed zoning map amendments toward the end of the agenda following the New Business.

Supv. Goodspeed informed the Town Board that both he and Mr. Arsenault have met with the North Creek Business Alliance to discuss sidewalk snow clearance on Main Street in North Creek. Supv. Goodspeed explained that this relates to a Warren County budget problem. Warren County plows Main Street resulting in piles of snow along the street and on the sidewalks; Warren County will continue to remove the snow piles during regular work hours if no overtime is needed. Warren County will not clear the sidewalks. The North Creek Business Alliance is unhappy with the lack of consistency in the removal of snow; there was a meaningful, lively discussion of the subject. Supv. Goodspeed said that he was trying to coordinate the plowing schedule to lessen the constant plowing. Follow-up discussions are to occur next week. Also, some taxpayers who do not own property in North Creek don't want their tax money going to North Creek sidewalk clearance. Mr. Tony Moro asked if it wasn't a benefit to all residents to have businesses open on Main Street. Mr. David Bulmer, a member of the North Creek Business Alliance, said that they are looking for a solution and want to work together.

## **NEW BUSINESS**

Supervisor Goodspeed explained that the proposed 2010 Town Budget, with a detailed narrative would be available to the public on Wednesday afternoon. Supv. Goodspeed explained that the January property tax was composed of Warren County tax, Town tax and Fire Protection; he added that the County shortfall will cause the tax bills to rise even though the 2010 budget for the Town contains a zero percent increase. Supv. Goodspeed added that savings were planned by changing the health insurance to a high deductible plan. Mr. Tony Moro asked if the Town health insurance was similar to those offered by private business in the Town. Supv. Goodspeed said that the health benefits were more like those offered by businesses in Glens Falls or Queensbury; he added that many of the local businesses are so small that they typically do not offer benefits. Mr. Moro said that the Town should go to a first class agency and ask for a plan and the costs. Supv. Goodspeed said that he expects a small decrease in Town taxes. Supervisor Goodspeed then asked the Town Board to amend the 2010 tentative budget in the following areas: the assessed value of the Town to be corrected to the actual amount of 8736.818 thousands from the projected 8741.209 thousands and the addition of the list of exemptions received from the Town Assessor since the presentation of the tentative budget and asked that the Town Board move the 2010 tentative budget to preliminary budget.

### **RESOLUTION NO. 195**

Mr. Arsenault presented the following resolution, with a second from Mr. Morehouse, to move the 2010 tentative budget to a preliminary budget including the following changes: the assessed value of the Town to be corrected to the actual amount of 8736.818 thousands from the projected 8741.209 thousands and the addition of the list of exemptions received from the Town Assessor to be added to the budget. With 5 members voting in favor, the resolution is declared carried. Ayes - 5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

Next Supervisor Goodspeed asked the Town Board to set a time for a public hearing on the proposed Johnsburg Fire Protection District 2010 Contract.

### **RESOLUTION NO. 196**

Mr. Stevens presented the following resolution, with a second from Mr. Morehouse, to set a public hearing on the proposed Johnsburg Fire Protection District 2010 Contract on November 5, 2009 at 6pm. at the Wevertown Community Center, Wevertown, New York. With 5 members voting in favor, the resolution is declared carried. Ayes -5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

Supervisor Goodspeed then asked the Town Board to set a time for a public hearing on the proposed Town of Johnsburg 2010 Preliminary Town Budget.

### **RESOLUTION NO. 197**

Mr. Arsenault presented the following resolution, with a second from Mr. Morehouse, to set a public hearing on the Town of Johnsburg 2010 Preliminary Town Budget on November 5, 2009 at 6:30pm. at the Wevertown Community Center, Wevertown, New York. With 5 members voting in favor, the resolution is declared carried. Ayes -5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

## **INFORMATIONAL PRESENTATION ON PROPOSED ZONING AMENDENTS**

At this time (7:30pm) Mr. Vanselow recused himself from this discussion and left the room as a parcel which he owns is involved in the proposed amendments.

Supv. Goodspeed explained that the Zoning Committee which worked with Dr. Lamb to create the Adirondack Park Agency (APA) approved land use plan adopted in 2007 drafted as well the zoning amendments to be discussed at this time. Supv. Goodspeed added that representatives of the APA had expressed an interest in having towns look at their zoning; the Zoning Committee had done so and the APA representatives had asked that the Town to hold a workshop meeting for Town discussion and report back to the agency the general view of the constituents. Supv. Goodspeed went through the list of proposed zoning amendments and opened the discussion to the public and the Town Board members. Supv. Goodspeed noted that he had received for the record five written comments on the proposed amendments: two in favor, two opposed and one questioning how the process operated. Mr. David Bulmer asked about the process of the amendments moving forward; specifically if the APA has the authority to move forward without Town input and/or support. Supv. Goodspeed replied that he did not believe it likely that the APA would move forward without Town approval or support; he added that the notification process for public hearings by the APA was very expensive. Mr. Bulmer added that he did not see the process as an inclusionary one; noting that the most affected property owners had not been included in the process prior to the presentation of the proposed amendments. Mr. Patrick Cunningham asked if the plan had to be accepted or rejected in its entirety; Supv. Goodspeed replied that he had asked this of the APA and had not received an answer. Supv. Goodspeed said that he believes that the Town will lose about ninety acres of hamlet designation and that the APA is looking for a trade of building rights and an overall more restrictive zoning; in other words a whole package trade. Mrs. Deborah Cunningham asked if the goal of the APA is to have less hamlet and more of the restrictive zoning; Supv. Goodspeed replied that the APA says that its goal is to correct the mistakes of the 1972 zoning. Mrs. Cunningham said that this changing of the rules of the game at this time was breaking the promise of the land use of the 1972 acts and added that it would be workable if it did not hurt the current owners. Mr. Arsenault, a member of the Zoning Committee, said that the plan was to allow the Town to grow and to identify directions for the Town to grow in; he added that he wanted to bring forth a discussion of the proposed amendments. Mr. Thomas Cunningham noted that the properties in Parcel C, currently hamlet and proposed to become Rural Use, were historically, a part of the North Creek hamlet, as evidenced by their connections to the church in North Creek. Mr. Dennis Phillips, an attorney, noted that the Pataki administration had completed several land acquisitions in the Adirondack Park which retired hundreds of thousands of building rights and said that the Town should not give up any building rights and should seek to add more hamlet area; adding that if the Town wants North Creek to grow it should not be creating winners and losers. Attorney Phillips added that he does not believe that it is in the best interests of the residents of the Town to trade rights and that if the APA made mistakes in 1972 that more building rights should be added to correct the problem. Mr. William Moos said that the process seems to be sneaky and that the increase of building rights seems to be in weird areas; he added that the Town should give nothing away without additional growth. Mr. Tony Moro said that his background is banking, however, that in creating growth the government needs to also create trust and show a fairness in dealing with the situation and not be changing the rules and leading to a lack of faith in the system. Al Grippaldi, Tall Timbers developer, questioned if the proposed changes would affect the Tall Timbers development as the land use plan had necessitated a new application process when he had been partially through the previous process; Supv. Goodspeed replied that he did not believe that the proposed amendments would affect permits already issued. Dr. Herbert Hudnut asked about the process of creating the proposed amendments. Mr. Arsenault replied that the recommendations came from Dr. Richard Lamb, the advisor to the Zoning Committee and that the committee has followed his advice and created the proposals; he stressed that the amendments were only proposed. Mr. Arsenault said that the proposals had come from someone conversant with APA ideals, who had led the committee through the process of

developing an APA approved Land Use Plan. Mr. Arsenault said that he believed that the APA was looking for a quid pro quo exchange; he added that he doesn't care what the APA wants. Mrs. Robin Robertson and Mr. Scott Robertson, a science teacher, have reviewed the soil and land suitability for increased density in the Edwards Hill area and find no supporting evidence and added that the proximity to wilderness areas, wetlands and severe slopes; Mr. Robertson expressed worry over the fact that his neighbors could not be at this meeting to express their opinions. Mrs. Mary Moro said that she believed that previous planning studies said that for beneficial growth the hamlet needs to be concentrated, as in current zoning, and not spread out as in the proposed amendments. Supv. Goodspeed said that he was not hearing overwhelming support for the proposed amendments and asked for Town Board input. Mr. Arsenault said that it was not important what the Town Board thought; if the community doesn't support the plan then it's dead. Mr. Arsenault added that while these issues need discussion, he doesn't want the driving force to be an outside agency. Mr. Stevens said that having considered the proposals at length he was not in favor of these changes. Attorney Dennis Phillips said that if his understanding of the law was correct that the passage of these amendments would require a State Environmental Quality Review (SEQR); Supv. Goodspeed replied that he generally agreed, but would defer to the Town Attorney. Mr. Phillip Santasiero suggested sending the APA a different proposal more acceptable to the Town residents; Supv. Goodspeed said that that would be a good option and that he believes there is an exchange dialogue possible. Attorney Dennis Phillips said that the Town of Johnsburg has an APA approved Land Use Plan and the APA will not revoke the approval over the failure of these proposed amendments; he added that he believes that the APA has the authority to increase zoning density. Mrs. Ann Deppe, Town Assessor, said that she supports the changes as a benefit, in her instance, but that she doesn't want to see others injured at her expense. Mr. Peter Heid agreed that the correction should not be made at the expense of anyone. Mrs. Deppe added that the proposed amendments seem to be along road frontages; she added that some parcels may not have sufficient geological septic capacity for the current density. Mr. Tony Moro asked if the proposed amendments take into account the latest technological improvements; he also asked if this was the last chance to make zoning amendments. Supv. Goodspeed replied that the proposals date from 2006 and that this was the first attempt to make zoning map changes. Supv. Goodspeed said that he expects that there is great pressure on the APA as a result of New York State's financial crisis and added that in the recently released Adirondack Park Regional Assessment report North Creek was seen as one of the success stories in the Adirondack Park. Mr. Arsenault added that the APA has a problem with trust; you don't know who is pulling the strings, sort of like the Wizard of Oz. Mr. Timothy Record, a member of the Planning Board, noted that the Town of Inlet is seeking more building rights from the APA; he also wondered if the APA would act without Town support. Supv. Goodspeed replied that the Town seems to be in the driver's seat and that the Town could reject any changes or go to the agency with a plan for additional hamlet building rights; Mr. Arsenault added that most hamlet areas have little room for additional growth. Mrs. Jill Broderick, a local realtor, asked if the proposed changes would affect assessment and taxes; Assessor Deppe replied that when the Town goes to one hundred percent assessment that it would probably affect the basis for assessment. Mr. Patrick Cunningham spoke at length against the proposed amendments; he noted that the APA representative had left, that members of the Zoning Committee, such as Dr. Lamb and Mr. Mark Bergman, were not present. Mr. Cunningham said that the number of property owners affected negatively was small, but the impact on them was large; he said that five property owners lost approximately sixty percent of the total lost building rights. Mr. Cunningham added that he did not believe that Front Street Mountain Development's land was better than his. He was upset that the Town committee had not spoken with any of the landowners prior to drafting these changes. Mr. Cunningham said that it is not fair to take people's land value any more than it is to take their money. Mrs. Sharon Hammond asked when

Supv. Goodspeed would be reporting to the APA; Supv. Goodspeed replied that he would probably report to the APA by the second or third week of November. Mr. Stevens asked the method of the report and if it would be made available to the public; Supv. Goodspeed replied that it would be a brief letter and that he would have it made available on the Town website. Supv. Goodspeed said that the report would suggest that there is little general support of the proposed zoning amendments, although there is some support for some individual changes.

At this time (8:50pm) Mr. Vanselow returned to the meeting following the conclusion of the previous discussion. There was a brief break, due to noise, to allow those interested in the previous portion of the meeting to leave.

#### PRIVILEGE OF THE FLOOR

Mr. Tim Record noted that there are many uses of the area in the Ski Bowl Park, these uses include the transfer station site and he wanted to make the Town Board aware that as a result of pushing leaves over the bank in that area there remains little of the tree buffer between the transfer station and the park area. Mr. Record also asked that the Town Board try to beautify the parking lot of the Wevertown Community Center by removing or replacing the pile of cones and tires in the parking lot. Mr. Stevens replied that this was a well casing and that he wasn't sure what could be done to improve the view.

Mr. Joel Beaudin, member of the North Creek Business Alliance, explained that the group is a loosely organized business group meeting on Thursday mornings and open to the public; the group is trying to forward the interests of businesses on Main Street in North Creek. Mr. Beaudin added that the group does not always speak with one voice and that the sidewalk clearing issue was brought to the Town Board prematurely. Mr. Beaudin said that the general view is to move North Creek toward the example of a Stowe, Vt. type of ski village. Mr. Beaudin also praised the group of young people, about thirty years of age, who arranged a fund raiser with bands, over the previous weekend, for the North Country Outreach heating fuel assistance fund. Mr. Beaudin praised the group and noted that there is some employment for young people in the area. Mr. Vanselow added that the group had worked very hard on the project and that attendance by those under the age for alcohol consumption was not allowed.

Mr. David Bulmer asked if there was any chance of the Town would institute morning hours, particularly on weekends, at the transfer station. Supv. Goodspeed replied that this suggestion has been made previously and that it is very difficult to change the schedule based on worker availability for other duties.

#### RESOLUTION NO. 198

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Vanselow that the following certified bills which have been reviewed by the Town Board members be paid: General Fund- Warrant #20G/Claims #385-403; Highway Fund- Warrant #20H/Claims #203-214; North Creek Water Dist.- Warrant #20W/Claim#77; Library Fund Warrant #10L/Claims #68-75, and further, the Town Board acknowledged the fact that the Highway budget is overdrawn by approximately thirty-two thousand dollars with the passage of this Highway Warrant; this was anticipated and will be rectified with the arrival of the third quarter Sales Tax payment. 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. Vanselow with a second from Mr. Morehouse at 9:12pm. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

The next regular Town Board meeting will be held at 7:00pm on November 5, 2009 at the Wevertown Community Center, Wevertown, Warren County, New York. There will be two Public Hearings on that date as well, at 6:00pm the Public Hearing on the Johnsburg Fire Protection Contract and at 6:30pm the Public Hearing on the Town of Johnsburg 2010 Preliminary Budget.

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Prepared by William Rawson, Town Clerk