

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

**OCTOBER 20, 2011
7:00 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 Koch, Harry Balz, Harvey Leidy, Matt Simpson, Tom Johansen, Edna Trumble, Bill McGhie, Jane Smith, Dick Smith, Abe Gadjo, Frank Costello, Terry Schuerlein, Mark Younes, Jack Baker, George Flynn, John Donovan, James Steen, Gary Frenz, June Maxam, and others.

Supervisor Bentley called the meeting to order at 7:00 PM.

Reports: Supervisor, Town Clerk, Zoning, Justice

Approval of Minutes: Minutes of September 15, October 13, and October 18, 2011 were approved by Motion of Messrs. Higgins and Hill, all Ayes.

Approval of October 2011 Vouchers and Abstracts:
RESOLUTION #128-2011

Messrs. Dooris and Olson introduced Res. No. 128 and moved its adoption, all Ayes:

RESOLUTION TO AUTHORIZE PAYMENT OF ABSTRACTS

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

General Vouchers	#275 - 297	\$ 16,119.43
Highway Vouchers	#159 - 180	\$ 80,153.64
General Abstracts	27 & 28	\$ 21,741.77
Highway Abstracts	27 & 28	\$ 17,348.12

Correspondence to the Board:

- June Maxam RE: Assistant Zoning Administrator appointment
- ANCA RE: Annual Meeting 2011 – Sate of the Adirondack North Country
- Jim Prazak RE: Request Pumpkin Hollow Rd be re-opened and work started before winter
- SL Park District RE: Watering Tub
- Abe Gadjo RE: Pumpkin Hollow Road

Resolutions:

Supervisor Bentley noted one change to the Proposed 2012 Budget. He said the Supervisor's salary should have remained the same as 2011 with no increase for 2012. This will be adjusted.

RESOLUTION #129-2011

Messrs. Dooris and Hill introduced Res. No. 129 and moved its adoption, all Ayes:

RESOLUTION TO ADOPT PRELIMINARY BUDGET

WHEREAS, the Budget Officer has prepared a tentative budget for the Town of Horicon for 2012 and said budget has been reviewed by the Town Board and certain changes have been made, NOW, THEREFORE BE IT

RESOLVED, that the Town Board of the Town of Horicon does hereby adopt the tentative budget as the Preliminary Budget for 2012.

RESOLUTION #130-2011

Messrs. Olson and Hill introduced Res. No. 130 and moved its adoption, all Ayes:

RESOLUTION TO SET PUBLIC HEARING

WHEREAS, the Town Board of the Town of Horicon has adopted the tentative budget as the Preliminary Budget for 2012, NOW, THEREFORE BE IT

RESOLVED, that the Town Board does hereby set a public hearing for said budget on Thursday, November 3, 2011 at 6:00 PM at the Horicon Community Center.

RESOLUTION #131-2011

Messrs. Higgins and Hill introduced Res. No. 131 and moved its adoption, all Ayes:

RESOLUTION TO AUTHORIZE 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 (Contin.)	1110.4 (Justice-Contr.)	\$ 93.86
1420.4 (Atty-Contr.)	1420.1 (Atty-Pers.Svc.)	\$ 1,044.53
1620.1 (Bldg-Pers. Svc.)	1620.4 (Bldg-Contr.)	\$ 4,000.00
9060.8 (Health Ins.)	1620.4 (Bldg-Contr.)	\$ 4,000.00
1990.4 (Conting.)	1660.4 (Store Rm.)	\$ 600.00
6410.4 (Public.-Contr.)	6412.4 (SpecPub-Contr.)	\$ 716.62
1990.4 (Conting.)	7410.4 (Lib.-Contr.)	\$ 600.00
7450.1 (Mus.-Pers. Svc.)	7450.4 (Mus.-Contr.)	\$ 222.26

RESOLUTION #132-2011

Messrs. Hill and Dooris introduced Res. No. 132 and moved its adoption, all Ayes:

RESOLUTION TO AUTHORIZE PAYMENT TO CURTIS LUMBER FROM PERPETUAL CARE FUNDS

RESOLVED, that the Horicon Town Board does hereby authorize payment to Curtis Lumber in the amount of \$604.76 for the purchase of materials used to build a set of steps and railings at the entrance of Frasier Cemetery. The monies to pay Curtis Lumber are to come from the Perpetual Care account.

RESOLUTION #133-2011

Messrs. Higgins and Dooris introduced Res. No. 133 and moved its adoption, all Ayes:

RESOLUTION TO RE-APPOINT JAMES STEEN AS ASSISTANT ZONING ADMINISTRATOR

WHEREAS, the Town Board of the Town of Horicon appointed James Steen as Assistant Zoning Administrator by Board Resolution #118-2011 on August 18, 2011, AND

WHEREAS, James Steen did not file an Oath of Office within 30 days of his appointment and thereby vacated the position of Assistant Zoning Administrator, NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Horicon does hereby re-appoint James Steen as Assistant Zoning Administrator to be paid at the rate of \$25.00 per hour worked plus mileage.

RESOLUTION #134-2011

Messrs. Higgins and Dooris introduced Res. No. 134 and moved its adoption, all Ayes:

RESOLUTION IN SUPPORT OF APPLICATIONS FOR GRANT FUNDING
BY THE HORICON HISTORICAL SOCIETY FOR THE MUSEUM AT THE ADIRONDACK UNION CHURCH

WHEREAS, by Resolution #110-2011 adopted by the Town Board of the Town of Horicon, the Town of Horicon supported creation of a Museum at the Adirondack Union Church by the Horicon Historical Society under the Charter for the existing Horicon Museum and encouraged the Society to research and apply for planning, implementation and/or capital grants toward achieving use of the Adirondack Union Church as said Museum, AND

WHEREAS, the Town of Horicon and the Horicon Historical Society have been advised that grants are available under New York State's newly instituted Consolidated Funding Application [CFA] program which has a grant filing deadline of October 31, 2011, AND

WHEREAS, the Horicon Historical Society wishes to apply for planning, implementation and/or capital grant funding for a Museum at the Adirondack Union Church under this New York State CFA program and such other grant programs as may be available and is asking for Town of Horicon support of these new Horicon Historical Society's grant funding efforts at no cost to the Town of Horicon, NOW, THEREFORE BE IT

RESOLVED, that the Town Board of the Town of Horicon does hereby encourage and support the Horicon Historical Society's grant funding efforts under the New York State CFA program and such other planning, implementation and/or capital grant programs as may be available for creation of a Museum at the Adirondack Union Church.

RESOLUTION #135-2011

Messrs. Dooris and Olson introduced Res. No. 135 and moved its adoption, all Ayes:

RESOLUTION IN SUPPORT OF APPLICATIONS FOR GRANT FUNDING BY
DEVELOPERS OPAL CHRISTINE CLARK AND KATHLEEN BARRON FOR A NEW BRANT LAKE GENERAL STORE

WHEREAS, by Resolution #85-2010 adopted by the Town Board of the Town of Horicon, the Town of Horicon approved a Comprehensive Master Plan for the Town of Horicon which encouraged sustained economic development including the creation of a new General Store in the Hamlet of Brant Lake, AND

WHEREAS, Developers Opal Christine Clark and Kathleen Barron have developed a business plan for creation of a new General Store in the Hamlet of Brant Lake and are pursuing Town of Horicon approval of said General Store under applicable Town of Horicon planning and zoning requirements, AND

WHEREAS, the Town of Horicon and Developers Opal Christine Clark and Kathleen Barron have been advised that grants are available under New York State's newly instituted Consolidated Funding Application [CFA] program which has a grant filing deadline of October 31, 2011, AND

WHEREAS, Developers Opal Christine Clark and Kathleen Barron wish to apply for planning, implementation and/or capital grant funding for said General Store in the Hamlet of Brant Lake under this New York State CFA program and such other grant programs as may be available and is asking for Town of Horicon support of these grant funding efforts for a new General Store in the Hamlet of Brant Lake at no cost to the Town of Horicon, NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Horicon does hereby encourage and support Developers Opal Christine Clark and Kathleen Barron's grant funding efforts under the New York State CFA program and such other planning, implementation and/or capital grant programs as may be available for creation of said new General Store in the Hamlet of Brant Lake.

RESOLUTION #136-2011

Messrs. Olson and Hill introduced Res. No. 136 and moved its adoption, all Ayes:

RESOLUTION IN SUPPORT OF APPLICATIONS FOR GRANT FUNDING BY WARREN COUNTY AND OTHERS PUBLIC SECTOR ENTITIES TO PROVIDE EXPANDED WIRELESS/BROADBAND CONNECTIVITY

WHEREAS, by Resolution #85-2010 adopted by the Town Board of the Town of Horicon, the Town of Horicon approved a Comprehensive Master Plan for the Town of Horicon which encourages sustained economic development including the expansion of wireless/broadband connectivity for residents and businesses in the Town of Horicon, AND

WHEREAS, Warren County and other public sector entities are working to encourage and achieve expansion of said wireless/broadband connectivity for the benefit of residents and businesses in Warren County including in the Town of Horicon, AND

WHEREAS, the Town of Horicon, Warren County and other public sector entities have been advised that grants may be available under New York State's newly instituted Consolidated Funding Application [CFA] program which has a grant filing deadline of October 31, 2011, AND WHEREAS, Warren County and/or other public sector entities may be applying for planning, implementation and/or capital grant funding for expansion of wireless/broadband connectivity under this New York State CFA program and such other grant programs as may be available, AND

WHEREAS, it is in the best interest of the Town of Horicon to support said wireless/broadband connectivity grant funding efforts at no cost to the Town of Horicon, NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Horicon does hereby encourage and support Warren County and/or other public sector entities' grant funding efforts under the New York State CFA program and such other planning, implementation and/or capital grant programs as may be available toward achieving expansion of said wireless/broadband connectivity including for the benefit of residents and businesses in the Town of Horicon and shall communicate said Town of Horicon support to Warren County and other public sector entities as appropriate.

RESOLUTION #137-2011

Messrs. Olson and Dooris introduced Res. No. 137 and moved its adoption, all Ayes:

RESOLUTION IN SUPPORT OF APPLICATIONS FOR GRANT FUNDING BY PUBLIC AND PRIVATE SECTOR ENTITIES TO PRESERVE, PROTECT AND ENHANCE WATER RESOURCES

WHEREAS, by Resolution #85-2010 adopted by the Town Board of the Town of Horicon, the Town of Horicon approved a Comprehensive Master Plan for the Town of Horicon which

encourages sustained economic development including the preservation, protection and enhancement of water resources within and affecting the Town of Horicon, AND WHEREAS, a number of public and private sector entities such as Warren County, the Warren County Soil and Water Conservation District, the East Shore Schroon Lake Association, the Brant Lake Foundation, and others are working toward preservation, protection and enhancement of the region's water resources which resources include lakes, streams and other water ecosystems within the Town of Horicon, including Schroon Lake and Brant Lake, and which protection includes from invasive species and other potentially harmful conditions such as insufficient control of storm water runoff, AND WHEREAS, the Town of Horicon and other public and private sector entities have been advised that grants may be available under New York State's newly instituted Consolidated Funding Application [CFA] program which has a grant filing deadline of October 31, 2011, AND WHEREAS, one or more of these public and private sector entities may be applying for planning, implementation and/or capital grant funding under this New York State CFA program and such other grant programs as may be available for preservation, protection and enhancement of the region's water resources which includes water resources within the Town of Horicon, AND WHEREAS, it is in the best interest of the Town of Horicon to support said water resources grant funding efforts subject to Town of Horicon determination of acceptability of cost and other grant conditions as may be proposed for the Town of Horicon, NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Horicon does hereby encourage and support public and private sector entities' grant funding efforts under the New York State CFA program and such other planning, implementation and/or capital grant programs as may be available toward preservation, protection and enhancement of water resources including within and affecting the Town of Horicon and shall communicate said Town of Horicon support to said public and private sector entities as deemed appropriate.

RESOLUTION #138-2011

Messrs. Dooris and Olson introduced Res. No. 138 and moved its adoption, all Ayes:

RESOLUTION TO REQUEST A STUDY AND IMPLEMENTATION OF A CROSSWALK AT ADIRONDACK LODGES

RESOLVED, that the Horicon Town Board does request Warren County to perform a study and implement a crosswalk between Adirondack Lodges and the beach.

Old Business:

Pumpkin Hollow Road update:

Town Counselor Mark Schachner advised the Board that he has no updates at this time. Counselor Schachner also reiterated that the moment he hears anything at all he will immediately advise the Board. He told the Board that if this is going to go forward they will need to obtain the "meets and bounds" from the surveyor so that the easements can be prepared once all the Releases are received from the property owners. Abe Gadjo asked again if anything can be done without the easements being obtained. Supervisor Bentley said the Town can do the first 300', which the Town owns, but they cannot go beyond that without the easements. Counselor Schachner reiterated that the Town must follow certain steps in this process and they cannot make any decisions or take action without following the proper steps. Abe Gadjo asked the Board if it is their intent to take Pumpkin Hollow Road over if the

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easements are obtained. Councilman Dooris stated the Board cannot give an answer without knowing if the easements will be granted and what the costs will be to re-open the road. Councilman Hill asked if the road would need to be brought up to standard and Supervisor Bentley said no. Jack Baker asked if the Highway Department is supposed to build a turnaround at the end of the Town section. No one is really sure of the best way to proceed. Councilman Dooris said that they cannot make a decision without first knowing what they are going to do with the rest of the road; at this point it is all contingent upon the easements. Abe Gadjo then asked if the Town could at least maintain the road in to Prazak's property without the easements. Counselor Schachner said the Town cannot go past the first section without easements. Abe Gadjo then asked if the Town could obtain the easements and then turn the road over to the property owners as an Association road. Counselor Schachner said the Town cannot temporarily use the right-of-way to improve the road and then turn it over to the property owners. The road can only be turned over to the property owners if it were to be fully abandoned, which is not an option because the road is used too much. Supervisor Bentley will contact the surveyor to obtain the property description.

Cemetery Rules and Regulations:

The Board reviewed the revised Cemetery Rules and Regulations. Councilman Dooris asked if the placement of benches had been addressed. A prior Resolution was passed stating no benches so it will be added to the Rules and Regulations. Councilman Hill clarified that the quotes on foundations given by the Cemetery Custodian will be for time and materials. There being no further changes the following Resolution was made:

RESOLUTION #139-2011

Messrs. Higgins and Hill introduced Res. No. 139 and moved its adoption, all Ayes:

RESOLUTION TO ADOPT UPDATED CEMETERY RULES AND REGULATIONS

RESOLVED, that the Horicon Town Board does hereby approve and adopt the revised Cemetery Rules and Regulations to be effective immediately as noted below:

CEMETERY LOT PRICES:

Taxpayers and/or Residents	\$100.00 per grave (one lot per person living in the household)
Non-taxpayers, Non-Residents	\$600.00 per grave (one lot per person living in the household)
Non-Taxpayers and/or Non-Residents	\$100.00 Perpetual Care charge per grave at time of burial

Corner Markers: At the time a cemetery lot is purchased an additional \$125.00 must be paid to the Town of Horicon for one set of 4 corner markers to identify the location of the grave(s). The Cemetery Custodian will place the markers on the grave(s).

- Lots previously purchased will be charged a \$100.00 Perpetual Care fee if the owner is no longer a taxpayer or resident of Horicon at the time of burial. This fee does not apply to former residents who are living in a nursing home at the time of death.

- One full burial or up to eight cremation burials will be allowed per 11'x4' lot.

- The full purchase price of a lot (including corner markers) must be paid before a Deed is issued or burial allowed.

- Any transfer or sale of cemetery lots must be recorded in the Town Clerks office and the new owner(s) will need to pay \$125.00 to the Town of Horicon for a new set of 4 corner markers at the time of transfer.

BURIALS:

- **All** burials, including those in private cemeteries, must be coordinated with and performed by the Cemetery Custodian. A Deed must be presented at the time of burial request.

- The Cemetery Custodian must be notified 48 hours in advance of a burial.

- Burials on Saturday and Sunday are a higher fee. The same higher fee applies to Monday burials if the Custodian is not notified by 8:00 AM on Friday so that the grave can be dug on Friday.

- Interments will be allowed from April 15 (weather permitting) through November 30th.

- The Cemeteries will be closed from December 1 to April 14 for the winter season during which time no lots will be sold, nor will any burials be permitted. Remains received during this time will be held in the vault until Spring.

<u>Opening of Graves</u>	<u>Weekday</u>	<u>Weekend</u>
Taxpayer	\$200.00	\$300.00

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Non-Taxpayer	\$250.00*	\$350.00*
*Plus \$100.00 Perpetual Care if not already paid.		
Burial of ash containers:	\$50.00 Small container	
	\$75.00 Large cement container	

- There will be an additional fee charged for any overtime incurred by the Custodian for a burial.
- Disinterment is allowed only if consent is received from three entities those being:
 - 1) Town of Horicon, 2) Cemetery lot owner, 3) Legal survivors of decedentIf all three entities are not in agreement then the individual(s) requesting disinterment must obtain a court order. Once permission is obtained, disinterment must be coordinated with and performed by the Cemetery Custodian.

FOUNDATIONS: All cement foundation work for grave markers must be completed by the Cemetery Custodian or the monument company. The Cemetery Custodian will provide a foundation quote upon request.

PLANTINGS/DECORATIONS:

- Flowers must be anchored in an urn or larger container.
- In-ground plantings are **not** permitted (i.e. – trees, shrubs, flowers, wires, etc.)
- Benches are **not** permitted.
- All flowers and containers must be removed from graves before spring clean up or they will be disposed of.

Councilman Olson clarified the new rules on no interments during the winter. Councilman Hill suggested the new regulations should be advertised, most specifically noting the new policy on closing the cemeteries for the winter.

Health Insurance:

Supervisor Bentley told the Board that the CSEA employees said they would approve the changeover to CDPHP if the Town would consider increasing the single and two-person HRA plans by \$100.00. The following Resolution was made:

RESOLUTION #140-2011

Messrs. Dooris and Hill introduced Res. No. 140 and moved its adoption, all Ayes:

RESOLUTION TO AUTHORIZE NEW INSURANCE FOR CSEA

RESOLVED, that the Town Board of the Town of Horicon does hereby authorize the transfer of all Town of Horicon employees, including CSEA employees, from Blue Shield of Northeastern New York EPO Health Insurance Plan to CDPHP EPO Health Insurance Plan effective December 1, 2011, AND, BE IT FURTHER

RESOLVED, that the Town Board of the Town of Horicon does hereby authorize a \$100 increase on all Town of Horicon employee HRA plans; CSEA employees will receive a \$100 increase on the single and two-person HRA plans, effective December 1, 2011.

New Business: None

Privilege of the Floor:

-Tom Johansen provided floor plans for the Adirondack Union Church to the Board and asked if he has permission to proceed with the engineer in order to get estimates. Councilman Olson said he has some questions on the plans. There was discussion as to what the best approach would be. The Board would like to meet with the architect, Joe Metzger, to discuss the plans before making any decisions.

The Board set a meeting with Joe Metzger for Thursday, November 3, 2011 at 5:00PM to discuss the plans for Adirondack Union Church.

- Joe Koch, Schroon Lake Park District Commissioner, addressed the Board regarding the Watering Tub. He said that in light of the complaint this past winter the SLPD Commissioners would like the Towns to take over the Watering Tub. He further noted that under their

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regulations they should not be responsible for the Watering Tub and asked the Board who actually is responsible if anything were to happen. There was much discussion on the responsibility and legal ramifications related to the Watering Tub. Counselor Schachner advised Joe Koch to contact the SLPD's attorney and request advisement from him on the matter.

- Harry Balz advised the Board that he had attended the Storm Water Conference. He said that DEC has new regulations regarding storm water run-off and how things are supposed to be handled. He pointed out that there will be much for the Highway Superintendent and the Planning Board to keep in mind going forward.

Executive Session: Councilman Higgins made a motion, seconded by Councilman Olson, to move to Executive Session to discuss Highway personnel issues, all in favor. The Board moved to Executive Session at 8:00 PM.

The Board returned from Executive Session at 8:37 PM and Councilman Dooris made a motion to return to Regular Session, seconded by Councilman Olson, all in favor. Highway personnel issues were discussed and no decisions were made.

Adjourn... There being no further business to attend to the meeting was adjourned at 8:39PM by MOTION of Messrs. Olson and Higgins, all in favor.

Respectfully Submitted:

Town Clerk