

JANUARY 21, 2010

TOWN BOARD MEETING

7:00PM

Present at meeting	Ralph Bentley	Supervisor
	Frank Hill	Councilman
	Kenneth Higgins	Councilman
	Robert Olson	Councilman
	Joseph Dooris	Councilman
Krista Wood	Town Clerk	
Paul Smith	Highway Superintendent	

Also: Mr. And Mrs. Trumble, Roscoe Chase, Gary Frenz, Harry Balz, Matt Simpson, Harvey and Herta Leidy, Tom Johansen, Kevin White, Abraham Gadjjo.

Supervisor Bentley opened the Meeting and welcomed guests.

Approval of Minutes: The following minutes were approved by MOTION of Messrs. Higgins and Hill, all ayes:

December 17th, 2009
December 30th, 2009
January 4th, 2010

Approval of January Abstracts: Councilman Dooris requested that Voucher #1 for the Adirondack Little League be held until he has a chance to meet with them to clarify a few issues regarding some questions that have been raised. The voucher has been pulled and will be held until next month's meeting.

RESOLUTION NO. 23 OF 2010

Messrs. Dooris and Higgins introduced Res. 23 and moved its adoption:

RESOLUTION TO AUTHORIZE PAYMENT OF ABSTRACTS

RESOLVED, that the Town Board does hereby authorize the payment of the January Vouchers and Abstracts, minus General Voucher #1 (Adirondack Little League) as follows:

General Vouchers	#2-36	\$30,812.32
Highway Vouchers	#1-16	\$39,413.48
General Abstracts	#1	\$ 8,551.15
Highway Abstracts	#1	\$ 3,085.47

Dooris-Aye, Higgins-Aye, Olson-Aye, Hill-Aye, Bentley-Aye

Communications:

Assoc. of Towns	RE: Information for Annual Meeting
TD Bank	RE: Master Signers Certificate
Newell & Klingebiel	RE: Attorney Response to Proposed 2010 NWEMS Contract
Abraham Gadjjo	RE: Request to close Pumpkin Hollow Rd. to the public
Richard Dwyer	RE: Request for copy of complaint letter from Leidy/BRPRHA
Carol Velesko	RE: Interest in purchasing property at 21 Church St. in Adirondack
Horicon Free Library	RE: Slate of Officers
David Buckley	RE: Status/date of such for road off of Shaw Hill Rd/owner options
APA	RE: Local Government Day Conference
Harvey Leidy/BLPRHA	RE: Request for TB's recommendation on possible rat infestation
NYS Dept of Environ Con	RE: Notice of Brant Lake Upper Dam owner requirements
Indep. Tower Holdings	RE: Notification of proposed tower on E Schroon River Rd.

Action on Communications:

David Buckley letter: Councilman Hill is going to research this further to determine where the road actually comes out on Shaw Hill Rd. The Board believes this section to be a Qualified Abandoned Road. Mr. Hill will report back at the next meeting.

Abraham Gadjjo letter: Mr. Gadjjo explained that he is looking for the section of Pumpkin Hollow Rd. between his property and his brother's (Blake Gadjjo) property be turned over to them and the road closed to public use. This request stems from the fact that Mr. Gadjjo spends his own time and money to maintain the northern portion of Pumpkin Hollow Rd. by which he accesses his property only to have it torn up by people exploring the road, four-wheeler use on the road, and people trespassing on his property thinking they are on Pumpkin Hollow Rd. The Board discussed the decision they made in 2005 not to re-open this road due to the extensive cost of bringing the road back up to spec. Attorney Schachner clarified that the designation of Qualified Abandoned does not extinguish public utilization so

that alone cannot prevent the public from using the road. However, if the Board fully abandons Pumpkin Hollow Rd. that would extinguish all public use and the property then goes to the landowners. After some discussion of options, Councilman Olson suggested that they refer this to Highway Superintendent Smith for his review and recommendations. In addition, Councilman Dooris asked that the tax maps be pulled for review to identify all affected property owners. Attorney Schachner noted that a decision could not be made without the Highway Superintendent's approval, a Public Hearing, and a Resolution from the Board. The Board will wait to hear the results and recommendations of HS Smith.

Dwyer and Leidy letters: The topic of the potential rat infestation was discussed. Mr. Leidy referenced Health Officer Scidmore's determination that there is no evidence of a rat infestation but if there are rats on the property it will take a concerted effort between all of the landowners to conquer the issue. The Board agrees with HO Scidmore's determination.

NYSDEC – Brant Lake Upper Dam letter – The requirements of ownership related to the Brant Lake Upper Dam were discussed, specifically the need to retain a Professional Engineer to prepare the Annual Certification for DEC by 1/31/2010, as well as the Emergency Action Plan which is due by 8/31/2010. Supervisor Bentley stated that C.T. Male would be able to prepare the Annual Certification. He noted that the cost could run up to \$20,000 for the required Certification and Emergency Action Plan. Mr. Olson suggested inquiring with other Engineers to find the most cost effective approach for the Emergency Action Plan. In the meantime, the Board agreed to hire C.T. Male to prepare the Annual Certification due to the time constraints.

RESOLUTION NO. 24 OF 2010

Messrs. Dooris and Olson introduced Resolution No. 24 and moved for its adoption:

RESOLUTION TO AUTHORIZE ENGINEER TO PREPARE ANNUAL CERTIFICATION AND SITE PLAN FOR BRANT LAKE UPPER DAM

RESOLVED, that the Horicon Town Board does hereby authorize Supervisor Ralph Bentley to engage the services of C.T. Male to prepare the Annual Certification required by NYS Department of Environmental Conservation to be completed by January 31, 2010.

Dooris-Aye, Olson-Aye, Higgins-Aye, Hill-Aye, Bentley-Aye

Resolutions

RESOLUTION NO. 25 OF 2010

Messrs. Olson and Hill introduced Res. No. 27 and moved its adoption:

RESOLUTION APPOINTING DELEGATES TO CAST VOTE FOR THE TOWN OF HORICON AT ASSOCIATION OF TOWNS MEETING

RESOLVED, that the Town Board does hereby appoint the following Town Official to cast the vote for the Town of Horicon at the Annual Business Session of the Association of Towns Meeting in New York City on February 17th, 2010: Paul Maniacek,
BE IT FURTHER

RESOLVED, that in the absence of the person so designated, the following named person has been designated to cast the vote of the Town of Horicon: Gary McMeekin

Olson-Aye, Hill-Aye, Higgins-Aye, Dooris-Aye, Bentley-Aye

RESOLUTION NO. 26 OF 2010

Messrs. Dooris and Higgins introduced Res. No. 28 and moved its adoption:

RESOLUTION TO AUTHORIZE EXECUTION OF "MUNICIPAL/GOVERNMENTAL UNIT CORPORATION AUTHORIZATION RESOLUTION" FOR TD BANK

RESOLVED, that the Town Board does hereby authorize Supervisor Ralph Bentley and Deputy Supervisor Frank Hill to execute the "Municipal Master Signers Certificate" for the Town of Horicon. This certificate is effective for one year and is on file with TD Bank.

Dooris-Aye, Higgins-Aye, Hill-Aye, Olson-Aye, Bentley-Aye

RESOLUTION NO. 27 OF 2010

Messrs. Olson and Hill introduced Res. No. 29 and moved its adoption:

RESOLUTION APPOINTING LIBRARY TRUSTEES

RESOLVED, that the Town Board does hereby appoint Joan Johnson to serve on the Board of Trustees of the Horicon Free Public Library for a term of five years. Term to expire on December 31, 2014.

Olson-Aye, Hill-Aye, Higgins-Aye, Dooris-Aye, Bentley-Aye

RESOLUTION NO. 28 OF 2010

Messrs. Higgins and Dooris introduced Res. No. 30 and moved its adoption:

RESOLUTION TO AUTHORIZE THE TRANSFER OF FUNDS

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

<u>From:</u>	<u>To:</u>	<u>Amount:</u>
<i>General:</i>		
1990.4 (Contingent)	9055.8 (Disability)	\$ 1,283.90
<i>Higgins-Aye, Dooris-Aye, Hill-Aye, Olson-Aye, Bentley-Aye</i>		

Supervisor Bentley noted that he had received the Contract between Warren County on behalf of Warren-Hamilton Counties' Office for the Aging and the Town of Horicon which needs to be signed. The Contract provides for the transportation of the Senior Citizens.

RESOLUTION NO. 29 OF 2010

Messrs. Dooris and Higgins introduced Res. No. 25 and moved its adoption:

RESOLUTION AUTHORIZING SUPERVISOR BENTLEY TO SIGN AGREEMENT WITH WARREN-HAMILTON COUNTIES' OFFICE FOR THE AGING

RESOLVED, that the Town Board does hereby authorize Supervisor Bentley to sign the Contract between The County of Warren, acting for and on behalf of the, Warren-Hamilton Counties' Office for the Aging and the Town of Horicon. The Agreement is valid for a period of one year, January 1, 2010 through December 31, 2010, and provides for the transportation of the Senior Citizens for \$1,280.00.

Dooris-Aye, Higgins-Aye, Hill-Aye, Olson-Aye, Bentley-Aye

Old Business:

North Warren Emergency Squad Proposed 2010 Contract: Mr. Kevin White spoke on behalf of the North Warren Emergency Squad and noted that he and Mr. Dooris had met to discuss some of the issues that have come up in recent months. Mr. White then went through the letter from the Squad's attorney to the Town and covered each item in detail. Thus explaining the basis for the Squad's requested amendments to the Proposed 2010 Contract which included the following:

- The time frame for notification to be served on the Supervisor of any changes be changed from 24 hours to two business days, as the 24 hour requirement is not practical.
- The Squad has their accreditation with all agencies they are aware of, if the Town is aware of any others please notify the squad.
- Waive the punitive 10% penalty due to the cumbersome nature.
- Instead of a 30-day filing period for reports they be allowed to provide all requested reports, including run reports, on a quarterly basis.
- The payment of fuel be within 30 days instead of 10 days.
- Noted that the changes to the Board of Directors have been made and asked that the section of the contract addressing that be stricken.

Mr. White further stated that the Squad wants to be able to work with the Town Board and understands that the Board wants to be able to work with the Squad and have transparency. Councilman Dooris explained that he had met with Mr. White to discuss many of the prior issues and had done so completely as an independent Board Member and not in any way representative of the entire Town Board. He noted that he felt the changes being requested were reasonable. Councilman Olson agreed that he felt the requested changes were reasonable and that it seemed the Squad was eager to work with the Town Board and appreciated what seemed to be a real spirit of cooperation. Councilman Higgins and Hill also agreed with these comments. Mr. White noted that the changes to the Board have been made and they eventually would like to make further changes to include non-squad member sitting on the Board of Directors. Councilman Dooris suggested the Town Board create a Committee that would meet on a regular basis with the Squad Board of Directors to review reports and address any concerns that may come up. Mr. White was agreeable to this and also invited the Town Board Members to attend the NWEMS Board Meetings at any time. Mr. Bentley outlined the changes that would be made to the contract as agreed upon by the Town Board:

- Remove the punitive 10%
- Notification of changes may be served on the Supervisor within two business days of learning of the change by regular mail

- Payment for 'Fuel' may be made within 30 days
- All requested reports may be provided on a quarterly basis
- Strike section regarding the change of Board Members

Mr. Dooris asked if the Contract would have to go to Public Hearing again. Attorney Schachner stated that it would only need to go to a Public Hearing if the Town Board deemed the changes to the contract to be of a significant or material nature. However, if the changes were not deemed to be significant or material then a Board Resolution would suffice.

RESOLUTION NO. 30 OF 2010

Messrs. Olson and Dooris introduced Res. 26 and moved its adoption:

RESOLUTION AUTHORIZING SUPERVISOR RALPH BENTLEY TO SIGN THE AMENDED 2010 NORTH WARREN EMERGENCY SQUAD CONTRACT

RESOLVED, that the Horicon Town Board does hereby deem the changes made to the 2010 North Warren Emergency Squad Contract not to be of a significant or material nature, BE IT FURTHER

RESOLVED, that the Horicon Town Board does therefore authorize Supervisor Bentley to sign the 2010 North Warren Emergency Squad contract as amended.

Olson-Aye, Dooris-Aye, Higgins-Aye, Hill-Aye, Bentley-Aye

New Business:

Mr. Dooris asked if the Certificate of Occupancy had been obtained for the new Pavilion and Mr. Olson stated that it had not. There are a few things to complete and then the Town can get the C.O. It had previously been discussed that the new Pavilion would be dedicated to Bill Bennett and Mr. Dooris wants the dedication done as soon as possible with or without the C.O.

Councilman Hill reminded the Board that the memorial plaque for Jeremiah Monroe needed to be ready for Memorial Day. Mr. Hill will work on getting that ready.

Councilman Olson discussed his findings regarding the regulations and/or requirements of installing a 275 gallon fuel tank at the Landfill for the purpose of re-fueling the loader. Mr. Olson stated that he has made inquiries to several agencies and businesses regarding the requirements for installing a tank of this size. Mr. Olson quoted the Fire Code of New York State 2007, Section 3404.2.10, page 276:

"For tanks having a capacity of less than 10,000 gallons, drainage and diking requirements may be waived based on an approved technical report which demonstrates that such tank or group of tanks does not constitute a hazard to other tanks, waterways, or adjoining property."

Mr. Olson will determine the distance particulars in regards to adjoining property owners, etc. and report back to the Board.

Mr. Bentley noted that the Board should consider advertising for a Deputy Zoning Officer. Mr. Dooris said he felt it was not necessary to have a Deputy Zoning Officer and did not feel it was necessary to discuss the matter. The other Board members felt it was necessary to advertise the position. Messrs. Higgins, Hill, Olson, and Bentley agreed to advertise for the position, Mr. Dooris opposed. The Board authorized the Town Clerk to advertise the position. Ad placement is pending the Board's discussion of the salary for the Deputy Zoning Officer position.

Mr. Dooris had questions regarding the Zoning Officer's report for the month of December. Mr. Dooris said he felt with better planning Mr. McMeekin would not need to make so many trips. Mr. Dooris said it was his feeling that the mileage turned in by Mr. McMeekin was excessive due to the minor amount of activity this time of year. Mr. Hill responded that he had made two specific requests for Mr. McMeekin to visit a site due to questions about permits. Mr. Bentley also noted that it is necessary to re-visit a site based on a contractor's request because something was missed. Both Mr. Hill and Mr. Olson agreed that Mr. McMeekin could be more efficient with his trips. Mr. Hill stated that he would address the issue with Mr. McMeekin and report back to the Board.

Highway Superintendent Smith reported that there had been damage done to the Watering Tub sometime in the last day or two. His crew had made repairs so that it was in working order again.

Mr. Poul Carstensen asked that the Town be more diligent in updating the meeting minutes of all meetings on the Town's website. He felt it would be beneficial for people – summer residents - for example to stay apprised of what is happening in the Town even if they were not present for the meetings.

Mr. Harvey Leidy commented on the Board's decision to postpone the Public Hearing on the Comprehensive Plan until the summer residents were back in town. In an effort to keep the momentum going with the Plan, he felt it would be important to prioritize the things that could be done to move forward with the implementation of the Comprehensive Plan that do not require TB or Zoning approval.

Mr. Tom Johansen, representing the North Warren Chamber of Commerce, asked if an official name had been given for 'Horicon Day' yet. Councilman Dooris stated that nothing official had been decided but the Committee was meeting soon and that is one of the decisions that they would make. It was decided that until the Committee decides on a name, the date will be referred to as "Horicon Day" in any advertising to be done in the immediate future by the Chamber.

Harry Balz noted that two organizations would be making donations of \$150 each. These organizations being East Shore Schroon Lake Association and Adirondack Lodges. The thought is that the donation monies could be used for benches and lighting or other enhancements to the Veteran's Memorial Park in Adirondack.

Councilman Higgins suggested proceeding with the appointments for the Committee that will meet with the North Warren Emergency Squad Board.

RESOLUTION NO. 31 OF 2010

Messrs. Higgins and Olson introduced Res. No. 31 and moved its adoption:

**RESOLUTION TO APPOINT COMMITTEE FOR
NORTH WARREN EMERGENCY SQUAD**

RESOLVED, that the Horicon Town Board does hereby appoint Joseph Dooris and Harry Balz to the North Warren Emergency Squad Committee. This Committee will meet regularly with the North Warren Emergency Squad to review information and resolve any issues that may arise.
Higgins-Aye, Olson-Aye, Hill-Aye, Dooris-Aye, Bentley-Aye

There being no further business to attend to the meeting was adjourned at 8:40 PM by MOTION of Messrs. Dooris and Olson, all ayes.

Respectfully Submitted:

Town Clerk