

**HORICON TOWN BOARD
REGULAR MEETING OF THE BOARD**

**NOVEMBER 16, 2011
4:30 PM**

Present at meeting:	Ralph Bentley	Supervisor
	Frank Hill	Councilman
	Robert Olson	Councilman
	Kenneth Higgins	Councilman
	Joseph Dooris	Councilman
Krista Wood	Town Clerk	
Town Counsel	Mark Schachner	

Also: HS Paul Smith, Joe and Linda Koch, Harry Balz, Harvey Leidy, Matt Simpson, Tom Johansen, Andy and Edna Trumble, Bill McGhie, Jane Smith, Jack Baker, John Donovan, James Steen, Gary Frenz, and Christine Hayes.

Supervisor Bentley called the meeting to order at 4:30 PM.

Reports: Supervisor, Town Clerk, Zoning, Justice

Approval of Minutes: Minutes of October 20th and November 3rd, 2011 were approved by Motion of Messrs. Hill and Olson, all Ayes.

Approval of November 2011 Vouchers and Abstracts:
RESOLUTION NO. 143 OF 2011

Messrs. Dooris and Hill introduced Res. No. 143 and moved its adoption, all Ayes:

RESOLUTION TO AUTHORIZE PAYMENT OF ABSTRACTS

RESOLVED, that the Town Board does hereby authorize the payment of the November 2011 Vouchers and Abstracts as follows:

General Vouchers	#298-327	\$ 33,706.33
Highway Vouchers	#181- 192	\$ 27,931.94
General Abstracts	30 & 31	\$ 21,495.53
Highway Abstracts	30 & 31	\$ 27,271.14

Correspondence to the Board:

- James Steen RE: Letter of Resignation from Zoning Board of Appeals
- NYSDOT RE: Letter received regarding traffic safety concern
- Paul Maniacek RE: Letter of intended retirement
- Assoc. of Towns RE: 2012 Training for Newly Elected Officials & 2012 Annual Meeting
- Time Warner RE: Franchise account balance notification

Executive Session: Councilman Hill made a motion, seconded by Councilman Higgins, to move to Executive Session to discuss property rights, all in favor. The Board moved to Executive Session at 4:35 PM.

The Board returned from Executive Session at 5:05 PM and Councilman Dooris made a motion to return to Regular Session, seconded by Councilman Olson, all in favor. No decisions were made.

Old Business:

Pumpkin Hollow Road update: Supervisor Bentley asked Counselor Schachner for an update on Pumpkin Hollow Road. Counselor Schachner explained that he was asked by the Board if there was a way the Town could facilitate extension of power down existing Pumpkin Hollow Road as far as the Gadjo property. He said the answer to that would be that there remains a public easement on Pumpkin Hollow Road and if National Grid wants to put power in to the Gadjo property then the Town, if they wish to do so, can advise National Grid that they have no objection, but that is as far as the Town can go with that. The following Resolution was made:

RESOLUTION NO. 144 OF 2011

Messrs. Dooris and Olson introduced Res. No. 144 and moved its adoption, all Ayes:

RESOLUTION TO CONTACT NATIONAL GRID

WHEREAS, the question was raised as to whether the Town could facilitate the extension of power down Pumpkin Hollow Road to the Gadjo property, AND
WHEREAS, it was noted that there remains a public easement on Pumpkin Hollow Road, NOW,
THEREFORE BE IT
RESOLVED, that if National Grid wants to put power down Pumpkin Hollow Road to the Gadjo property, the Town Board of the Town of Horicon has no objections and will notify National Grid in writing to this effect.

New Business:

Assessor Position: Assessor Paul Maniacek has submitted a letter expressing his desire to resign as full time Assessor and be re-appointed as part time Assessor. The following Resolution was made:

RESOLUTION NO. 145 OF 2011

Messrs. Higgins and Hill introduced Res. No. 145 and moved its adoption, all Ayes:

RESOLUTION TO ACCEPT LETTER OF RESIGNATION AND APPOINT AS PART-TIME ASSESSOR

WHEREAS, Assessor Paul Maniacek has tendered his resignation from the position of full time Assessor effective November 30, 2011, AND
WHEREAS, Mr. Maniacek wishes to return to the Assessor position on a part time basis, NOW,
THEREFORE BE IT
RESOLVED, that the Town Board of the Town of Horicon does hereby accept the resignation of Mr. Paul Maniacek as full time Assessor for the Town of Horicon effective November 29, 2011, BE IT FURTHER
RESOLVED, that the Town Board of the Town of Horicon does hereby appoint Mr. Paul Maniacek as Assessor on a part time basis effective December 1, 2011 subject to the terms of the Agreement as proposed by Mr. Maniacek.

Zoning Board of Appeals seat: James Steen submitted his resignation from the Zoning Board of Appeals, effective October 28, 2011, due to his acceptance of the Assistant Zoning Administrator position. The following Resolution was made:

RESOLUTION NO. 146 OF 2011

Messrs. Dooris and Higgins introduced Res. No. 146 and moved its adoption, all Ayes:

RESOLUTION TO APPOINT NEW ZONING BOARD OF APPEALS MEMBER

WHEREAS, James Steen has submitted his resignation as Zoning Board of Appeals member effective October 28, 2011 due to his acceptance of the Assistant Zoning Administrator position, NOW, THEREFORE BE IT

RESOLVED, that the Town Board of the Town of Horicon does hereby appoint Thad Smith to the seat vacated by James Steen on the Zoning Board of Appeals which term expires on December 31, 2011 , AND, BE IT FURTHER

RESOLVED, that the Town Board does hereby authorize the Clerk to advertise for an Alternate for the Zoning Board of Appeals.

Planning Board Alternate seat: There will be an opening for Planning Board alternate effective January 1st because the current alternate, Matt Simpson, has been voted onto the Town Board. The following Resolution was made:

RESOLUTION NO. 147 OF 2011

Messrs. Olson and Hill introduced Res. No. 147 and moved its adoption, all Ayes:

RESOLUTION TO ADVERTISE FOR PLANNING BOARD MEMBER

WHEREAS, Planning Board Alternate Matt Simpson has been elected to a seat on the Horicon Town Board effective January 1, 2012 which will create an opening for Alternate on the Planning Board, NOW, THEREFORE BE IT

RESOLVED, that the Town Board of the Town of Horicon does hereby authorize the Clerk to advertise for Planning Board Alternate.

Resolutions:

RESOLUTION NO. 148 OF 2011

Messrs. Olson and Hill introduced Res. No. 148 and moved its adoption, all Ayes:

RESOLUTION TO SET PUBLIC HEARING FOR 2012 CONTRACTS

WHEREAS, monies have been appropriated in the 2012 Budget for contracts in the following amounts:

Emergency Service Provider	\$ 49,000.00
Horicon Historical Society	\$ 500.00
Senior Mini-Bus	\$ 4,680.00
North Warren Chamber of Commerce	\$ 6,000.00
Horicon Free Library	\$ 1,000.00
Horicon Senior Citizens	\$ 1,000.00
Chester-Horicon Health Center	\$ 5,000.00
Snowmobile Club	\$ 3,500.00
Brant Lake Foundation	\$ 20,000.00
East Shore Schroon Lake Association	\$ 20,000.00
Horicon Volunteer Fire Company	\$189,000.00

NOW, THEREFORE BE IT RESOLVED, that a Notice of Public Hearing will be published stating that a hearing on the above named contracts will be held on Wednesday, December 14, 2011 at 7:00 PM at the Horicon Community Center.

RESOLUTION NO. 149 OF 2011

Messrs. Olson and Hill introduced Res. No. 149 and moved its adoption, all Ayes:

RESOLUTION TO CHANGE DATE OF THE DECEMBER 2011 TOWN BOARD MEETING

RESOLVED, that the Town Board of the Town of Horicon does hereby wish to change the date of the regularly scheduled December 2011 Town Board meeting. **The regular December meeting of the Town Board of the Town of Horicon will be held on Wednesday, December 14, 2011 at 7:00 PM.**

RESOLUTION NO. 150 OF 2011

Messrs. Dooris and Hill introduced Res. No. 150 and moved its adoption, all Ayes:

RESOLUTION TO AUTHORIZE HIGHWAY DEPARTMENT TO DISPOSE OF DEBRIS WOOD

WHEREAS, the Highway crew periodically cleans up tree length debris wood from the edge of the roadway and must dispose of the wood, NOW, THEREFORE BE IT

RESOLVED, that the Town Board of the Town of Horicon does hereby authorize the Town of Horicon Highway Department to first offer the debris wood to the landowner from which the wood was removed and if, and only if, the landowner does not want the wood then the Highway Department is authorized to dispose of this wood on the nearest property of a person that wishes to receive the debris wood and has given proper authorization to the Highway Superintendent to receive this wood on his or her property.

RESOLUTION NO. 151 OF 2011

Messrs. Olson and Higgins introduced Res. No. 151 and moved its adoption, all Ayes:

RESOLUTION TO AUTHORIZE CONTRACT WITH WARREN COUNTY FOR SNOW & ICE REMOVAL

RESOLVED, that the Town Board of the Town of Horicon does hereby authorize Supervisor Ralph Bentley to sign the contract with Warren County for snow and ice removal according to the 2012 Schedule A Payment Rate. Compensation to the Town of Horicon from Warren County will be in the amount of \$147,357.00

RESOLUTION NO. 152 OF 2011

Messrs. Higgins and Olson introduced Res. No. 152 and moved its adoption, all Ayes:

RESOLUTION TO AUTHORIZE THE TRANSFER OF FUNDS

RESOLVED, that the Horicon Town Board does hereby authorize the bookkeeper to make the following fund transfer:

General:

<u>From:</u>	<u>To:</u>	<u>Amount:</u>
1220.4 (Superv. Contr.)	1110.4 (Justice-Contr.)	\$ 132.09
1990.4 (Contin.)	1620.4 (Bldgs-Contr.)	\$ 5,969.86
1430.1 (Floater-Pers.)	1660.4 (StockRm-Contr.)	\$ 500.00
1430.1 (Floater-Pers.)	5182.4 (StreetLts.)	\$ 1,000.00
7310.1 (Youth-Pers.)	7140.4 (BoatLaunch-Contr.)	\$ 50.26
1355.4 (Assess.-Contr.)	8160.4 (Refuse-Contr.)	\$ 10,000.00

Highway:

<u>From:</u>	<u>To:</u>	<u>Amount:</u>
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5140.1 (Brush-Pers.)	5110.1 (GenRpr-Pers.)	\$ 1,248.77
5140.1 (Brush-Pers.)	5142.1 (Snow Pers.)	\$ 10,951.23
5148.1 (SvcsOtherGov-Per)	5142.1 (Snow Pers.)	\$ 47,000.00

RESOLUTION NO. 153 OF 2011

Messrs. Higgins and Olson introduced Res. No. 153 and moved its adoption, all Ayes:

RESOLUTION TO GRANT PERMISSION TO SLPD COMMISSIONERS TO NEGOTIATE SALE

RESOLVED, that the Town Board of the Town of Horicon does hereby consent to the Schroon Lake Park District Commissioners negotiating the proposed sale of 3.85+/- acres of land declared by them as excess or surplus property, AND BE IT FURTHER RESOLVED, that the proceeds generated by this sale will be disbursed back to each Town to be applied against outstanding Capital Improvement Debt.

Privilege of the Floor:

-Harry Balz advised the Board that there will be a seminar on Erosion Control through Warren County Soil and Water on December 6th and noted that those needing certification should attend.

-Jack Baker addressed the Board regarding whether or not the Highway crew is supposed to go any further with the Town section of Pumpkin Hollow Road which is approximately 400+/- feet. He stated that they have completed 342 feet so far but still have 147 feet to go and asked if they are supposed to finish the section so they can plow or leave it. He told the Board what they have encountered in the first 342 feet and noted they have spent about \$7,500.00 so far, not including the cost of materials, and it still needs to be top dressed; he stated it will only get worse the farther in they go. He asked again if the crew is supposed to finish the remaining 147 feet and maintain it or not. Supervisor Bentley said the Town is obligated to maintain the road to the property line. Councilman Hill pointed out that the Town is not obligated to do all the work this year, nor is there an obligation to go any further than what the Town owns. Jack Baker said it was his understanding that they had to maintain that right-of-way. Counselor Schachner pointed out that the Town does have a legal obligation to maintain the first 400+/- foot section, however, that does not mean it has to be plowed every day or paved, etc. He pointed out there is often a difference between legal obligation and a practical reality. HS Smith pointed out that there are other roads in the Town that are more heavily traveled and those are the roads the Highway Department should be maintaining. Councilman Hill suggested that with it being so late in the year the crew should top dress the 342 foot section that is done so the crew can safely maintain that portion this winter and finish the remaining 147 feet in the spring and that is it. There were no objections.

Adjourn... There being no further business to attend to the meeting was adjourned at 5:40PM by MOTION of Messrs. Hill and Dooris, all in favor.

Respectfully Submitted:

Town Clerk