

**Minutes of the Town of Johnsbury Regular Board Meeting August 21, 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 August 21, 2007 at 7:00pm at the Town Library, Town Hall North Creek, NY Supervisor Thomas called the meeting to order at 7:00pm and the pledge to the flag was led by Councilman Sterling Goodspeed

Roll call showed the following persons present: Supv. William H. Thomas; Town Councilpersons/ Eugene Arsenault, Sterling Goodspeed, and Arnold Stevens; Town Clerk/ William Rawson. Councilwoman Alyce VanKeuren was absent.

Guests: On attached list

**RESOLUTION NO. 234**

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Arsenault to accept the minutes of the August 7, 2007 Regular Town Board Meeting and the August 7, 2007 Public Hearing on the amendments conditioning the Adirondack Park Agency approval of proposed Local Laws #1 through 4 of 2006, as written. With 4 members voting in favor the motion is carried. Ayes-4 (Arsenault, Goodspeed, Stevens, Thomas) Nays - 0

**CORRESPONDENCE:**

1. A letter from Mr. Ed Milner, the president of the Gore Mt. Region-Town of Johnsbury Chamber of Commerce, regarding the dangerous situation at the intersections of Route 28 with 28N and Ski Bowl Road. The Chamber of Commerce hopes to have the N.Y.S. Department of Transportation take another look at these areas where numerous accidents have occurred in recent years.

**COMMITTEE REPORTS:**

**OLD BUSINESS:**

Supv. Thomas recognized Ms. Patricia Tatich, Warren County Director of Planning, to explain the "Restore NY Communities" funding opportunity and update the status of the "North Creek Main Street Program" for the Town Board. Ms. Tatich explained that the "Restore NY Communities" program had been initiated by the Pataki administration through the Empire State Development Corporation for the purpose of renovating properties which are privately owned or site development needs related to the project. The goal is to revitalize urban centers. Ms. Tatich noted that the existence of an Empire Zone was a bonus to the request. The program funding would allow affordable housing as a portion of the match. Supv. Thomas explained that he had filed a letter of intent to apply for this grant in the amount of \$560,000.00. The match for this program is 10% and Ms. Tatich recommended that the Town include a sufficient amount for the match in the 2008 budget. Ms. Tatich explained to the Town Board that the "Main Street" grant program would carry over to 2008 and again recommended that the Town include a sufficient amount to satisfy the match in the 2008 budget year. The area of North Creek included in the "Main Street" grant extends from Ski Bowl Road to the Tannery Pond Community Center. Supv. Thomas asked if sidewalk repair near the North Creek Post Office would qualify under the "Main Street" grant; Ms. Tatich said she believed that it would qualify. Warren County

Economic Development anticipates that in September 2007 a consultant will be selected for the “Main Street” grant. The Town Board thanked Ms. Tatich for her presentation.

Supv. Thomas recognized Mr. Ed Milner, the president of the Gore Mt. Region-Town of Johnsbury Chamber of Commerce to speak on the subject of his letter read earlier in the meeting. In an attempt to resolve a problem of community acceptance the Chamber of Commerce has presented a lecture by Brian Mann, author of a study on small towns and community relations therein; written a letter attempting to motivate the N.Y.S. Department of Transportation to mitigate the traffic hazards at the intersections of Route 28 with 28N and Ski Bowl Road; initiated a community-branding project to better define the local economic region. The purpose of this community-branding effort is to promote the area in a more unified manner. The Chamber of Commerce has planned a golf tournament at 1000 acres with a trip from the North Creek Station to the golf course by train; included in the \$65.00 cost is lunch and dinner.

Supv. Thomas informed the Town Board that the Town had received \$53,247.15 in 2006 Occupancy Tax monies from Warren County. The current uncommitted balance is \$6,231.54. The Town Board has received a request from the Johnsbury Fish and Game Club in the amount of \$500.00 for advertisement in a widely circulating media, of the sporting opportunities in the area. Supv. Thomas asked the Town Board if they wished to act upon the Occupancy Tax funding request from the Johnsbury Fish and Game Club. Following the approval of the Johnsbury Fish and Game Club Occupancy Tax funding request the uncommitted balance in Occupancy Tax monies will be \$5731.54.

#### RESOLUTION NO. 235

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Goodspeed that the Town Board approves the following Occupancy Tax funding request: Johnsbury Fish and Game Club in the amount of \$500.00 for advertisement in a widely circulating media, of the sporting opportunities in the Town of Johnsbury, Gore Mountain region. With 4 members voting in favor the motion is carried. Ayes-4 (Arsenault, Goodspeed, Stevens, Thomas) Nays - 0

Following the approval of the Johnsbury Fish and Game Club Occupancy Tax funding request the uncommitted balance in Occupancy Tax monies is \$5731.54. Supv. Thomas asked about the date for making requests for 2007 Occupancy Tax monies. The Town Clerk will look this up in the minutes.

Supv. Thomas noted that the Town Board had received copies of the appraisal on the “Schlie Property” performed by Timothy Long. This parcel, Tax Map Number 133.-1-34, is owned by the Town, and is 181.53 acres in size and located on Andrews Road on the easterly side of Goodman Road. Supv. Thomas asked if the Town Board wished to declare the property to be surplus and to set a date for a Public Hearing on the sale of the surplus real property.

#### RESOLUTION NO. 236

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Goodspeed that the Town Board of the Town of Johnsbury declares the following to be surplus property: one (1) 181.53 acre parcel, Tax Map Number 133.-1-34, on Andrews Road

which is on the easterly side of Goodman Road (known as the Schlie Property) and further the Town Board will hold a Public Hearing on determining the sale of said, previously described surplus real property; a map of the parcel is available at the Town Supervisor's office during regular business hours; said Public hearing will be held on Thursday September 20, 2007 at 6:00pm at the Wevertown Community Center, Wevertown, NY. With 4 members voting in favor the motion is carried. Ayes-4 (Arsenault, Goodspeed, Stevens, Thomas) Nays - 0

Supv. Thomas informed the Town Board that he had notified Mr. Marvin Lemery of Warren County Fire Prevention and Building Code Enforcement of the septic concerns which have been investigated by Dr. John Rugge, Town Health Officer. Dr. Rugge had hoped to receive assistance from the Department of Environmental Conservation (D.E.C.); the D.E.C. has stated that it cannot be of assistance but suggested the Department of Health (D.O.H.) as a source. The D.O.H. has suggested that the Town seek help from the Warren County Fire Prevention and Building Code Enforcement under the nuisance law. Supv. Thomas has sent the specifics of the cases to the Warren County Code Enforcement and is awaiting results.

In a related matter Supv. Thomas informed the Town Board that Zoning Enforcement Officer (Z.E.O.) Ed Tuttle would like to attend a Soil Analysis, Installation & Inspection of Onsite Wastewater Treatment Systems course which would enable the Z.E.O. to perform tests of the type which Dr. Rugge has suggested for the properties in question in the previous item. The cost of the course is \$400.00 and it takes place in Queensbury, NY on October 1-3 of this year between the hours of 8:00am and 5:00pm.

#### RESOLUTION NO. 237

Mr. Goodspeed presented the following resolution and moved its passage with a second from Mr. Stevens that the Town Board Zoning Enforcement Officer (Z.E.O.) Ed Tuttle to attend a Soil Analysis, Installation & Inspection of Onsite Wastewater Treatment Systems course to be held in Queensbury, NY on October 1-3 of this year between the hours of 8:00am and 5:00pm at a cost of \$400.00 to the Town for registration plus mileage. With 4 members voting in favor the motion is carried. Ayes-4 (Arsenault, Goodspeed, Stevens, Thomas) Nays - 0

#### NEW BUSINESS

Supv. Thomas asked if the Town Board wished to advertise and set a date and time for interviews for a candidate to fill the vacancy on the Board of Assessment Review which will occur on September 30, 2007 when the term of Victor H. Sasse expires. It was not known at this time if Mr. Sasse will wish to remain in his position.

#### RESOLUTION NO. 238

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Goodspeed that the Town Board authorizes the Town Clerk to advertise for two weeks in the North Creek News-Enterprise for letters from those interested in the vacancy on the Board of Assessment Review position with a term to run through September 30, 2012; interviews to be held on October 2, 2007 at the Wevertown Community Center, Wevertown, NY at 6:30pm. With 4 members voting in favor the motion is carried. Ayes-4 (Arsenault, Goodspeed, Stevens, Thomas) Nays - 0

Supv. Thomas asked Mr. Mark Bergman to update the Town Board on training dates associated with the recently approved Local Land Use Plan. Mr. Bergman explained that there will be four training sessions for various town boards. September 25<sup>th</sup> at 6:00pm at Tannery Pond Community Center (Town Board, Planning Board, Zoning Board of Appeals and Zoning Enforcement Officer); September 27<sup>th</sup> at 6:00pm at Tannery Pond Community Center (Zoning Board of Appeals and Zoning Enforcement Officer); October 18<sup>th</sup> at 6:00pm at Wevertown Community Center (Town Board, Planning Board and Zoning Board of Appeals); Training session for Zoning Enforcement Officer date and site to be announced. The public is invited and encouraged to attend these training sessions.

#### RESOLUTION NO. 239

Mr. Goodspeed presented the following resolution and moved its passage with a second from Mr. Arsenaault that the Town Board authorizes the Town Clerk to notice each of the following meetings once in the North Creek News-Enterprise as a special meeting of the Town Board for the purpose of receiving training from the Adirondack Park Agency on the recently approved Local Land Use Plan : September 25<sup>th</sup> at 6:00pm at Tannery Pond Community Center (Town Board, Planning Board, Zoning Board of Appeals and Zoning Enforcement Officer) and October 18<sup>th</sup> at 6:00pm at Wevertown Community Center (Town Board, Planning Board and Zoning Board of Appeals). With 4 members voting in favor the motion is carried. Ayes-4 (Arsenaault, Goodspeed, Stevens, Thomas) Nays - 0

Supv. Thomas distributed to the Town Board copies of proposed fees associated with the Zoning Enforcement Officer. The Town Board will review these and Mr. Goodspeed said that he will meet with the Town Attorney to organize the schedule for action at the next regular Town Board meeting (September 4, 2007).

Supv. Thomas noted that the Town Board, had received in their packets two quotes from companies which will conduct inspections of the North Creek Water District water storage tanks (Liquid Engineering and Robotic Observation Ventures), obtained by Charles Rawson, Superintendent of the North Creek Water District. The quote from Liquid Engineering in the amount of \$2860.00 provides for an initial inspection of one 200,000 gal water storage tank, a copy of the video taken during the inspection, written report and vacuuming of sediment in tank with a charge of \$425.00 per hour for repairs and a bound written report at a cost of \$250.00 per tank if necessary; the inspection is to be performed by a diver. The quote from Robotic Observation Ventures in the amount of \$3252.00 provides for a diverless underwater video inspection of one 100,000 gal water storage tank and one 200,00 gal water storage tank, a copy of the video taken and a copy of the written report; no repair work is included in the price. North Creek Water Dist. Supt. Charles Rawson recommends the Town Board accept the quote from Liquid Engineering since it includes repair.

#### RESOLUTION NO. 240

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Goodspeed to engage the services of Liquid Engineering to perform an initial inspection of one 200,000 gal water storage tank, a copy of the video taken during the inspection, written report and vacuuming of sediment in tank; repairs in excess of 1 hour to be billed at a charge of

\$425.00 per hour and a bound written report at a cost of \$250.00 per tank if deemed necessary by North Creek Water Dist. Supt. Charles Rawson. With 4 members voting in favor the motion is carried. Ayes-4 (Arsenault, Goodspeed, Stevens, Thomas) Nays - 0

Supv. Thomas informed the Town Board that the Planning Board has requested that Engineer James Hutchins be named as on-site engineer for the Front Street Mountain Development project in North Creek due to his ability to be at the project on an on-call basis as his office is in North Creek. Mr. Arsenault asked if this would be paid for by the town taxpayers; Mr. Goodspeed said that as a result of Local Law #1 passed in March of this year that the costs would be born by the developer (Front Street Mountain Development).

Supv. Thomas asked if the Town Board wished to act upon the request tabled at the August 7<sup>th</sup> regular Town Board meeting from Justice Carl vonCzoernig requesting that the Town Board authorize purchase of a second hand air conditioner for the justices' chambers in the Wevertown Community Center in consideration of the excessive heat in their chambers. At the suggestion of Town Attorney Jordan, Candace Lomax has researched the cost of a similar new air conditioner unit and found the cost to be approximately \$149.00.

#### RESOLUTION NO. 241

Mr. Goodspeed presented the following resolution and moved its passage with a second from Mr. Arsenault that having researched the cost of a similar new air conditioner unit and found the cost to be approximately \$149.00 that the Town Board will allow the purchase of a used air conditioner unit at a cost of \$80.00 from the buildings account (A1620.4), for the Town Justice chambers in the Wevertown Community Center, from Ms. Cherie Ferguson. With 4 members voting in favor the motion is carried. Ayes-4 (Arsenault, Goodspeed, Stevens, Thomas) Nays - 0

Supv. Thomas explained that while the sidewalks on Main Street in North Creek are cleared by Warren County D.P.W. but maintenance and upkeep would be done by the town. The sidewalk near the North Creek Post Office are in need of repair; the Town is hoping to patch them for the short term and to effect long term repairs as a portion of the "Main Street" grant.

Secretary Cherie Ferguson updated the Town Board on the references from Best Carpet & Upholstery Cleaning regarding their acceptance by Resolution Number 226 on August 7, 2007 to professionally clean the carpets at the Tannery Pond Community Center for \$500.00. Ms. Ferguson has verified numerous references from satisfied customers in the area as this was a condition of the acceptance of the quote for the project.

Secretary Cherie Ferguson informed the Town Board that according to the insurance carrier for the Town that each incident of vandalism is treated as a separate incident; none of the acts of vandalism meets the \$1000.00 deductible of the policy and are therefore not recoverable through insurance.

Secretary Cherie Ferguson informed the Town Board that Engineer James Hutchins will look into a site for a well at the Wevertown Community Center. Cost estimates from well drillers who have drilled wells in the Wevertown area range from \$5000.00 to \$10,000.00 as the depth at which usable water is found varies greatly in the area.

Supv. Thomas informed the Town Board that there have been ongoing meetings between the Johnsborg Historical Society (J.H.S.) and the Railway Depot Museum Association (R.D.M.A.) regarding the Kellogg Property and possible future uses for the property. The J.H.S. may move items to the Kellogg Property in co-ordination with the R.D.M.A. to create a display area in buildings on the Kellogg Property. Warren County wants to re-roof the T-shaped building and may remove the building which is in the worse repair and build two pavilions. Mr. Lyle Dye asked about the proposed boat launch north of the property; this cannot be done at present, but the idea may still be pursued. Mr. Arsenault asked about Sullivan's Island; Warren County is hoping to find funding to build a hanging bridge to the island which will connect to the trail constructed by the North Creek Rotary Club. Eventually, the plan includes clearing space on the island to add pedestal barbeques and picnic areas.

#### PRIVILEGE OF THE FLOOR

Mr. Richard Armstrong asked if other businesses in the Town of Johnsborg beyond the North Creek hamlet could access the "Main Street" grant funds. Supv. Thomas answered that he would look into that issue.

Mrs. Becky Milner of the Our town Theater Group noted that the theater group had paid \$388.00 to the Town as the Town's share of the ticket receipts; she also noted that the theater group had tried an event and dinner package recently with a good response.

Mr. Robert Nettle requested that the Town Board ask Parks Supt. Matt Olden to remove the boards on the dam at the Town Beach earlier than usual in an attempt to determine if the swimming area will receive enough water to maintain its level without adding water from the North Creek. Mr. Ed Milner suggested Mr. Nettle discuss the research project with David Wick at the Warren County Soil and Water Department.

Mr. Bert Miner asked about plans for the Town owned property near The Glen which was recently logged. Mr. Miner suggested replanting the property to allow for a harvesting in the future which would provide the Town with a nest egg. Supv. Thomas replied that the Town Board had thought to sell the property.

Mrs. Emma Santasiero asked about the availability of the agenda for the Town Board meetings at an earlier time. Supv. Thomas explained that the agenda is often in flux until later in the day of a meeting, however, he suggested that possibly the agenda could be made available earlier in the day, possibly around noon. Secretary Cherie Ferguson noted that the agenda was posted on the Town web site in the early afternoon of the day of a meeting.

#### RESOLUTION NO. 242

Mr. Goodspeed 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 Town Board members be paid: General Fund- Warrant #18G/Claims #345-366; Highway Fund- Warrant #18H/Claims #166-184; North Creek Water Dist.- Warrant #17W/Claims#68-72; Capital Projects Fund-Warrant #7CPF/Claim#8; With 4 members voting in favor the motion is carried. Ayes-4 (Arsenault, Goodspeed, Stevens, Thomas) Nays - 0

A motion to adjourn the meeting was presented by Mr. Goodspeed with a second from Mr. Stevens at 8:55pm. With 4 members voting in favor the motion is carried. Ayes-4 (Arsenault, Goodspeed, Stevens, Thomas) Nays - 0 Meeting Closed.

The next regular Town Board meeting will be held at 7:00pm on September 4, 2007 at the Wevertown Community Center, Wevertown, NY.

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Prepared by William Rawson, Town Clerk