

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

**APRIL 21, 2011  
7:00 PM**

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

Also: HS Paul Smith, Matt Simpson, Harry Balz, Gordon Hayes, Randy Duell, Gary Frenz, Jane Smith, Bill McGhie, Tom Johansen, Abe Gadjjo, Bruce Meade, Marty Meade, John Francisco, Poul and Mary Lou Carstensen, Debbie Newton, Erin Hayes, Tom Magee, Skip Ostrander, June Maxam, Tom Turcotte, Joe Turcotte, Roscoe Chase, Roger Houck, Steve Smith, Jason Hill, Kevin White, and others.

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

**Approval of Minutes:** Minutes of March 17<sup>th</sup> were approved by Motion of Messrs. Hill and Olson, all Ayes.

**Approval of Abstracts: RESOLUTION #64-2011**

Messrs. Olson and Higgins introduced Res. No. 64 and moved its adoption, all Ayes:

**RESOLUTION TO AUTHORIZE PAYMENT OF ABSTRACTS**

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

General Vouchers	# 84 - 110	\$ 20,486.79
Highway Vouchers	# 53 - 75	\$ 50,740.48
General Abstracts	8 & 10	\$ 43,611.25
Highway Abstracts	8 & 10	\$ 18,243.90

**Correspondence to the Board:**

-June Maxam	RE: Opinion on Legal Advertising
-NYSERDA	RE: Revision to RFP-2228, List of Counties in NY Economic Dev. Regions
-NYS DOT	RE: Cross-promotion of the new 511 New York
-APA	RE: Approval of Nat'l Grid Staging Area Plan for Palisades Road Utility Rebuild Project
-WC Local Dev Corp	RE: Planning Board Certification Training Class
-Abe Gadjjo	RE: Request for Town to reconsider reclaiming 3/10 mile of Pumpkin Hollow Road
-Craig Campanaro	RE: Letter in support of reclaiming Pumpkin Hollow Road
-Blake Gadjjo	RE: Letter in support of reclaiming Pumpkin Hollow Road
-William Houck	RE: Letter in support of Abe Gadjjo/Pumpkin Hollow Road

**Resolutions:**

**RESOLUTION #65-2011**

Messrs. Higgins and Hill introduced Res. No. 65 and moved its adoption, all Ayes:

**RESOLUTION TO ADVERTISE FOR BIDS FOR FUEL AND PROPANE**

RESOLVED, that the Town Board does hereby authorize the clerk to advertise for bids for

heating fuel, kerosene and propane for 2012. Bids will be opened on May 17, 2011 at 1:00 PM.

**RESOLUTION #66-2011**

Messrs. Olson and Hill introduced Res. No. 66 and moved its adoption, all Ayes:

**RESOLUTION TO AUTHORIZE EXPENDITURES FOR THE FISHING DERBY AND POSTING OF THE MILL POND**

RESOLVED, that the Town Board does hereby authorize radio coverage to advertise the annual fishing derby at the Mill Pond in Brant Lake at a cost not to exceed \$450.00. The Board further authorizes that \$350.00 is to be given to the Chestertown Conservation Club to be used for prizes for the fishing derby, and BE IT FURTHER

RESOLVED, that the Town Board does hereby authorize the posting of "NO FISHING" signs from the time the Mill Pond is stocked until the day of the derby which will be Saturday, May 21, 2011.

**RESOLUTION #67-2011**

Messrs. Hill and Higgins introduced Res. No. 67 and moved its adoption, all Ayes:

**RESOLUTION TO HIRE LIFEGUARDS FOR SUMMER**

RESOLVED, that the Town Board does hereby hire Tim O'Neil and Megan Whelan as lifeguards for the Town beaches this summer season. Mr. O'Neil will work at the Adirondack Beach and Miss Whelan will work at the Brant Lake Beach. Salary is set at \$12.00 per hour for a thirty hour week.

**RESOLUTION #68-2011**

Messrs. Olson and Hill introduced Res. No. 68 and moved its adoption, all Ayes:

**RESOLUTION TO SUPPORT THE ADIRONDACK CLUB AND RESORT IN THE TOWN OF TUPPER LAKE**

WHEREAS, the Adirondack Club and Resort is a proposed four season, recreational resort development project in the Town of Tupper Lake; and

WHEREAS, the Adirondack Club and Resort proposes to develop the ski area (formerly known as Big Tupper), as well as residential structures, commercial structures, and associated infrastructure; and

WHEREAS, the Adirondack Club and Resort has shown that they understand the importance of the natural environment within the Adirondack Park, while providing an economic boost; and

WHEREAS, the Adirondack Club and Resort has consulted with, and included all relevant parties in the on-going development of plans for the project; and

WHEREAS, the Adirondack Club and Resort will provide a large, balanced, and needed economic boost to Tupper Lake, the entire Adirondack and Northern New York region; and

WHEREAS, the Adirondack Club and Resort is seeking support from the greater Adirondack and New York State area, in an effort to finalize the necessary approvals from the various regulatory agencies, NOW, THEREFORE BE IT

RESOLVED, that the Town Board of the Town of Horicon hereby supports the Adirondack Club and Resort; and BE IT FURTHER

RESOLVED, that the undersigned recognize that the Adirondack Club has provided a balance of environmental issues, with the economic benefits; and BE IT FURTHER

RESOLVED, that the undersigned encourages the special interest groups like the Adirondack Council, Protect the Adirondacks, and other parties to the hearing, to stop the various stall tactics and discovery motion filings, and allow the adjudicatory hearings to move quickly and allow the regulatory agencies to reach final permit approval in a timely manner; and BE IT FURTHER

RESOLVED, that the undersigned encourage all Adirondack townships, villages, and counties to provide further support of the Adirondack Club and Resort by passing similar resolutions and in any other way they deem appropriate.

**RESOLUTION #69-2011**

Messrs. Hill and Dooris introduced Res. No. 69 and moved its adoption, all Ayes:

**RESOLUTION TO APPROPRIATE FUNDS FOR THE PURCHASE OF THE DELANEY PROPERTY**

WHEREAS, the Horicon Town Board approved the purchase of a 30 acre parcel of property from Mary Delaney for the price of \$20,000, and

WHEREAS, funds were appropriated for this purchase in October 2010, however, the closing documents were not completed in 2010 so the monies were put back into Unappropriated Surplus, now, therefore be it

RESOLVED, that the Horicon Town Board does hereby approve the following Budget Amendment for 2011 to cover the \$20,000.00 purchase of the Delaney property:

Increase (A599) Appropriated Fund Balance by \$20,000.00

Increase (A960) Appropriations by \$20,000.00

Increase (A1940.4) Subsidiary by \$20,000.00

BE IT FURTHER RESOLVED, that the Board authorizes the funds in the amount of \$20,000.00 be taken from A1940.4 (Munic. Prop.) to pay for the purchase of the Delaney property.

**RESOLUTION #70-2011**

Messrs. Olson and Hill introduced Res. No. 70 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.

**Old Business:**

North Warren Emergency Squad Contract: Councilman Dooris advised the Board that he and Councilman Olson had met with the North Warren Emergency Squad to work on the 2011 contract. Only minor changes were proposed, none of which were substantive, and the proposed changes were agreeable to both parties. Councilman Dooris stated that it had been a good meeting and they found the Squad to be very cooperative. Councilman Dooris said the Squad had requested payments be made in two installments, however, he and Councilman Olson felt the timing was not right to make that change. Supervisor Bentley asked if an account had been set up for money to be set aside for the purchase of an ambulance. Councilman Dooris stated that the Squad identified the account which they have earmarked as their ambulance fund. Supervisor Bentley pointed out that during Budget discussions the

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Board had said they would hold 25% of the money for an ambulance fund. Councilman Dooris stated that the Board could monitor the Squad's accounting for that money through the quarterly reports. Councilman Olson assured the Board that this topic was discussed at length with the Squad. Supervisor Bentley asked Kevin White, NWEMS, how much they planned to set aside for the purchase of an ambulance and Kevin White said they hoped to set aside \$30,000.00 with the intent of purchasing an ambulance next year. The following Resolution was introduced:

**RESOLUTION #71-2011**

Messrs. Dooris and Olson introduced Res. No. 71 and moved its adoption, all Ayes:

**RESOLUTION AUTHORIZING SUPERVISOR BENTLEY TO SIGN THE CONTRACT WITH NORTH WARREN EMERGENCY SQUAD**

RESOLVED, that the Town Board of the Town of Horicon does hereby authorize Supervisor Bentley to sign the contract for service with the North Warren Emergency squad for 2011. As outlined in the contract, payments will be made in four equal installments throughout the year.

*Highway Sand / Sand Bid:*

**RESOLUTION #72-2011**

Messrs. Olson and Dooris introduced Res. No. 72 and moved its adoption, all Ayes:

**RESOLUTION TO PAY ADIRONDACK CONSTRUCTION ENTERPRISES FOR SAND**

WHEREAS, the Town Board awarded the 2011 Sand Bid to Adirondack Construction Enterprises, LLC at the Town Board meeting of March 17<sup>th</sup>, AND  
WHEREAS, the Highway Department removed 860 yards of sand from the real property of Adirondack Construction Enterprises, NOW, THEREFORE BE IT  
RESOLVED, that the Horicon Town Board does hereby authorize payment to Adirondack Construction Enterprises, LLC for 860 yards of sand at \$1.85 per yard.

**RESOLUTION #73-2011**

Messrs. Hill and Higgins introduced Res. No. 73 and moved its adoption, all Ayes:

**RESOLUTION TO AWARD SAND BID TO GILMA**

WHEREAS, the Town Board awarded the 2011 Sand Bid to Adirondack Construction Enterprises, LLC at the Town Board meeting of March 17<sup>th</sup> subject to the Highway Superintendent's acceptance of the sand quality, AND  
WHEREAS, the Highway Superintendent has since determined that the sand is not of a quality acceptable for highway purposes, NOW, THEREFORE BE IT  
RESOLVED, that the Horicon Town Board does hereby rescind Resolution #59-2011 wherein the sand bid was awarded to Adirondack Construction Enterprises, LLC, AND, BE IT FURTHER  
RESOLVED, that the Horicon Town Board does hereby award the sand bid to Gilma Enterprises, Inc. of Chestertown for a bid of \$2.00 per cubic yard for 2011.

*Roof repairs to recycling building at Landfill:* There was discussion on the quotes to be obtained for the repairs to the recycling building at the Landfill. Councilman Olson stated that he was under the impression that the Board wanted him to obtain several quotes to submit to the insurance company, which he had requested from three contractors. Councilman Hill asked if the quotes were to replace what was originally there and Councilman Olson stated that they were. Councilman Hill stated that they should have some specifications drawn up. Councilman Olson and Councilman Hill agreed to meet at the Landfill to review what needed to

be done and Councilman Olson will draw up the specs after they meet. This matter was tabled until the May 2011 meeting at which time the Committee is to report to the Board.

Legal Advertising – Attorney Schachner advised the Board that from what they have found so far it appears that the Adirondack Journal is not appropriate to use for legal advertising. However, recent correspondence from the publisher of the Adirondack Journal indicates that they have documentation stating they do meet the criteria. Attorney Schachner advised the Board that if they want a definitive answer they should request the documentation from the Adirondack Journal and see what it says. The Board will request the documents.

Board of Ethics applications: Six letters of interest have been received for the Board of Ethics. Supervisor Bentley reminded the Board that the Code of Ethics states that the seats on the Board of Ethics have no term and there are still two seated members, Bill Remington and Dick Smith. The Board agreed that they should contact the two members and advise them of this. The Personnel Committee will review the applications and report to the Board at the May meeting.

Cable for Beaver Pond Road: Councilman Dooris asked if there were any updates on when Beaver Pond Road residents might be getting cable. Supervisor Bentley said that according to the last conversation he had with Time Warner, the plan is to finish Grassville Road, move to Shaw Hill Road, and then on to Beaver Pond Road.

Boat Patrol on Schroon Lake: Councilman Hill asked if the Board wanted to go forward with the boat patrol three days a week for Schroon Lake. Supervisor Bentley noted that the cost would be \$2,500.00. The following Resolution was passed:

**RESOLUTION #74-2011**

Messrs. Dooris and Hill introduced Res. No. 74 and moved its adoption, all Ayes:

**RESOLUTION TO FUND BOAT PATROL ON SCHROON LAKE**

RESOLVED, that the Horicon Town Board does hereby wish to contract with the Warren County Sheriff's Department for a Boat Patrol on Schroon Lake to cover three days a week (Friday, Saturday, and Sunday) for a cost of \$2,500.00. The Board authorizes the funding for the Boat Patrol to be taken from (A6412.4) Special Publicity.

**New Business:**

Tom Magee / Gore Mtn. Community Fund: Tom Magee gave a very informative presentation on the Community Fund for the Gore Mtn. Region. He explained the application process and urged anyone with interest to apply.

Request to reclaim 3/10 mile of Pumpkin Hollow Road: Abe Gadjo spoke to the Board again regarding Pumpkin Hollow Road. He presented a petition to the Board containing 68 signatures, as well as several letters, in support of reclaiming a portion of Pumpkin Hollow Road. He told the Board that the main issue he has with the road is the shared responsibility. He asked if they would consider reclaiming the portion of the road from the Town section in to Prazak's property at the very least. Abe questioned the Board on what exactly "wheel track to wheel track" consists of in terms of a right of way. He needs to be able to maintain the road to access his property and the wheel track to wheel track right of way does not allow for this.

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He asked the Board if they do not want to reclaim the entire roadway, would they at least increase the road to a fifty foot right of way. He questioned the Board further asking for answers on the liability issue that exists if someone gets hurt on the road, landowner rights in terms of blocking access to other landowners, and whether the Board would consider setting a precedent so that utilities can go in without requiring easements from the other landowners. Supervisor Bentley stated that the Town already has a 50 foot right of way across the Pratt property so they would only need consent from Robbins and Prazak in order to get a 50 foot right of way in from Beaver Pond Road. Bruce Meade, who was a Town Councilman at the time the road was deemed a Qualified Abandoned road, stated that it had originally been the Board's intent that if the properties were developed in the future it would revert to a 50 foot right of way. Councilman Hill stated that the Board should get formal consent for a right of way from Robbins and Prazak. Councilman Olson asked Attorney Schachner to research this and the Board could review it at next month's meeting and consider re-dedicating a portion of Pumpkin Hollow Road to the Highway System. Councilman Dooris stated that the Board should pursue the consent to right of way before they make a decision because if they take over the road without the 50 foot right of way it is going to be impossible to maintain. The following Resolution was passed:

**RESOLUTION #75-2011**

Messrs. Dooris and Higgins introduced Res. No. 75 and moved its adoption, all Ayes:

**RESOLUTION TO ACQUIRE RIGHT OF WAY FROM LANDOWNERS**

RESOLVED, that the Town Board of the Town of Horicon does hereby authorize Attorney Schachner to pursue acquiring the right-of-way for the Robbins and Prazak parcels on Pumpkin Hollow Road.

*Tax Collection Seminar:*

Councilman Olson told the Board that a training seminar was going to be offered in June for Tax Receivers and Collectors.

**RESOLUTION #76-2011**

Messrs. Dooris and Higgins introduced Res. No. 76 and moved its adoption, all Ayes:

**RESOLUTION TO AUTHORIZE ATTENDANCE AT 2011 ANNUAL TRAINING SEMINAR OF THE NYS ASSOCIATION OF TAX RECEIVERS & COLLECTORS**

RESOLVED, that the Town Board of the Town of Horicon does hereby authorize Krista Wood to attend the NYS Association of Tax Receivers & Collectors 2011 Training Seminar from June 13 to June 15, 2011. The cost of attending the training is not to exceed \$500.00.

*Privilege of the Floor:*

Bill McGhie questioned the Board as to whether or not they knew if the Town of Chester was going to contribute to the boat patrol on Schroon Lake. The Board has not received any decision from Chester. Councilman Hill asked the Clerk to contact Chester and see what their decision on this is.

There being no further items to discuss, a Motion was made by Councilman Olson to move to Executive Session to discuss possible litigation and clarification of civil service laws, this was seconded by Councilman Hill and the Board moved to Executive Session at 8:45pm to discuss possible litigation and clarification of civil service laws.

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The Board returned from Executive Session at 8:58PM. Motion was made by Councilman Olson to return to regular session which was seconded by Councilman Dooris, all in favor. Supervisor Bentley stated that possible litigation and civil service law had been discussed and no decisions were made.

**Adjourn...** There being no further business to attend to the meeting was adjourned at 9:00 PM by MOTION of Messrs. Olson and Hill, all in favor.

Respectfully Submitted:

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Town Clerk