

Minutes of the Town of Johnsburg Regular Board Meeting June 19, 2007
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 June 19, 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 Eugene Arsenault.

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. 179

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Goodspeed to accept the minutes of the June 5, 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 Sara Knoll, Youthworks Site Director, requesting that the Town Board allow them the use of the park at the Sodom Community Building for the purpose of conducting a play group for children on Tuesday and Thursday mornings through August 1, 2007.
2. A letter from Mr. William Donovan announcing his resignation as a member of the Town of Johnsburg Planning Board effective June 19, 2007.
3. A letter from Highway Supt. Curtis Richards regarding the removal of surplus Highway Department equipment to the Warren County auction.
4. A letter from Highway Supt. Curtis Richards recommending that the Town Board authorize the purchase of a Ford F250 pickup at the state contract quote of \$19,392.75.

COMMITTEE REPORTS:

Mrs. VanKeuren reported that she attended the Library Board of Trustees June 6, 2007 meeting and that Supv. Thomas and Mr. Goodspeed were present; Mrs. Karen Smith of the Tannery Pond Community Center Association was also in attendance. The Library Board of Trustees also plans to apply for a grant to make the back exit to the Library an entrance and exit; the Library Board of Trustees would like the Town of Johnsburg to perform the match which would probably be labor from the Highway. Mrs. VanKeuren noted that more walking would be good for people; Supv. Thomas added that it was a good meeting and that possible changes to the parking guidelines would be discussed later in the meeting.

OLD BUSINESS:

Supv. Thomas asked Warren County Election Commissioner, William Montfort, to inform the Town Board of the status of the grant applied for by the Warren County Board of Elections to pay for a portion of the paving of the recently acquired parking area around the Wevertown Community Center. Mr. Montfort informed the Town Board that the grant, in the amount of \$9406.38, applied for in 2006 by the Warren County Board of Elections to assist in the paving of parking had been approved. Supv. Thomas informed the Town Board that he would be meeting with the Warren County D.P.W. tomorrow at the Wevertown Community Center to discuss

project costs; it is the intent of all involved to have the paving completed by the primary date of September 18, 2007. Supv. Thomas asked Town Attorney Jordan if there were any additional steps for the Town prior to beginning the paving project; Attorney Jordan replied that the Town needs to inform the N.Y.S. Department of Transportation of the intent to begin the project.

Supv. Thomas reminded the Town Board that the Ski Bowl Park Committee had made a presentation regarding a grant application for the Ski Bowl Park; the deadline to submit the application is June 29, 2007. Ms. Andrea McKee, Ski Bowl Park Committee Chairman, explained the project to the Town Board. The project would include design (\$10,900.00), administration (\$4280.00) and outdoor building components; the grant does not include funding for a skateboard building. The outdoor building component includes an activity dock, adventure playground, an extension of the Rotary walking trail, as well as resurfacing tennis and basketball courts and creating skateboard modules; the total cost of these items is listed as \$100,640.00. The total amount of the grant request would be \$115,820.00 with a 50% match from the Town. The sources for the match as suggested by the Ski Bowl Park Committee include Occupancy Tax Funds, the Recreation Fees fund, Town of Johnsbury services and donated time and materials. Supv. Thomas asked Town Attorney Jordan if the project would qualify for the usage of Occupancy Tax Funds; Attorney Jordan replied that it would depend upon the amount of tourism improvement/usage in the grant application. Mr. Goodspeed asked the Ski Bowl Park Committee to try to find even more ways to insulate the taxpayers from being responsible for the matching funds. At the request of Mrs. Kelly Nettle, writer of the grant application, Mr. Goodspeed will review the application for the Town; he also suggested that the theme for the adventure playground be skiing to reinforce the tourism concept for Occupancy Tax Funds qualifications.

RESOLUTION NO. 180

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Goodspeed that the Town board of the Town of Johnsbury wishes to move forward with the proposed grant for improvements at the Ski Bowl Park as currently presented to the Town Board (and attached as page 2a) in the amount of \$115, 820.00 with a 50 percent local match component. With all members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas) Nays – 0

The Ski Bowl Park Committee asked the Town Board about removing the “hockey box” at the Ski Bowl Park. Supv. Thomas noted that the Town board should be informed of any equipment which is being requested to be modified or disposed of. Mr. Robert Nettle noted that the Ski Bowl Park Committee wanted to use parts of the “hockey box” to build a complete surround for the ice skating area at the pavilion. The Town Board had no objection to this particular action, however, Supv. Thomas asked that the Ski Bowl Park Committee contact the Youth Program directors for input prior to dismantling the “hockey box” in case they planned to use this equipment. The Ski Bowl Park Committee explained that they had changed plans and not do a slide, only a “slip n slide” for young children and which would cost only approximately \$29.00. Attorney Jordan suggested that any plan which results in water being discharged into the pond or creek should be discussed with an engineer due to possible contamination. The Ski Bowl Park Committee will discuss this with James Hutchins, P.E.

Supv. Thomas noted that there is a question regarding the date and location of the Warren County auction which was the method the Town Board approved for the disposal of surplus equipment from the Highway Department and the North Creek Water District. It could become expensive to move the surplus equipment to the auction site and if it does not sell to bring it back for scrap disposal. Mr. James Jones said that the Town of Thurman conducts its own auction of surplus equipment; the Supervisor's office will contact auctioneer, James Galusha, about the possibility of the Town of Johnsbury conducting its own auction.

Supv. Thomas asked the Town Board if they wished to act upon the letter from Highway Supt. Curt Richards requesting that the Town Board authorize the purchase of a Ford F250 pickup truck on the state contract.

RESOLUTION NO. 181

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Goodspeed authorize and allow Highway Supt. Richards to purchase a Ford F250 pickup from Van Bortel Ford at the N.Y.S. contract price of \$19,392.75 using money in the equipment fund of the Highway Department budget. With all members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas) Nays – 0

Supv. Thomas reminded the Town board that at the June 5, 2007 both Jean Comstock and Kelly Nettle were appointed to the Johnsbury Youth Committee contingent upon Town Attorney Jordan finding no legal reason why the Town Board could not do so. Attorney Jordan explained that the Town Board could by resolution (appointment) enlarge the committee up to seven members. The terms of the new members would become six years and those of the current members would be raised to six years from the current five when the terms expire and the positions are filled (either by the current members or a new member). Supv. Thomas noted that with the Town Attorney finding no legal obstacle that both positions are filled.

Supv. Thomas asked if the Town Board wished to amend the parking guidelines as set forth in Resolution Number 134 of 2007 (May 1, 2007); the Library Board of Trustees put forth the suggestion of lowering the number of handicapped parking spaces and adding 30 minutes spaces and changing the senior parking to general parking. Mrs. VanKeuren noted that Mrs. Karen Smith of the Tannery Pond Community Center seemed happy with the new plan. Mr. Goodspeed suggested accepting the changes in the interest of moving forward.

RESOLUTION NO. 182

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Goodspeed that Resolution Number 134 of 2007 be amended according to the attached diagram (page 3a) with the number of handicapped parking spaces lowered to three; the remainder of spaces along the north side of the building and in the front of the building being 30 minute parking during Library Hours and the spaces opposite the north wall being unrestricted parking. With all members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas) Nays – 0

Supv. Thomas informed the Town Board that he had received a communication from Mr. Mike Scavetti asking if the Town Board wished to have the television translators removed from

Ward Hill as they have not been functioning for at least two years and the technology which they use is outmoded.

RESOLUTION NO. 183

Mr. Goodspeed presented the following resolution and moved its passage with a second from Mr. Arsenault to authorize the removal of the non-functioning television translators from the Ward Hill site by Mr. Mike Scavetti and additionally to request that Mr. Scavetti look into a bidding or possible overseas sale of said translator equipment regarding its disposal and report findings to the Town Board. With all members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas) Nays – 0

Supv. Thomas informed the Town Board that Northern Car Crushers had removed the majority of the old lift which had been taken down by the O.R.D.A. employees. The cable was still left on site, as well as two of the “T bars”. The “T-bars” were requested by the Ski Bowl Park Committee to be used in the “adventure playground” or some other place in the Ski Bowl Park. The Highway Department will be requested to move the remaining parts which will be picked up by Northern Car Crushers in the near future.

Supv. Thomas asked Mr. Mark Bergman to update the Town Board on the progress of the Land Use Program approval process through the Adirondack Park Agency (A.P.A.). Mr. Bergman informed the Town Board that one day of the July A.P.A. meeting would be held at the Tannery Pond Community Center on July 13 and it is expected that the A.P.A. will approve the Land Use Plan at that meeting; the meeting is a public meeting. If the Land Use Plan is not approved at that meeting it will almost certainly be approved at the August A.P.A. meeting. Supv. Thomas said that it is good to finally have the Land Use Plan near acceptance.

NEW BUSINESS

Supv. Thomas asked the Town Board if they wished to act upon the request from Sara Knoll, Youthworks Site Director, read earlier in the meeting requesting that the Town Board allow them the use of the park at the Sodom Community Building for the purpose of conducting a play group for children on Tuesday and Thursday mornings through August 1, 2007. Mr. Daryl Bohn, a Youthworks representative, described the organization as a nationwide, ecumenical Christian organization of young people doing minor projects for people in need.

RESOLUTION NO. 184

Mr. Goodspeed presented the following resolution and moved its passage with a second from Mr. Arsenault to allow the Youthworks group the use of the Sodom Community Building (Scout Hall) and attached park area on Tuesday and Thursday mornings from 9:30am to 11:15am effective June 21st through August 1st of 2007 for the purpose of conducting a playgroup for children under five; the organization plans to have approximately 15 youth and chaperones present for supervision. With all members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas) Nays - 0

The Ski Bowl Park Committee requested that the Youthworks be allowed to paint the enclosed (older) pavilion in the Ski Bowl Park to match the new pavilion and that the Town will provide the paint.

RESOLUTION NO. 185

Mr. Goodspeed presented the following resolution and moved its passage with a second from Mrs. VanKeuren to allow the Youthworks group to paint the enclosed (old) pavilion to match the new pavilion in color and further that the Town will provide the materials, paint and brushes, for the paint job. With all members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas) Nays - 0

Supv. Thomas acknowledged a small group of representatives led by Ms. Karen Mohring from the group planning to develop an A.T.V. park in an area of South Johnsbury near the Town of Thurman was present and desired to address the Town Board. Supv. Thomas noted that he had spoken with members of the group of developers about the project and was unhappy to see in a newspaper article that he was reported as being in favor of the project when he had no particular opinion on the project. Supv. Thomas asked Town Attorney Jordan if the Town Board could listen to a presentation when the Planning Board would be hearing the presentation later. Attorney Jordan answered that the Town Board could listen to a brief summary only if they wished. The Town Board agreed to listen to a brief presentation as a courtesy. The representatives announced that they were planning to open a campground and A.T.V. riding as well as a motor cross riding area for up to 800 total customers at any one time on the South Johnsbury Road on a 737 acre property. They plan to offer education to riders on the problems of riding in non-approved areas. They plan to have a camping area for 60 camper sites and 89 tent only sites. They also indicated that they plan to hire approximately 20 to 25 employees.

Supv. Thomas noted that the Johnsbury Fire Protection District payments are scheduled to be made in July. In order for the Town to disburse the funds the Town must receive copies of the Fire Companies financial statements (budgets), as well as, signed vouchers for the payments.

Supv. Thomas informed the Town Board that Zoning Enforcement Officer, Mr. Edward Tuttle, has asked that the Town Board look at the price for septic inspections. Mr. Goodspeed suggested looking at the fees charged in other local municipalities. Mr. Goodspeed asked Town Attorney Jordan if it would be possible for the Town Board to establish a fee along the line of the recreation fee to support the Johnsbury Emergency Squad. Attorney Jordan will look into the possibility of establishing such a fee. Mr. Robert Nessel suggested diverting funds from the fire companies to the emergency squad. Supv. Thomas disagreed with this suggestion.

Supv. Thomas distributed to the Town Board the wage rates for workers at the Johnsbury Youth Program; the hourly rates are the same as last year except in cases where the increase in the minimum wage has increased and the rate. The daily cost of hiring a bus from the Johnsbury Central School has increased by \$1.60 from last year.

Supv. Thomas distributed the Johnsbury Youth Committee meeting minutes for their meeting of June 12, 2007 to the Town Board for their review.

Supv. Thomas recognized Secretary Cherie Ferguson to request that the Town Board set the date for the 2008 Independence Day celebration for Saturday July 5th. Ms. Ferguson noted that there will continue to be conflicts, but the Town will have the date set well ahead of time; she further noted that the event is getting larger each year and having the date set will make it easier

to schedule. This year there will be 6 bands and the event will begin at 11:00am and finish with a fireworks display at dusk.

RESOLUTION NO. 186

Mr. Goodspeed presented the following resolution and moved its passage with a second from Mr. Arsenault to set Saturday July 5, 2008 as the date for the 2008 Independence Day celebration at the Ski Bowl Park. With all members voting in favor the resolution is declared passed. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas) Nays - 0

Supv. Thomas asked Mr. Goodspeed to explain to the Town Board the request for a youth service project. Mr. Goodspeed explained that a youth group was coming to the area and would be rafting with the Beaver Brook Outfitters; this group was seeking a civic improvement project to be done in the Town of Johnsbury. Several projects were mentioned including brushing out the Schafer Trail, painting fire hydrants for the North Creek Water District or brushing out and straightening up cemeteries in town.

Supv. Thomas asked if the Town Board wished to accept the resignation of Mr. William Donovan as a member of the Town of Johnsbury Planning Board as read earlier in the meeting.

RESOLUTION NO. 187

Mr. Stevens presented the following resolution and moved its passage with a second from Mrs. VanKeuren to accept the resignation of Mr. William Donovan as a member of the Town of Johnsbury Planning Board effective immediately. 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 Town Board wished to appoint the current alternate member, Mr. James Morris, IV, to fill the unexpired balance through February 1, 2011 of the seat vacated as a result of the resignation of Mr. William Donovan as a member of the Town of Johnsbury Planning Board.

RESOLUTION NO. 188

Mr. Goodspeed presented the following resolution and moved its passage with a second from Mr. Arsenault to appoint the current alternate member, Mr. James Morris, IV, to fill the unexpired balance, through February 1, 2011, of the seat vacated as a result of the resignation of Mr. William Donovan as a member of the Town of Johnsbury Planning Board. 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 Town Board wished to advertise and set a date and time for interviews for a candidate to fill the vacancy on the Planning Board, created by the appointment of the current alternate member to fill the vacancy on the Town of Johnsbury Planning Board.

RESOLUTION NO. 189

Mr. Stevens presented the following resolution and moved its passage with a second from Mrs. VanKeuren that the Town Board authorizes the Town Clerk to advertise for two weeks in the North Creek News-Enterprise for candidates to fill the balance of the vacant Alternate

Member Planning Board position with a term to run through December 31, 2010; interviews to be held on July 17, 2007 at the Town Hall (Library), North Creek, NY at 6:30pm. With all members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas) Nays – 0

RESOLUTION NO. 190

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 #12G/Claims #246-261; Highway Fund- Warrant #12H/Claims #115-129; North Creek Water Dist.- Warrant #11W/Claims#49-55; Library Fund-Warrant #6L/Claims#40-46. With all members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas) Nays – 0

Mr. Goodspeed noted that North Creek Water Dist. - Warrant #11W/Claim number #53 was reimbursable and Front Street Mountain Development should be billed for this payment; he asked that Town Attorney Jordan write another letter to Front Street Mountain Development requesting payment. Attorney Jordan replied that he had met with Accounts Clerk Candace Lomax and had sent a letter out to Front Street Mountain Development today.

Supv. Thomas noted that there will be a short Executive Session for the purpose of discussing a personnel issue. Supv. Thomas noted that there may be resolutions as a result of the executive session.

PRIVILEGE OF THE FLOOR

Mrs. Joyce Holwell and Mr. Philip Santasiero noted that they were appreciative of the Town Board not giving support to the group planning the A.T.V. park on South Johnsbury Road. Supv. Thomas suggested that they watch for Planning Board meetings on the project which will be advertised in the local newspaper.

Mr. Robert Nettle noted that by his measurements and calculations the level of the swimming area is approximately 1 foot above that of the stream under current conditions. Mr. Nettle says that this proves that the swimming area is substantially spring fed and that this means that the weir is not necessary and could be removed if the fish restoration project grant applied for by the Warren County Soil and Water. Supv. Thomas said that he has been told that this grant may get funding.

Mr. Nettle asked about a local economic development group which had been started earlier in the Town. Supv. Thomas answered that the group was founded by William Heidrich and Thomas Ainslie but that it has not operated in several years; any local projects could request assistance through the Warren County Economic Development Department.

Mrs. Kelly Nettle asked why the Town mows the cemeteries in the Town. Supv. Thomas and Mr. Stevens answered that by New York State Law all abandoned cemeteries, cemeteries without an active association, are required to be maintained by the local municipality. The Town has researched this issue in the past.

Mr. Tim Record said that it would be nice to save the old base of the "T-bar" lift for posterity. Mr. Robert Nettle wants to begin a ski museum, possibly at the Kellogg Property, and would be in support of having some of these items.

A motion to enter executive session at 9:15pm was presented by Mrs. VanKeuren with a second from Mr. Goodspeed for the purpose of discussing a personnel issue. 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 Mr. Arsenault with a second from Mr. Stevens at 9:30pm. 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 9:30pm.

Supv. Thomas noted that Supervisor's Secretary, Cherie Ferguson; Town Assessor, Ann P. Deppe; Accounts Clerk, Candace Lomax have not had a raise in the past two years and at that time both Ms. Ferguson and Ms. Lomax accepted a cut in hours. Supv. Thomas asked the Town Board to approve a raise in pay for these Town employees.

RESOLUTION NO. 191

Mr. Goodspeed presented the following resolution and moved its passage with a second from Mrs. VanKeuren that the Town Board approves a 3% raise, effective immediately, for Supervisor's Secretary, Cherie Ferguson; Town Assessor, Ann P. Deppe; Accounts Clerk, Candace Lomax. With all members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas) Nays – 0

A motion to adjourn the meeting was presented by Mr. Stevens with a second from Mr. Goodspeed at 9:35pm. With all members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas) Nays – 0 Meeting Closed.

The next regular Town Board meeting will be held at 7:00pm on July 3, 2007 at the Wevertown Community Center, Wevertown, NY. At 6:30pm the Town Board will interview any candidate(s) for the vacancy in the North Creek Water District (back-up person for the Water District Supt.) in executive session.

Prepared by William Rawson, Town Clerk