

PUBLIC HEARING: Proposed revision to the Town of Horicon Noise Ordinance.

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

Also: Attorney Mark Schachner, HS Paul Smith, Joe and Linda Koch, Gary and Gail Frenz, Pam and Shorty Granger, Tom Johansen, Christine Smith-Hayes, Bill McGhie, Gary McMeekin, Harvey Leidy, Val Brendel, Jim Himoff, Brandon Himoff, and others.

Supervisor Bentley opened the Public Hearing at 7:00 PM for comments on the proposed Noise Ordinance for the Town of Horicon.

Jim and Brandon Himoff spoke of their concerns over the proposed ordinance stating it would make it impossible for them to operate Point O' Pines and Suzie Q's. Many of the proposed restrictions, for example, on lawnmowers, PA systems, sporting events, and decibel levels, to mention a few, would negatively impact their businesses and put them in direct violation of this proposed ordinance. They suggested the Board re-visit the decibel level limits and the restrictions to come up with a more practical ordinance that does not hinder local businesses.

Councilman Olson and Dooris both stated that they feel the proposed Ordinance is too drastic. Councilman Higgins said he felt that some of the items were excessive and added, in response to Jim and Brandon Himoff's comments, that perhaps the camps would need to be included in those groups who were allowed exclusions for certain activities.

Joe Koch expressed the concerns voiced by those that live along Schroon Lake and their desire to see an enforceable noise ordinance on the lake to limit the boat noise.

Harvey Leidy asked Attorney Schachner his feeling on the Ordinance. Attorney Schachner stated that he does not endorse any Ordinance he simply aids in the preparation of the Ordinance. He was asked to prepare an inclusive, thorough, enforceable, comprehensive Noise Ordinance which he did. He further noted that many municipalities have short and subjective Noise Ordinances and they are totally unenforceable. He stressed that the proposed Ordinance is strictly a draft version. Attorney Schachner pointed out that it is very difficult to adopt an ordinance that is both workable and enforceable.

Jim Himoff noted that the issue of boat noise on the lake as opposed to general noise related to people mowing their lawns or noise related to the operation of a business are really separate issues and it may be wise to treat them as such.

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Councilman Olson said the Ordinance should go "back to the drawing board"; further noting that the Board should get some input from the community and address the concerns presented tonight so that there is no damage to viable businesses in the town.

Based on the comments, Supervisor Bentley stated that revisions will be made to the Proposed Ordinance and it will be reviewed again next month. Supervisor Bentley declared that the Board will re-convene the Public Hearing until Thursday, September 16, 2010 at 7:00 PM for further discussion.

REGULAR MEETING:

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

Also: Attorney Mark Schachner, HS Paul Smith, Gary Frenz, Tom Johansen, Christine Smith-Hayes, Bill McGhie, Gary McMeekin, Harvey Leidy, Joe Koch, Jim Himoff, Brandon Himoff, Harry Balz, and others.

Supervisor Bentley called the meeting to order at 7:45 PM

Correspondence to the Board:

Fred Monroe	RE: Thank you letter for the contribution to the Adk Park Local Govt Review Bd.
Troy Scripture	RE: Letter of Resignation from the position of Assistant Zoning Administrator
Paul Maniacek	RE: Update on the Standards for Assessment Admin and the 2012 Assessments
APA	RE: Notification of agency approval to add Horicon Birches to the list of Pre-Existing Subdivisions
Dennis Doyle	RE: Letter of Resignation from the Planning Board

Approval of Minutes: Minutes of July 15th were approved by Motion of Messrs. Dooris and Olson, all Ayes.

Approval of August Abstracts:

RESOLUTION NO. 96 OF 2010

Messrs. Dooris and Hill introduced Res. No. 96 and moved its adoption, all Ayes.

RESOLUTION TO AUTHORIZE PAYMENT OF ABSTRACTS

RESOLVED, that the Town Board of the Town of Horicon does hereby authorize the Bookkeeper to pay the following August Vouchers and Abstracts:

General Vouchers	# 196 - 225	\$ 29,251.71
Highway Vouchers	# 136 - 151	\$ 34,585.90

PUBLIC HEARING 7:00 PM FOLLOWED BY REGULAR MEETING OF THE BOARD

General Abstracts	21 & 22	\$ 21,567.40
Highway Abstracts	21 & 22	\$ 10,663.63

Old Business:

Boat Patrol on Schroon Lake: Councilman Hill reported to the Board on what he found out about hiring a Constable for Schroon Lake. He said there may be some money in the State Parks and Recreation fund but the rest would need to come from the Towns of Horicon, Chester, and Schroon. The Towns would need to go through Legislature to hire a retired Deputy in lieu of hiring a retired Deputy. So, Councilman Hill suggested the Towns split the cost and have the Sheriff's Department patrol the lake on Fridays, Saturdays, and Sundays for eight hours a day. Officer Rob Smith is working up the cost and will get back to Councilman Hill. Councilman Hill will report further on this at the next meeting. Bill McGhie suggested the Town apply for grant money that is available through the Schroon Lake Watershed Plan.

Horicon Day: Councilman Dooris commented on how successful Horicon Day was and the Board stated that they feel this should be made an annual event. Jim Himoff commended the Town for this wonderful celebration.

Plaque for Bill Bennett: Councilman Hill has the plaque in memory of Bill Bennett and suggested it be placed on the Community Center. Councilman Olson thought it was to be placed on the Pavilion. It was decided that Councilman Olson and Councilman Hill get together at a later date and figure out placement of the plaque.

North Warren EMS: Councilman Dooris said he feels the Board should begin to start looking for alternative providers of Emergency Medical Services for the coming year. He stated his basis for this being the ongoing issues that exist with the NWEMS. Councilman Olson said he has been provided with information that leads him to believe the Squad is currently in violation of the contract. With the Board's permission Councilman Olson asked that Attorney Schachner review the contract and determine if the Squad is in violation of certain terms of the contract. He further suggested that an alternative for services may be for Horicon to start their own Emergency Squad. A lengthy discussion ensued regarding prior issues, existing issues, as well as what information was being provided to the Board concerning the Squad. In response to this discussion, Harry Balz stated that he has done everything the Board has asked of him in terms of getting information from the Squad. He feels, however, that each time it is discussed there is some new problem and if this is how it is to continue he will no longer be involved. Harry resigned his appointment of representative to the NW Emergency Squad.

New Business:

Lily Pond Rd. – Supervisor Bentley said that a number of people have approached him about fixing up Lily Pond Rd so that it can be used. Supervisor Bentley said NYS DEC will open the road if the Town performs the necessary repairs and maintenance on the road. Supervisor Bentley noted that the Town could use the waste gravel from Barton Mines which is free and will work better. HS Smith noted that work on the road would take approximately a week or so. Supervisor Bentley noted that the cost would be minimal especially if they use the material from Barton's. The Board members agreed it would be a good idea to move forward with the repairs.

Resolutions:

RESOLUTION NO. 97 OF 2010

Messrs. Higgins and Hill introduced Res. No. 97 and moved its adoption, all Ayes:

RESOLUTION TO ACKNOWLEDGE COMPLETION OF AUDIT OF THE JUSTICE RECORDS

RESOLVED, that the Town Board of the Town of Horicon does hereby state that the examination of the 2009 Justice Court records was completed at the Meeting of the Board on January 4, 2010 and the records were approved by all members of the Board.

RESOLUTION NO. 98 OF 2010

Messrs. Higgins and Hill introduced Res. No. 98 and moved its adoption, all Ayes:

RESOLUTION TO APPOINT ALTERNATE PLANNING BOARD MEMBER

RESOLVED, that the Town Board, due to the resignation of Dennis Doyle, does hereby appoint Matt Simpson to fill the vacant seat of Alternate Planning Board Member effective immediately.

RESOLUTION NO. 99 OF 2010

Messrs. Dooris and Olson introduced Res. No. 99 and moved its adoption, all Ayes:

RESOLUTION TO APPROVE A TEMPORARY REVOCABLE PERMIT WITH DEC FOR THE REPAIR AND MAINTENANCE OF LILY POND ROAD

RESOLVED, that the Town Board of the Town of Horicon does hereby authorize the application for a temporary revocable permit (TPR) to New York State DEC to allow for the repairs and maintenance of Lily Pond Road. Work on the road will commence once approval is acquired from New York State Department of Environmental Conservation.

RESOLUTION NO. 100 OF 2010

Messrs. Higgins and Hill introduced Res. No. 100 and moved its adoption:

Ayes: Higgins, Hill, Dooris, Bentley Nays: Olson

RESOLUTION TO APPOINT ASSISTANT ZONING ADMINISTRATOR

WHEREAS, Mr. Troy Scripture has tendered his resignation effective July 26, 2010 from the position of Assistant Zoning Administrator.

RESOLVED, that the Town Board of the Town of Horicon, upon the resignation of Mr. Troy Scripture, does hereby appoint Ms. Christine Smith-Hayes to fill the position of Assistant Zoning Administrator effective immediately.

RESOLUTION NO. 101 OF 2010

Messrs. Dooris and Hill introduced Res. No. 101 and moved its adoption, all Ayes:

RESOLUTION TO ADOPT AMENDMENT TO THE HORICON ZONING ORDINANCE LAW

WHEREAS, the Town Board held a public hearing regarding the proposed amendment to the Town of Horicon Zoning Ordinance, AND

WHEREAS, the Town Board has heard all interested parties who attended said public hearing, NOW, THEREFORE BE IT

PUBLIC HEARING 7:00 PM FOLLOWED BY REGULAR MEETING OF THE BOARD

RESOLVED, that the Town Board of the Town of Horicon does hereby adopt the following amendment to the Town of Horicon Zoning & Project Ordinance Law being Local Law Number 1 of 2010. The amendment is in regards to Section 14 – Pre-Existing Subdivisions. The addition of Horicon Birches Subdivision to the list of Pre-Existing Subdivisions is adopted.

RESOLUTION NO. 102 OF 2010

The Town Board of the Town of Horicon introduced Res. No. 102 and moved its adoption, Unanimous:

RESOLUTION OF APPRECIATION TO MAUREEN WILSON AND PASTOR KEVIN RADFORD

WHEREAS, for many years, the Horicon Fire Company planned and held a Fourth of July celebration complete with games and fireworks display, and

WHEREAS, this celebration had not been held for almost thirty years, and

WHEREAS, the Town of Horicon Town Board was desirous of re-establishing this tradition, and

WHEREAS, a committee was formed and funding was appropriated for such a celebration, and

WHEREAS, after many volunteers spent hours during the year planning and making this happen, and

WHEREAS, two of these volunteers, Maureen Wilson and Pastor Kevin Radford, of the Horicon Baptist Church, are to be singled out for all the time and effort they put forth, therefore be it

RESOLVED, that the Town Board of the Town of Horicon does hereby wish to express their gratitude to Maureen Wilson and Pastor Kevin Radford for making Horicon Day an overwhelming success, and BE IT FURTHER

RESOLVED, that a copy of this Resolution be sent to Maureen Wilson and Pastor Kevin Radford.

RESOLUTION NO. 103 OF 2010

Messrs. Olson and Dooris introduced Res. No. 103 and moved its adoption, all Ayes:

RESOLUTION TO AUTHORIZE OF FUNDS

RESOLVED, that the Town Board of the Town of Horicon does hereby authorize the Bookkeeper to make the following fund transfers:

<u>FROM:</u>	<u>TO:</u>	<u>AMOUNT:</u>
A1110.1 (Justice Pers.)	A1430.1 (Floater)	\$ 2,000.00
A1990.4 (Contingency)	A1920.4 (Dues)	\$ 125.00
A1990.4 (Contingency)	A7620.4 (Library)	\$ 500.00
A1990.4 (Contingency)	A8510.4 (Beautif. Contr.)	\$ 1,000.00
A8510.2 (Beaut. Equip.)	A8510.4 (Beautif. Contr.)	\$ 500.00
A8810.2 (Cemet. Equip.)	A8810.4 (Cemet. Contr.)	\$ 500.00

RESOLUTION NO. 104 OF 2010

Messrs. Higgins and Olson introduced Res. No. 104 and moved its adoption, all Ayes:

PUBLIC HEARING 7:00 PM FOLLOWED BY REGULAR MEETING OF THE BOARD

RESOLUTION TO AUTHORIZE PAYMENT TO WARREN COUNTY SOIL AND WATER

RESOLVED, that the Horicon Town Board does hereby authorize the payment of \$150.00 to Warren County Soil and Water for the July 2010 Training attended by Zoning Board of Appeals members Gary Frenz and Thad Smith.

Privilege of the Floor:

Val Brendel requested the Board pass a Local Ordinance regulating burning on private property. This request stems from issues he is having with his neighbor burning and how it has directly affected him. Mr. Brendel feels that if the Town can regulate Zoning then they can regulate how people burn on their property. Zoning Administrator McMeekin stated that Val Brendel's neighbor is not in violation of the Zoning Ordinance and outlined the process that Val needs to go through with DEC to address the issue. The Board advised Val that the issue of burning is regulated by New York State DEC and any complaints need to be handled by DEC.

Harry Balz requested that Supervisor Bentley speak to the "powers that be" at the County to see that they mow East Shore Drive. It had been addressed in previous years but as of late the County has not been mowing East Shore Drive again and it is causing some problems.

Executive Session:

Councilman Higgins made a motion to move into Executive Session to discuss the possible purchase of property; seconded by Councilman Olson. All Ayes. The Board moved to Executive Session at 8:50 PM.

The Board returned from Executive Session at 9:15 PM and resumed the Regular Meeting stating there were no decisions made.

Adjourn...

There being no further business to attend to the meeting was adjourned at 9:15 PM by MOTION of Messrs. Dooris and Hill, all in favor.

Respectfully Submitted:

Town Clerk