

AUGUST 20, 2009 MONTHLY TOWN BOARD MEETING

Present at meeting: Ralph Bentley Supervisor
 Frank Hill Councilman
 Ken Higgins Councilman
 Robert Olson Councilman
 Joe Dooris Councilman
Mark Schachner Town Counsel
Paul Smith Highway Superintendent
Gary McMeekin Zoning Administrator
Arlene Mayer Town Clerk

Also: Gary Frenz, Harry Balz, Bill McGhie, Harvey Leidy, Tom Johansen, Tim Beadnell, Ken Dott, Roscoe Chase, Poul Carstensen, Krista & Matt Wood, Don Lewis, Mrs. Brownell & daughter, Sandy Smith, Irv Freedman, John Bellini, Lou Russo, Cindy Meade, Tom Geiger, others

Approval of Minutes... July 16th and 30th

Councilman Olson requested a correction to the minutes of July 16th regarding his request for legal action against APA. The clerk will review her minutes for the next meeting. Messrs. Higgins, Hill and Bentley voted to approve the minutes, Messrs. Olson & Dooris voted to approve minutes only as corrected.

Reports: Supervisor, Town Clerk and Zoning

August Abstracts:

RESOLUTION NO. 97 OF 2009

Messrs. Dooris & Hill introduced Res. 97 and moved its adoption:

RESOLUTION TO AUTHORIZE PAYMENT OF AUGUST ABSTRACTS

RESOLVED, that the Horicon Town Board does hereby authorize the payment of the August Abstracts:

Highway Vouchers # 162-185	\$105,216.63
General Vouchers # 216-249	\$ 26,511.42
Highway Abstracts 21 & 22	\$ 11,159.28
General Abstracts 21 & 22`	\$117,775.90

Hill-aye, Higgins-aye, Olson-aye, Dooris-aye, Bentley-aye

Communications:

Roscoe Chase	RE: Re-opening portion of So. Ike Hayes Road
NW Chamber of Commerce	RE: Request for money for Duck Race
NYS Real Property	RE: Final Equalization Rate (100.00%)
W.C. Attorneys Office	RE: 400 th Explore New York Grant

Old Business:

South Ike Hayes Road- The Resolution to Approve opening a portion of the qualified abandoned road and the "Order Revoking Qualified Abandonment of Portion of South Ike Hayes Road" are ready to be executed tonight. As soon as the Town Board adopts the Resolution the Highway Superintendent will sign the "Order". Once this paperwork is filed in the Town Clerk's Office the road can be legally improved.

Zoning Amendment- The public hearing has been closed by the Supervisor and the Board is ready to discuss. Councilman Higgins read some background information about the standard procedure that has been used by the Zoning Administrator. ZA McMeekin said that 95% of the people who are warned respond positively. The Board had discussed the whole process in September 2003 and it was suggested that Mr. McMeekin meet with Justice Murphy to design an Appearance Ticket that could be issued for violations when a person would not take care of their violations after repeated warnings. After meeting with Justice Murphy an appearance ticket was designed and the whole issue was brought back in front of the Board in April 2004. A Resolution introduced by Messrs. Olson & Hill supported the Zoning Officer's enforcement of Horicon's Zoning Ordinance. The process has already met the approval of the Town Board for the past five years and this amendment simply adds the proper language to our existing Zoning Ordinance Law. Councilman Dooris said "as a former Town Justice I know it is 100% legal to file a complaint with the court and have the

court issue an appearance ticket. Councilman Higgins said "Judge Murphy likes the way it has been handled and sees no reason to change it". Councilman Olson said he would like to research this issue further. Councilman Higgins said he feels it has been discussed for two months and he is ready to take it to a vote. The following Resolution was then introduced:

RESOLUTION NO. 98 OF 2009

Messrs. Higgins & Hill introduced Res. 98 and moved its adoption:

**RESOLUTION TO ADOPT PROPOSED AMENDMENT
TO THE HORICON ZONING ORDINANCE LAW**

WHEREAS, the Town Board held a public hearing regarding the proposed amendment to the Zoning Ordinance and said hearing was held open for an additional month for written comments, AND

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

RESOLVED, that the Town Board does hereby adopt the following amendment to the Horicon Zoning & Project Ordinance Law being Local Law Number 1 of 2009. The amendment is regarding Section 17-Administration, specifically 17.10 Zoning Administrator: The addition of the following sentence is adopted: "The Zoning Administrator is hereby empowered and authorized to issue appearance tickets returnable in the Town Justice Court of the Town of Horicon"

Hill-aye, Higgins-aye, Olson-ABSTAIN, Dooris-NAY, Bentley-aye

Steam Jenny Bid- The Town received one bid for the Steam Jenny. The bid met requirements that it be over the amount of \$500.00. The following Resolution was then introduced:

RESOLUTION NO. 99 OF 2009

Messrs. Hill & Olson introduced Res. 99 and moved its adoption:

RESOLUTION TO AWARD "STEAM JENNY" BID

WHEREAS, the Town Board advertised for bids for the "Steam Jenny" surplus highway equipment asking a minimum bid of \$500.00, AND

WHEREAS, one bid was received and opened on August 20th at 10:00 AM, NOW THEREFORE BE IT

RESOLVED, that the Town Board does hereby award the bid for the Steam Jenny to Bill MacGlashan for a bid of \$849.99.

Hill-aye, Higgins-aye, Olson-aye, Dooris-aye, Bentley-aye

Possible Failed Septic System- Mrs. Brownell said that DEC came to her property and told her that all ditches in the Adirondacks have shown e-coli. Mrs. Brownell said DEC told her there was no evidence that her septic system had failed and "no need for a dye test". Counselor Schachner said "our Health Officer said DEC said a dye test was needed". After lengthy discussion regarding dye testing Supervisor Bentley said Mrs. Brownell has the option to have a dye test done and prove our test results are wrong. Councilman Hill said if our Health Officer recommends a dye test be done then Mrs. Brownell should comply and when hers is done we could ask for testing on neighbors. Mrs. Brownell said DEC said they would do test. Councilman Higgins said that was fine as long as the Town was provided with a copy of test results. Councilman Dooris suggested a time frame of 10 days to get test done before the Town secured a court order. Counselor Schachner added "this would be 10 business days". Supervisor Bentley said this would bring it to September 3rd or 4th.

Pavilion- Councilman Olson commended the Boy Scout project and said they did a great job and saved approximately \$10,000.00 in labor costs. Councilman Olson added that John Bellini and other leaders have been on the job and made this a "fantastic project". John Bellini said the Scouts and their donated labor have appreciated the opportunity and he hopes the project fulfilled the Town's plans. Mr. Bellini spoke of the free material from Lincoln Logs for the siding and the main building, leaving very little

side work to do. Mr. Bellini said they may be able to do a second pavilion for the Town at the Adirondack Park. Councilman Dooris would like to see some publicity in the papers and get some recognition for the Scouts. Councilman Dooris suggested a Dedication Ceremony to dedicate the Pavilion Complex to William Bennett in honor of his long years of service to the Town. Everyone agreed. HS Smith said the Town Board would need to draw up rules and regulations for the pavilion including no night parties.

Windows at Highway Garage- HS Smith reported the breakroom windows at the Highway Garage are out of warranty and still need to be replaced. Councilman Hill said to find out who manufactured the windows and go after them. Harry Balz said he would research his records and find out who did the glass. Councilman Dooris reminded that the 5 doors were not insulated either. Councilman Hill said the Town needs to "go after" the \$4,000.00 it is out because of this mistake.

New Business

Kruse/Catholic Church/Septic hook-up- The clerk asked for approval to send Mr. Kruse the same type of letter sent to Carl Heilman regarding hooking up to the Community Center septic system. Mr. Heilman was not able to move forward with his plans for the church and now Mr. Kruse is interested in purchasing it. Councilman Dooris made a MOTION for the clerk to send a letter to Mr. Kruse adding that the Board is giving "conceptual approval" only and that final approval is "subject to Town Counsel approval", seconded by Councilman Higgins, all ayes.

Justice Clerk Position- Justice Clerk Marge Silvernail is selling her house and will be resigning her position by October 1st. Lauri Hughes who is already employed by the Town in a "floater" position has agreed to take the position. Ms. Hughes has experience as she worked years ago for one of our Justices. Councilman Olson wants the position advertised and interviews held. Supervisor Bentley said that according to law it is up to the Judge to hire for the position. Judge Murphy wants Ms. Hughes hired to the position.

RESOLUTION NO. 100 OF 2009

Messrs. Hill & Higgins introduced Res. 100 and moved its adoption:

RESOLUTION TO HIRE NEW JUSTICE CLERK

RESOLVED, that the Town Board of the Town of Horicon, on the recommendation of Justice James Murphy, does hereby hire Lauri Hughes to fill the position of Justice Clerk upon the vacancy created when Margaret Silvernail resigns. Ms. Hughes will receive paid training prior to assuming the position and will schedule her hours after discussion with Justice Murphy.

Hill-aye, Higgins-aye, Olson-aye, Dooris-aye, Bentley-aye

Comprehensive Plan Workshop Meeting-

RESOLUTION NO. 101 OF 2009

Messrs. Hill & Olson introduced Res. 101 and moved its adoption:

RESOLUTION TO SET COMPREHENSIVE PLAN WORKSHOP

RESOLVED, that the Town Board does hereby set a Comprehensive Plan Workshop Meeting for Thursday, August 27th at 6:00 PM at the Community Center.

Ayes: 5 Nays: 0

Cemetery Rules & Regulations- Copies given to the Board for their review and discussion at next month's meeting.

Sale of Wood- The Resolution already adopted will be discussed and possibly amended at next month's meeting. Councilman Olson said "we need to differentiate between camp wood and firewood".

Library Book Sale- Supervisor Bentley reported that Vicki, Terry and Greg are working on getting the room in the garage building cleaned and fixed up in order to be able to stack the books on shelves for a more permanent solution to the once-a-year book sale. Once the shelves are put up the books can be sorted and placed accordingly. This will eliminate the necessity of hauling out the books every summer and then hauling the “keepers” back into the garage. The book sale can be held more often during the summer, as the books will be arranged. As long as there is a volunteer on duty the public can come in and browse whenever room is opened. So far the project has been cost-free (except for employees labor), as we will use the shelves left over from the library.

Highway Position- Councilman Dooris asked the status of the open highway position. Supervisor Bentley said the hiring is totally Paul’s call and money is in the budget. HS Smith said we have been getting by with part-time employee for two years now and he would like to continue for now. HS Smith said he does not want the position eliminated, just keeping it part-time for now. Supervisor Bentley said the biggest problem with part-time is the \$5,000-\$6,000 in unemployment the Town is required to pay, with nothing in return.

Community Service Worker- Councilman Hill reported that the Town would be having a young man work out his community service for the next two weeks. He will work with Terry and Greg and there is plenty of work to keep him busy.

Veteran’s Park- Councilman Higgins reported on plans for three trails (footpaths) from ball field around stream, picnic tables and decorations for flagpole. Louie Russo will arrange a Veterans Dedication Ceremony when park is complete.

Resolutions:

RESOLUTION NO. 102 OF 2009

Messrs. Higgins & Hill introduced Res. 102 and moved its adoption:

RESOLUTION TO AUTHORIZE FUND TRANSFERS

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

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
General		
1990.4 (Contingency)	5010.4 (Hwy. Sup. Con.)	\$ 412.74
5182.4 (Street Lights)	6410.4 (Publicity)	\$2,000.00
8810.1 (Cemetery Per.)	8810.4 (Cemetery Con.)	\$2,000.00
1990.4 (Contingency)	9050.8 (Unemployment)	\$2,000.00
Highway		
5110.4 (General Repairs)	5112.4 (CHIPS)	\$19,450.92

Hill-aye, Higgins-aye, Olson-aye, Dooris-aye, Bentley-aye

RESOLUTION NO. 103 OF 2009

Messrs. Dooris & Higgins introduced Res. 103 and moved its adoption:

RESOLUTION TO AUTHORIZE SUPERVISOR BENTLEY TO SIGN THE INTERMUNICIPAL AGREEMENT WITH WARREN COUNTY

RESOLVED, that the Horicon Town Board does hereby authorize Supervisor Ralph Bentley to sign the Intermunicipal Agreement between the County of Warren and the Town of Horicon regarding the 400th Explore New York Grant.

Hill-aye, Higgins-aye, Olson-aye, Dooris-aye, Bentley-aye

RESOLUTION NO. 104 OF 2009

Messrs. Hill & Dooris introduced Res. 104 and moved its adoption:

RESOLUTION TO GIVE BED TAX MONEY TO THE CHAMBER OF COMMERCE TO PROMOTE BRANT LAKE DUCK RACE

RESOLVED, that the Horicon Town Board does hereby give the North Warren Chamber of Commerce the amount of \$1,000.00 to be used for the advertising and

promotion of the Annual Duck Race in Brant Lake. Money to come from special bed tax fund.

Hill-aye, Higgins-aye, Olson-aye, Dooris-aye, Bentley-aye

RESOLUTION NO. 105 OF 2009

Messrs. Hill & Higgins introduced Res. 105 and moved its adoption:

**RESOLUTION OF TOWN BOARD APPROVAL FOR
OPENING A PORTION OF SOUTH IKE HAYES ROAD**

WHEREAS, the Town Board has been requested to revoke the qualified abandonment and reinstate a portion of South Ike Hayes Road by a property owner who needs to have this part of the road maintained in order to be able to develop property he owns, AND

WHEREAS, Highway Superintendent Paul Smith agrees to revoking the qualified abandonment and reinstating the road with the approval of the Town Board, NOW, THEREFORE BE IT

RESOLVED, that the Town Board of the Town of Horicon, by this Resolution does hereby give its approval for the reinstatement of a 400 foot (+/-) portion of South Ike Hayes and authorizes the Highway Superintendent to resume maintenance on this portion.

Hill-aye, Higgins-aye, Olson-aye, Dooris-aye, Bentley-aye

Privilege of Floor:

Mr. Tom Geiger asked the Town Board if the Town would consider maintaining 190 feet of road by his property. The road was originally part of the road system turned over to the Town in the Sweeney Sub-division. Some of these un-finished roads have since been abandoned by the Town. Supervisor Bentley said the Highway Superintendent would have to check out the site and report to the Town Board. Councilman Dooris said we need to research how much road was given to the Town.

Fuel & Propane Bids-

RESOLUTION NO. 106 OF 2009

Messrs. Dooris & Higgins introduced Res. 106 and moved its adoption:

RESOLUTION TO INVITE BIDS FOR FUEL & PROPANE

RESOLVED, that the Town Board does hereby authorize the clerk to advertise for bids for heating fuel, kerosene and propane for 2010. Bids will be opened on September 17th at 10:00 AM.

Ayes: 5 Nays: 0

Museum Repair- Tom Johansen would like to thank Bob Olson for the emergency repair on the bathroom floor on the day of the Museum Open House. Letters of appreciation will be sent to Gordon Hayes for donating his labor and doing such a great job creating the "new" bathroom and Living Floors for donating the flooring for the bathroom.

Patrick Farrell asked when the County would clean out his culverts as promised? Supervisor Bentley will contact County DPW and remind them.

Discussion of Don Lewis zoning violation. Court will decide this issue.

This being all the business to attend to, the meeting was adjourned at 8:45 PM by MOTION of Messrs. Dooris & Olson, all ayes.

Respectfully submitted:

Town Clerk