

MAY 21, 2009 TOWN BOARD MEETING

Present at meeting:	Ralph Bentley	Supervisor
	Frank Hill	Councilman
	Kenneth Higgins	Councilman
	Robert Olson	Councilman
	Joseph Dooris	Councilman
Mark Schachner	Town Counsel	
Paul Smith	Highway Superintendent	
Gary McMeekin	Zoning Administrator	
Arlene Mayer	Town Clerk	

Also: Tom Johansen, Sandy Smith, Harvey & Herta Liedy, Peggy & John Stevens, Krista Wood.

Supervisor Bentley called the meeting to order and welcomed guests.

Approval of Minutes: The minutes of April 9th, 16th and 30th were approved by MOTION of Messrs. Olson & Higgins, all ayes.

Reports: Supervisor, Town Clerk, Zoning, Justice

Approval of Abstracts:

RESOLUTION NO. 66 OF 2009

Councilman Dooris questioned Gary McMeekin regarding mileage to the Community Center for Town Court. The 16 miles were removed from the mileage report.

Messrs. Olson & Dooris then introduced Res. 66 and moved its adoption:

RESOLUTION TO AUTHORIZE MAY ABSTRACTS

RESOLVED, that the Town Board does hereby authorize the payment of the May Abstracts:

Highway Vouchers # 91-120	\$48,849.77
General Vouchers # 118-148	\$17,042.66
Highway Abstracts # 12 & 14	\$16,800.95
General Abstracts 12 & 14	\$22,799.41

Hill-aye, Higgins-aye, Olson-aye, Dooris-aye, Bentley-aye

Communications:

Thad Smith	RE: Applying for ZBA Alternate Position
NYS Real Property	RE: Tentative Equalization Rate (100%)
W. C. Attorney	RE: Increase in Fee for Fuel System

Old Business:

Brownell Septic System Complaint- There was a new complaint made regarding the possible failed septic system that was tested last year. The following Resolution was introduced:

RESOLUTION NO. 67 OF 2009

Messrs. Bentley & Olson introduced Res. 67 and moved its adoption:

RESOLUTION TO RE-TEST BROWNELL SEPTIC SYSTEM

RESOLVED, that the Town Board does hereby authorize that tests be made on the Brownell septic system to determine if it is a failed system and is causing contamination and a health hazard.

Hill-aye, Higgins-aye, Olson-aye, Dooris-aye, Bentley-aye

Land Use Plan-The new wording inserted into the Land Use Plan by Dr. Lamb was reviewed and approved. The Town Board has now edited the Comprehensive Master Plan; Dr. Lamb will forward a completed text to the Town as soon as possible. The Master Plan Committee would like to see advance copies of the "Plan" as soon as possible.

Councilman Dooris commented on the suggested new Law for regulating storage of garbage and refuse. Councilman Dooris added that Local Law No. 2 of 1991, which was just brought to his attention, seems to cover all we need to have at this time.

Pavilion Building Permit- Supervisor Bentley took the plans to the County and found out he needed to get the plans stamped before he could submit. This will be taken care of and the plans re-submitted.

Sound System for Community Center- Councilman Olson had gotten two quotes for the sound system and the Board will go with the least expensive. There is good feedback regarding systems put in by Adirondack Audio.

RESOLUTION NO. 68 OF 2009

Messrs. Olson & Higgins introduced Res. 68 and moved its adoption:

RESOLUTION TO PURCHASE SOUND SYSTEM FOR COMMUNITY CENTER FROM ADIRONDACK AUDIO & VIDEO, LLC OF QUEENSBURY, NY

RESOLVED, that after seeking price quotes for a sound system for the meeting room at the Community Center the Town Board does hereby authorize the purchase of a sound system from Adirondack Audio & Video, LLC of Queensbury, NY for a price of \$2,076.00.

Hill-aye, Higgins-aye, Olson-aye, Dooris-aye, Bentley-aye

NEW BUSINESS:

Storm washout on Pease Hill- HS Smith publicly commended his crew for going "above and beyond" duty to tend to all the problems caused by the heavy downpours Saturday. One of the biggest problems is the culvert system by Patrick Farrell's house at the bottom of Pease Hill. Superintendent Smith said the crew worked on them at least 5 hours and there is no way to clear them. HS Smith added, "they (culverts) should never have been put in that way". "The only way to clean them is to take them out and stand them up". Mr. Harvey Leidy said that taxpayers money is being spent on trying to fix this "think about what this is costing us". HS Smith said rip-wrap and stone has been put down. The next question is, what can be done from this point? If the culverts have to be taken out does the Town have to re-sod and re-seed? HS Smith would like to know if the Town gave authorization for this project and what direction

the Town Board would like him to take. Councilman Olson said "the Town needs to send a letter to Mr. Farrell explaining what we plan to do and asking him if he has any suggestions as to what to do". HS Smith said that ¾ of our stored materials for paving was used for this washout and new culverts will be needed to repair this properly. Supervisor Bentley said perhaps W.C. Soil & Water could come up and look over the problem, he will contact them tomorrow. Councilman Olson said this will be an expensive job and we will have to relocate funds to do the job necessary. He asked if this could be reimbursable by CHIPS? Supervisor Bentley said "yes". Councilman Higgins said Mr. Farrell could have the culverts cleaned out at his own expense, as they do not conform to the Town's culvert system. Councilman Dooris made a MOTION that the clerk send a letter to Mr. Farrell informing him that the Town will remove the culverts for cleaning unless he takes care of the problem and giving him a time limit to do so, Councilman Olson seconded, all ayes. It is also important to convey to Mr. Farrell that the Town is not responsible for re-building his stonewalls around the culverts, as we have no record of any Town Board authorization for this project.

Authority To Issue Appearance Tickets: Counselor Schachner reported to the Board that all that is needed to empower the Zoning Administrator is the addition of one sentence to Section 17.10 of our Zoning Ordinance. The appearance ticket would be served in person. Mr. Leidy said "it makes sense for the Zoning Administrator to issue the appearance ticket in person, this would show kinship, promote dialogue, and the last chance for a remedial effort.

RESOLUTION NO. 69 OF 2009

Messrs. Higgins & Hill introduced Res. 69 and moved its adoption

RESOLUTION TO DRAFT PROPOSED AMENDMENT TO THE HORICON ZONING ORDINANCE, REFER TO APA FOR THEIR REVIEW AND SCHEDULE A PUBLIC HEARING

RESOLVED, that the Town Board does hereby propose the addition of a new amendment to the Horicon Zoning & Project Ordinance. The proposed amendment is regarding Section 17- Administration, specifically 17.10 Zoning Administrator: The addition of the following sentence: "**The Zoning Administrator is hereby empowered and authorized to issue appearance tickets returnable in the Town Justice Court of the Town of Horicon**", BE IT FURTHER

RESOLVED, that said proposed amendment be forwarded to the Adirondack Park Agency for their review, AND BE IT FURTHER

RESOLVED, that a public hearing be held on June 18th at 7:00 PM at the Horicon Community Center so that all interested persons may be heard.

Hill-aye, Higgins-aye, Olson-aye, Dooris-NO, Bentley-aye

Postage Meter- Councilman Dooris reported on leasing a postage machine for annual rate of \$780.00. Discussion followed regarding the fact that you cannot purchase a machine , only lease and this did not seem cost-effective. Councilman Dooris will check into it further.

Landfill- Councilman Olson reported that he spoke to Landfill Supervisor Bob Hayes regarding some concerns Mr. Hayes has. First concern is the compactor at the landfill, it is over 30 years old and they no longer make parts for it. Mr. Hayes suggests the Town start putting aside money for the eventual replacement. Also, Waste Management mistakenly left a container by the metal pile and now it is full of an assortment of metal, mattresses and "stuff". Councilman Olson said that under no circumstances should Bob Hayes climb into the container to check what is in there. Councilman Olson said he would work on finding a solution to the situation.

Resolutions:

RESOLUTION NO. 70 OF 2009

Messrs. Hill & Higgins introduced Res. 70 and moved its adoption:

RESOLUTION TO AUTHORIZE BUDGET AMENDMENT

RESOLVED, that the Town Board does hereby authorize the bookkeeper to make the following budget amendment in the highway fund:

Increase	D599 (Appropriated Fund Balance)	\$14,703.27
Increase	D960 (Appropriations)	\$14,703.27
Increase	Subsidiary Codes:	
	D5130.4	\$14,703.27

This amount represents \$1,371.20 from the Town of Chester for repairs to the compressor and \$13,332.07 from Allstate Insurance for highway truck accident reimbursement.

Hill-aye, Higgins-aye, Olson-aye, Dooris-aye, Bentley-aye

RESOLUTION NO. 71 OF 2009

Messrs. Dooris & Higgins introduced Res. 71 and moved its adoption:

**RESOLUTION TO AUTHORIZE SUPERVISOR TO SIGN
AMENDMENT AGREEMENT FOR USE OF COUNTY MOTOR
FUEL SYSTEM-INCREASE IN PER GALLON MAINTENANCE FEE**

RESOLVED, that the Town Board of the Town of Horicon does hereby authorize Supervisor Ralph Bentley to sign the "AMENDMENT AGREEMENT FOR USE OF COUNTY MOTOR FUEL SYSTEM-INCREASE IN PER GALLON MAINTENANCE FEE" between the Town of Horicon and Warren County.

Hill-aye, Higgins-aye, Olson-aye, Dooris-aye, Bentley-aye

RESOLUTION NO. 72 OF 2009

Messrs. Dooris & Hill introduced Res. 72 and moved its adoption:

RESOLUTION IN SUPPORT OF THE WARREN COUNTY FISH HATCHERY

WHEREAS, the Warren County Fish Hatchery, operated by Warren County and established by the State of New York in 1914 has become a great family and group attraction bringing revenue and education throughout our Communities, AND

WHEREAS, the Fish Hatchery not only stocks our waterways, but also protects our local waters from the growth of negative organism and pollution throughout Warren County, AND

WHEREAS, the Fish Hatchery has annually stocked the Mill Pond in Brant Lake for the Fishing Derby which helps introduce a new generation to the lifetime pleasures of fishing, and without the help and guidance of the hatchery this Derby would not be possible, AND

WHEREAS, thousands of people visit the Fish Hatchery annually using the facility for sports activities, company gatherings, organizational and family events and to enjoy the great environment the grounds provide to all. The loss of this educational opportunity to teach school children and adults alike about the operation of the hatcheries, significance of stocking the various waterways and benefits to all of nature would impact the entire area, AND

WHEREAS, the Town of Horicon's Town Board and the people of Horicon are aware of Warren County's need to find ways to meet the budget gap and applauds their efforts to seek solutions, but feel the Warren County Fish Hatchery is too important to the future to end the funding, NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Horicon, on behalf of the people of this Community urges the Warren County Board of Supervisors to continue to fund the operations of the Fish Hatchery so that it may continue to be a bright spot in our County, BE IT FURTHER

RESOLVED, that copies of this Resolution be sent to the Warren County Board of Supervisors, Senator Elizabeth Little and Assembly Member Teresa Sayward.

Ayes: 5 Nays: 0

RESOLUTION NO. 73 OF 2009

Messrs. Higgins & Hill introduced Res. 73 and moved its adoption:

**RESOLUTION TO AMEND RESOLUTION 1 OF 2009
(DESIGNATING COMMITTEES)**

WHEREAS, Supervisor Ralph Bentley appointed Committees in Resolution No. 1 of 2009, AND

WHEREAS, due to certain incidents that have caused major disruptions, making the Committee System counterproductive to its purpose, AND

WHEREAS, Supervisor Bentley, acting in the best interest of the Town of Horicon, wishes to amend Resolution 1 of 2009 making changes to two Committees, NOW, THEREFORE BE IT

RESOLVED, that the following changes will become effective immediately for the two Committees hereby named:

HIGHWAY, TRAFFIC SAFETY, STREET LIGHTS,

LAKE AFFAIRS & DAM

HILL and Dooris (replacing Higgins)

PLANNING, COMMUNITY DEVELOPMENT,
ZONING, REAL PROPERTY ASSESSMENT,
DATA PROCESSING

HIGGINS and Hill (replacing Dooris)

No other Committee assignments are affected.

Hill-aye, Higgins-aye, Olson-NO, Dooris-NO, Bentley-aye
Privilege of Floor

Councilman Dooris reported on possibility of holding a one-day ice-fishing contest on Brant Lake with the Chestertown Conservation Club. Tom Johansen said the Chamber of Commerce might be interested in helping.

Celebration Committee- Councilman Dooris reported on the last meeting. They are working with Colleen Murtagh, Town Historian, to tie historic events into the celebration. They will meet again in June. So far they are discussing fireworks, games sponsored by Fire Company, having local musicians and variety food, making this an afternoon and evening event.

Pavilion- Councilman Olson reported that Stephenson Lumber came in at \$4,648.00 the lowest price for supplies needed for building. There may be some changes because of needing to have plans stamped.

Update Web-site- Mr. Leidy spoke of the need to purchase a Dream-Weaver program to be able to up-date our web page without paying an outside person.

RESOLUTION NO. 74 OF 2009

Messrs. Dooris & Higgins introduced Resolution 74 and moved its adoption:

RESOLUTION TO PURCHASE DREAM-WEAVER PROGRAM

RESOLVED, that the Town Board does hereby approve the purchase of a \$200.00 Dream-Weaver Program to be used to update the Town of Horicon's Website. Funds will be taken from Tourism Code.

Hill-aye, Higgins-aye, Olson-aye, Dooris-aye, Bentley-aye

Mandatory Training for Planning & Zoning Members- Councilman Dooris brought up the lack of training for Planning Board alternate Dennis Doyle. ZA McMeekin asked the Board to give Dennis an opportunity to take training ASAP now that he is back in Brant Lake. Mr. Leidy said Mr. Doyle is a dedicated member of the Planning Board. The following Resolution was introduced:

RESOLUTION NO. 75 OF 2009

Messrs. Dooris & Olson introduced Res. 75 and moved its adoption:

RESOLUTION TO REMOVE DENNIS DOYLE FROM PLANNING BOARD

RESOLVED, that the Town Board does hereby remove Dennis Doyle from serving as the Planning Board alternate due to his lack of required training.

Hill-NO, Higgins-NO, Olson-NO, Dooris-aye, Bentley-NO

The Resolution was defeated and a heated discussion followed. Councilman Dooris said Mr. Doyle had no NYS mandated training in 2008 and has none so far this year. ZA McMeekin asked that Mr. Doyle be given a chance as he is searching for a class. Councilman Higgins said, "this is just head hunting and the energy used could be spent on other things". Councilman Higgins added, "One person does not run this Town, the Board runs this Town, I will have a firm commitment from Mr. Doyle to take the required training or he will be gone".

There being no further comments, Councilman Higgins made a MOTION at 8:30 PM to move into Executive Session to discuss Personnel, seconded by Councilman Hill, all ayes.

Highway Superintendent Smith asked the Board to include him in Executive Session to discuss Highway Personnel.

The Board returned to regular session at 9:10 PM by MOTION of Messrs. Olson & Higgins, all ayes. Supervisor Bentley reported that Personnel had been discussed. The following Resolution was then introduced:

RESOLUTION NO. 76 OF 2009

Messrs. Higgins & Olson introduced Res. 76 and moved its adoption:

**RESOLUTION TO AUTHORIZE MILLER, MANNIX, SCHACHNER
& HAFNER, LLC TO REPRESENT THE TOWN OF HORICON**

RESOLVED, that the Town Board of the Town of Horicon does hereby authorize the firm of Miller, Mannix, Schachner & Hafner, LLC to represent the Town of Horicon in any litigation. This Resolution provides "blanket authority" to act on Horicon's behalf.

Hill-aye, Higgins-aye, Olson-aye, Dooris-aye, Bentley-aye

Councilman Dooris then brought a Resolution to the floor to amend Resolution No. 73 regarding the changes in Committees. Councilman Dooris introduced a Resolution to remove his name from all Committees. There was no second; Councilman Dooris withdrew the Resolution.

This being all the business to attend to, the meeting was adjourned at 9:14 PM by MOTION of Messrs. Dooris & Higgins, all ayes.

Respectfully submitted: Arlene Mayer, Town Clerk