

**HORICON TOWN BOARD
PUBLIC HEARING & REGULAR MEETING**

**MARCH 21, 2013
7:00 PM**

Present at meeting: Ralph Bentley Supervisor
 Frank Hill Councilman
 Robert Olson Councilman
 Kenneth Higgins Councilman
 Matthew Simpson Councilman

Krista Wood Town Clerk
Mark Schachner Town Counsel

Also: ZA Jim Steen, HS Paul Smith, Sandy Smith, John Donovan, Tom Johansen, Bill McGhie, Harry Balz, Jane Smith, Brandon Himoff, Al and Jess LaFountain, Richard and Annemieke Gersten, Teri Schuerlein, and Gary Frenz.

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

Public Hearing – Proposed Closure of Camp Road:

Supervisor Bentley opened the Public Hearing at 7:00PM and explained the purpose of the Public Hearing is to hear comments regarding the proposed closure of Camp Road.

Councilman Olson asked HS Smith what his thoughts were on closing Camp Road. HS Smith said he did not see any problem with it and felt it would be better economically to close it.

Richard Gersten explained the reasoning behind the request to close the road. He noted that security issues and concerns among campers and parents arose after Newtown, CT shooting. He feels that they will be better able to monitor the property if the road is closed, and Brant Lake Camp is willing to take on the responsibility of maintaining the road.

Supervisor Bentley asked Counselor Schachner to comment. Counselor Schachner said there are steps that need to be taken in order to close the road. He said that first application needs to be made to the Town, which has already been done by way of the letter from Brant Lake Camp. Then the Town will need releases from the landowners involved; the Town Board will need to give consent to close the road; and ultimately the Highway Superintendent will need to issue an Order of Discontinuance.

There were no further comments from the audience and the Public Hearing was closed at 7:15 pm.

Regular Meeting:

RESOLUTION #48-2013

Messrs. Higgins and Hill introduced Res. No. 48-2013 and moved its adoption, all Ayes:

RESOLUTION TO CONSENT TO CLOSE CAMP RD

WHEREAS, Brant Lake Camp has asked the Town of Horicon to close Camp Road so that they may provide a more secure environment for their campers, and

WHEREAS, Brant Lake Camp has been informed that they will need the proper releases from the affected landowners as well as the Order of Discontinuance from the Highway Superintendent, now, therefore be it

RESOLVED, that the Town Board of the Town of Horicon does hereby give their conditional consent to the closure of Camp Road pending the receipt of all proper releases and the Order of Discontinuance from the Highway Superintendent.

Approval of Minutes: Minutes of February 21st and March 7th were approved by Motion of Messrs. Hill and Olson, all Ayes.

Approval of March 21, 2013 Vouchers and Abstracts:

RESOLUTION #49 -2013

Messrs. Olson and Higgins introduced Res. No. 49-2013 and moved its adoption, all Ayes:

RESOLUTION TO AUTHORIZE PAYMENT OF MARCH ABSTRACTS

RESOLVED, that the Town Board does hereby authorize the payment of the March 21, 2013 Vouchers and Abstracts as follows:

General Vouchers	# 59-85	\$ 26,630.14
Highway Vouchers	#36-52	\$ 29,195.20
General Abstracts	7 & 8	\$ 84,550.74
Highway Abstracts	7 & 8	\$ 18,008.02

Councilman Simpson disclosed that one of the General Vouchers was for his trip to the Association of Towns meeting in New York for which he had prior Board approval.

Correspondence to the Board:

- APA Local Gov't. RE: APA classification of State lands
- APA Local Gov't. RE: Adirondack Park Local Gov't. Day Conference Agenda and Registration Form
- Time Warner Cable RE: Notice of 2011 and 2012 Franchise Fees
- APA RE: Notice of conditional approval of climbing tower project #2012-220

Resolutions:

RESOLUTION #50-2013

Messrs. Higgins and Olson introduced Res. No. 50-2013 and moved its adoption, all Ayes:

RESOLUTION TO DESIGNATE POLLING PLACES

WHEREAS, Pursuant to Article 4-104 of the New York State Election Law, the Town Board of the Town of Horicon must submit to the Warren County Board of Elections a listing of the polling places in the Town of Horicon in each Election District in which Elections are held, NOW THEREFORE BE IT RESOLVED, that the following handicapped accessible locations be and are hereby designated as the respective polling places in the Districts as enumerated:

Election District #1	Horicon Community Center
Election District #2	6604 State Rt. 8 Brant Lake, NY 12815

RESOLUTION #51-2013

Messrs. Higgins and Simpson introduced Res. No. 51-2013 and moved its adoption, all Ayes:

Resolution To Change Date of the May Town Board Meeting to May 23rd

RESOLVED, that the Town Board of the Town of Horicon does hereby change the date of the regularly scheduled May 2013 Town Board meeting. The regular May 2013 meeting of the Town Board of the Town of Horicon will be held on **Thursday, May 23, 2013 at 7:00PM.**

RESOLUTION #52-2013

Messrs. Olson and Simpson introduced Res. No. 52-2013 and moved its adoption, all Ayes:

Resolution To Authorize Attendance at APA Local Gov't Review Days April 24th and 25th

RESOLVED, that the Town Board of the Town of Horicon does hereby authorize members of the Town Board, Zoning Board of Appeals, Planning Board, and Zoning Administrator to attend the Adirondack Park Local Government Review Day Conference which is being held April 24th and 25th 2013. The cost is \$55.75 per person, if registered by April 9th, plus reimbursement for travel expenses.

RESOLUTION #53-2013

Messrs. Olson and Simpson introduced Res. No. 53-2013 and moved its adoption, all Ayes:

RESOLUTION AUTHORIZING INTERMUNICIPAL AGREEMENT BETWEEN THE TOWN OF HORICON AND WARREN COUNTY RELATING TO SOLID WASTE AND RECYCLABLE DISPOSAL SERVICES (WC 065-12) AND SOLID WASTE AND RECYCLING TRANSPORTATION

SERVICES (WC 070-12)

WHEREAS, as a result of a competitive bidding process completed by Warren County ("County") and for the benefit of local municipalities including the Town of Horicon ("Town"), the County has arranged for Solid Waste and Recyclable Disposal Services (WC 065-12) and Solid Waste and Recycling Transportation Services (WC 070-12) to be available to the Town through the various contractors who have been awarded contracts by the County for the foregoing services, and

WHEREAS, the Town Board desires to utilize the County's contractual arrangements for Solid Waste and Recyclable Disposal Services upon the terms and conditions set forth in the County's agreements for such services with Waste Management of New York, LLC, Casella Waste Management d/b/a Casella Waste Services, D & G Recycling, LLC and Perkins Recycling Corp., and

WHEREAS, the Town Board desires to utilize the County's contractual arrangements for Solid Waste and Recycling Transportation Services upon the terms and conditions set forth in the County's agreements for such services with Waste Management of New York, LLC and Casella Waste Management d/b/a Casella Waste Services, and

WHEREAS, after review and deliberation of the competitive bid proposals of Waste Management of New York, LLC and Casella Waste Management d/b/a Casella Waste Services, the Town desires to have Waste Management of New York, LLC and Casella Waste Management d/b/a Casella Waste Services transport all the solid waste and recyclable materials from the Town's transfer station with the services to be provided by each Contractor and the price for such services identified and as set forth in the Schedules attached hereto and incorporated herein, and

WHEREAS, after review and deliberation of the competitive bid proposals of Waste Management of New York, LLC, Casella Waste Management d/b/a Casella Waste Services, D & G Recycling, LLC and Perkins Recycling Corp., the Town Board desires to have Waste Management of New York, LLC, Casella Waste Management d/b/a Casella Waste Services, D & G Recycling, LLC and Perkins Recycling Corp., dispose of solid waste and recyclable material from the Town's transfer station with the services to be provided by each Contractor and the price for such services identified and as set forth in the Schedules attached hereto and incorporated herein, and

WHEREAS, the County has presented the Town Board with a proposed Intermunicipal Agreement which sets forth the terms and conditions upon which the Town will participate and pay for Solid Waste and Recyclable Disposal Services and Solid Waste and Recycling Transportation Services through the County's contractual arrangements for such services, and

WHEREAS, the term of the Intermunicipal Agreement shall commence on March 1, 2013 and terminate December 31, 2013, and the Intermunicipal Agreement may be extended for two (2) consecutive one (1) year terms through December 31, 2015, should the County elect to extend its agreements with the various contractors identified in foregoing preambles of this resolution and should the Town elect to continue to participate in the County's contractual arrangements for Solid Waste and Recyclable Disposal Services and Solid Waste and Recycling Transportation Services during any extended term, NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby approves and authorizes the Intermunicipal Agreement between the County and the Town regarding Solid Waste and Recyclable Disposal Services and Solid Waste and Recycling Transportation Services and authorizes the Town Supervisor on behalf of the Town to execute the Intermunicipal Agreement with the County, and be it further

RESOLVED, that the Town Board elects to have Waste Management of New York, LLC, Casella Waste Management d/b/a Casella Waste Services, D & G Recycling, LLC and Perkins Recycling Corp. provide Solid Waste and Recyclable Disposal Services to the Town which services and prices by contractor have been identified by the Town on the attached Schedules and otherwise in accordance with the terms and conditions of the agreements between the County and Waste Management of New York, LLC, Casella Waste Management d/b/a Casella Waste Services, D & G Recycling, LLC and Perkins Recycling Corp., and be it further

RESOLVED, that the Town Board elects to have Waste Management of New York, LLC, Casella Waste

Management d/b/a Casella Waste Services provide Solid Waste and Recycling Transportation Services to the Town which services and prices by contractor have been identified by the Town on the attached Schedules and otherwise in accordance with the terms and conditions of the agreements between the County and Waste Management of New York, LLC, Casella Waste Management d/b/a Casella Waste Services, D & G Recycling, LLC, and be it further RESOLVED, that the Town Board further authorizes and directs the Town Supervisor, Town Clerk and/or Counsel for the Town to take any further action necessary to effectuate the terms of this Resolution.

RESOLUTION #54-2013

Messrs. Olson and Higgins introduced Res. No. 54-2013 and moved its adoption, all Ayes:

Warren County Bicentennial Proclamation

WHEREAS, March 12th, 2013 marked the 200th anniversary of the County of Warren; and WHEREAS, special activities have been planned to celebrate the occasion of the 200th year anniversary for Warren County and this special milestone in the County's history; and WHEREAS, it is fitting that we should join in this expression of our pride and appreciation for the many civic and economic benefits that our community has enjoyed over the years because of the growth and prosperity of Warren County NOW, THEREFORE, the Town of Horicon does hereby congratulate and offer the sincerest of good wishes to Warren County for the future.

Old Business:

Sand Bids: One bid was received from Gilma Enterprises of Chestertown. There was discussion between HS Smith and the Board regarding the new regulations set forth by MSHA in regards to the pit. In order for the Town employees to go into the pit to screen sand there is a list of things that will need to be done first. HS Smith explained that he can be trained and then train the men himself but he will need to sign off on it. This being noted, HS Smith told the Board he has to be bonded because he is personally responsible and he asked for confirmation from the Board that he is in fact bonded. Supervisor Bentley said he believed he is bonded but will check. HS Smith also asked if the Board would hold him responsible for the payment of fines if any were levied by MSHA in the event someone was doing something wrong. The Board indicated HS Smith should make it very clear to the Highway employees what the rules and regulations are and they are responsible for their own actions. They noted that HS Smith would not be held responsible for the payment of the fines. After further discussion about the possibility of purchasing the sand already processed, the Board agreed that HS Smith should proceed with the training and they would accept the bid as submitted.

RESOLUTION # 55-2013

Messrs. Simpson and Hill introduced Res. No. 55-2013 and moved its adoption, all Ayes:

RESOLUTION TO AWARD SAND BID

WHEREAS, the Town Board legally advertised for bids for sand for highway use, AND WHEREAS, one bid was received and opened on March 21st at 10:00 AM, NOW, THEREFORE BE IT RESOLVED, that the Town Board does hereby award the sand bid to Gilma Enterprises, Inc. for a bid of \$3.50 per cubic yard.

Adirondack Enrichment Program: Al and Jess LaFountain, Adirondack Enrichment Program, updated the Board on where they are in the process of obtaining information from the various State Departments as requested by the Board. They have been in contact with the Department of Health, the Department of Education, and the Department of State. Al noted that they have been told that their program is clearly not a day care and it is clearly not a day camp; their program is considered to be an educationally based enrichment program. He added that they have applied for their not-for-profit status; however, the Department of State has a six month lead time so they will not have this in

time for their program this summer. They do have their EIN and they do have their designation as an educationally based program. They asked the Board, and the community members, if they could move forward with the program in light of this and have facilities available in the Town of Horicon. Councilman Simpson and Councilman Hill agreed that the use of the building needs to be worked out and they should sit down with all parties that want to use the building to discuss this. Councilman Olson asked what the schedule for the program is and Jess LaFountain said they run five days a week for five weeks from 8am to 3pm; the program is set to start June 24th. Councilman Olson felt things could be worked out so the program stays in Horicon.

Subdivision Regulations: Harry Balz, Chairman of the Planning Board, asked if it would be possible to move forward with adopting the Subdivision Regulations. Since there were no major changes to the Subdivision Regulations the Board agreed they would move forward with this. The Subdivision Regulations are to be sent to APA for review.

Zoning Ordinance: ZA Jim Steen went over several items with the Board regarding the proposed Zoning Ordinance including terminology, home based manufacturing, wording of two different definitions, APA view on an apartment above a garage, tourist accommodations wording, defining detached Cabin Colony, possible definition for manufacturing, Bed and Breakfast, and some minor wording changes to keep consistency. The Board will review these items.

Town property adjacent to Aaron Baker – needs survey: Supervisor Bentley told the Board that if Mr. Baker wants to buy the property adjoining his property he will need to have a survey done for the boundary line adjustment. A letter will be sent to Mr. Baker advising him of the need for a survey.

New Business:

SAFE Act:

RESOLUTION #56-2013

The Entire Town Board introduced Res. No. 56-2013 and moved its adoption, all Ayes:

RESOLUTION TO OPPOSE AND CALL FOR THE REPEAL OF THE NYS SAFE ACT

WHEREAS, the right of the people to keep and bear arms is guaranteed as an individual right under the second amendment of the United States Constitution and that this right is regarded as an inalienable right of the people of the Town of Horicon; and

WHEREAS, the lawful ownership of firearms is, and has been, a valued tradition in the Town of Horicon, and the rights protected by the Second Amendment to the United States Constitution are exercised by many of our residents; and

WHEREAS, the people of the Town of Horicon derive economic and environmental benefits from all safe forms of recreation involving firearms, including, but not limited to, hunting and target shooting while utilizing all types of firearms available under the Constitution of the United states; and

WHEREAS, the NY SAFE ACT was adopted by the New York State Legislature and signed into law in an unprecedented expedited fashion and completely devoid of any opportunity for our elected State Legislators to study, review and debate the legislation and without any opportunity for the public to comment upon the legislation or to have any input whatsoever upon the legislation; and

WHEREAS, requiring law-abiding gun owners to verify ownership of certain types of firearms every 5 years, in addition to registering them on their permits, which now also must be renewed every 5 years, does not increase the safety of the public and is unnecessarily burdensome to the residents New York State; and

WHEREAS, the only persons who will comply with the new high-capacity magazine ban are law-abiding citizens, leaving the same high-capacity magazines in the hands of those who choose not to obey the law; and

WHEREAS, requiring documentation of all ammunition sales in New York State, as provided for in this legislation is a significant unfunded mandate on businesses; and

WHEREAS, the legislation fails to offer any meaningful solutions to gun violence and places burdens squarely on the backs of law-abiding citizens; and

WHEREAS, while there are some areas of the legislation that the Town Board of the Town of Horicon finds encouraging, such as addressing the glaring shortcomings in the mental health system, the strengthening of Kendra's law and Mark's law, as well as privacy protections for certain pistol permit holders, by-and-large, we find the legislation does little more than negatively impact lawful gun ownership;

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Horicon does hereby oppose, and request the repeal of, any legislation, including the sections of the NY SAFE ACT (Chapter 1 of the Laws of 2013) which infringe upon the right of people to keep and bear arms; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Horicon strongly encourages the members of the New York State Legislature to hold public hearings to address the issue of gun violence in a way that will produce meaningful results; and be it further

Resolved, that the Clerk of the Town Board of the Town of Horicon be, and hereby is, authorized and directed to forward copies of this resolution to the Governor Andrew Cuomo; Senator Charles E. Schumer; Senator Kirsten E. Gillibrand; Congressman William Owens; Senator Elizabeth O'C. Little; and Assemblyman Daniel G. Stec.

Hot Water Heater for Highway Garage: After a brief discussion about the hot water heater for the Highway Garage the Board agreed that more information is needed. Councilman Simpson will look into this further.

Boat Launch contract with DEC:

RESOLUTION #57-2013

Messrs. Olson and Higgins introduced Res. No. 57-2013 and moved its adoption, all Ayes:

RESOLUTION TO AUTHORIZE THE SUPERVISOR TO NOTIFY NYS DEC OF NON-AUTOMATIC RENEWAL OF LEASE AGREEMENT FOR THE BRANT LAKE BOAT LAUNCH

WHEREAS, the Town of Horicon entered into a Lease Agreement with the New York State DEC acting on behalf of the State of New York regarding improvements to, and operation of, a public fishing access site on lands owned by the Town of Horicon known as the Brant Lake Boat Launch, and

WHEREAS, the Lease Agreement was effective May 4, 1989, with a twenty-five year term expiring on May 4, 2014, and will automatically renew for an additional twenty-five years under the same terms and conditions unless the Town of Horicon serves written notice to DEC no later than May 4, 2013 of their intention not to renew the Lease Agreement under the same terms and conditions, and

WHEREAS, many of the terms and conditions of the Lease Agreement are outdated and may not be in the best interest of the Town of Horicon, and

WHEREAS, the Town of Horicon will review such terms and conditions as would be in the best interest of the Town of Horicon to include in any further agreement between the Town of Horicon and DEC regarding the Brant Lake Boat Launch, now, therefore be it

RESOLVED, that the Town Board of the Town of Horicon does hereby authorize the Supervisor to send written notice to DEC no later than May 4, 2013, of the Town of Horicon's intent not to automatically renew the Lease Agreement dated May 4, 1989 between the Town of Horicon and DEC under the same terms and conditions of the existing Lease Agreement and to advise DEC that the Town will communicate further with DEC regarding an agreement between the Town of Horicon and DEC for future improvements to, and operation of, a public fishing access site at the Brant Lake Boat Launch.

Councilman Olson said he has asked for information on similar leases. Supervisor Bentley noted that John Donovan is also researching this.

Anonymous Complaints:

RESOLUTION #58-2013

Messrs. Higgins and Olson introduced Res. No. 58-2013 and moved its adoption, all Ayes:

RESOLUTION TO SET POLICY ON COMPLAINTS

RESOLVED, that the Town Board of the Town of Horicon does hereby set a policy wherein complaints against employees or officials of the Town of Horicon will only be acted upon by the Town Board if they are signed complaints. Anonymous complaints will not be accepted or acted upon.

Sole Assessor: Supervisor Bentley stated that Assessor Paul Maniacek has indicated to him that April 30th will be his last day. The position will need to be advertised. Councilman Olson suggested that a joint committee be formed with the Town of Chester to do interviews.

RESOLUTION #59-2013

Messrs. Olson and Higgins introduced Res. No. 59-2013 and moved its adoption, all Ayes:

RESOLUTION TO ADVERTISE FOR SOLE ASSESSOR

RESOLVED, that the Town Board of the Town of Horicon does hereby authorize the Clerk to advertise for the position of Assessor.

Privilege of the Floor:

-Jane Smith asked if the Town has a residency requirement for the people they hire. Supervisor Bentley said it depends; certain positions have residency requirements by law while others do not.

-Harry Balz told the Board that the Dam Committee has been working diligently and they expect to have a report for the Town Board sometime in April.

-Bill McGhie noted that ESSLA has received the \$300,000 grant they applied for. He added that they would like to set up a meeting with Supervisor Bentley, Supervisor Monroe, and HS Smith to discuss the plan further.

-Councilman Higgins noted that there are several pine trees that need to come down on Route 8 and asked Supervisor Bentley to push the State to get them taken care of.

Adjourn... There being no further business to attend to the meeting was adjourned at 8:55 PM by MOTION of Messrs. Olson and Higgins, all in favor.

Respectfully Submitted:

Town Clerk