

FEBRUARY 15, 2007 PUBLIC HEARINGS, REGULAR TOWN BOARD MT.

Present at meeting:	Ralph Bentley	Supervisor
	Frank Hill	Councilman
	Kenneth Higgins	Councilman
	Robert Olson	Councilman
	Shirley Hayes	Councilwoman
Mark Schachner, Esq.	Town Counsel	
Gary McMeekin	Zoning Officer	
Paul Smith	Highway Superintendent	
Arlene Mayer	Town Clerk	

Also: Queensbury Supervisor Dan Stec, Sandy Smith, Bill Bruce, Mrs. Leidy, Mr. & Mrs. Brandon Himoff, Christine Smith-Hayes, Mr. & Mrs. Jack Assman, Mike Raymond, George Stec.

Supervisor Bentley opened the first public hearing at 7:00 PM and the clerk read the legal notice from the Adirondack Journal.

The first public hearing is for the additions to Section 4-Definitions. The main amendments have already been approved, but there is an additional sentence added to the "Garage, Residential" definition that states "Detached garage not to be habitable space and within which space no business activity or industry connected directly or indirectly with motor vehicles is conducted". Also, a new proposed definition, "Garage, Commercial" to be added.

Supervisor Bentley then asked for comments from the guests. Mr. Mike Raymond asked if he could have a garage for a guesthouse. Counselor Schachner said that garage would have to be counted as part of the allowable floor space for the guesthouse. Mr. Raymond asked about having an apartment above the garage as the guesthouse. Would this be permitted? Counselor Schachner said he believed it would as long as it did not exceed allowable space. Mr. Himoff asked about plumbing in the garage. Supervisor Bentley said the definition allows for a hand sink and toilet. There were no further questions regarding these proposed amendments. This public hearing was closed at 7:07 PM.

Supervisor Bentley opened the second public hearing at 7:15 PM and the clerk read the legal notice from the paper. This public hearing is regarding the proposed changes to Section 8.20 of the Zoning Ordinance and applies to the "Land Use Regulations, Commercial/Residential (CR). It is proposed to return the "Uses permitted by Right" to those stated in the old Zoning Ordinance, thereby moving "Conditional Uses" to "Uses permitted by right". ZO Gary McMeekin stated again "residents in the CR areas should have a say in what happens in those areas". Mr. McMeekin added that projects should not be "rubber stamped" and that waiting time for discussion of proposed projects could be cut down to 2 to 3 weeks and that should not be a hardship for project sponsor. Mr. McMeekin suggested that instead of trying to change this land use the Board should be looking into the Land Conservation Area (LC) as this is what is holding up residents. Mr. Bill Bruce, Chairman of the Planning Board, said that passing the amendment to change the CR uses permitted by right would be a disservice to neighbors and would curtail valuation and regulation of any proposed businesses. Mr. Bruce continued saying that the Town is now in the midst of a large scale evaluation project to find out what the Town wants and needs. Mr. Bruce said it is inadvisable to make a major change such as this because you are not allowing the public to have a say. Chairman Bruce also speaks for the Planning Board on this issue. Councilman Olson said he agrees the concern is valid and because he is the person responsible for introducing this amendment he will withdraw it until the Master Plan is completed. Councilman Olson said his proposal is "possibly premature but he wants the Town to appear business friendly". Councilman Olson then introduced the following Resolution:

RESOLUTION NO. 36 OF 2007

Messrs. Olson & Higgins introduced Res. 36 and moved its adoption:

RESOLUTION TO WITHDRAW ZONING AMENDMENT PROPOSAL

RESOLVED, that the proposed changes to Section 8.20 of the Town of Horicon Zoning & Project Review regarding the "Land Use Regulations, Commercial/Residential (CR) be put on hold until the Master Plan is completed.

Ayes: 5 Nays: 0

There were no further comments. The public hearing was closed at 7:30 PM by Supervisor Bentley.

Supervisor Bentley opened the regular meeting with a roll call and welcomed guests.

APPROVAL OF MINUTES- The minutes of January 18th were approved by MOTION of Messrs. Hill & Higgins, all ayes.

REPORTS- Supervisor, Town Clerk, Justice, Zoning, Assessor, Hwy. Garage.

APPROVAL OF FEBRUARY ABSTRACTS-

RESOLUTION NO. 37 OF 2007

Mr. Hill & Mrs. Hayes introduced Res. 37 and moved its adoption:

RESOLUTION TO AUTHORIZE PAYMENT OF FEBRUARY ABSTRACTS

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

Highway Vouchers # 22-54	\$156,682.17
General Vouchers #39-66	\$ 18,190.58
Highway Abstracts 3 & 4	\$ 63,877.92
General Abstracts 3 & 4	\$ 65,970.01

Hill-aye, Higgins-aye, Olson-aye, Hayes-aye, Bentley-aye

COMMUNICATIONS-

APA	RE: Local Government Day Conference
Time Warner	RE: Franchise Agreement
Planning Board	RE: Community Development Grant
East Shore Association	RE: Thank you to Highway
Georgia McMeekin	RE: Apply for Planning Bd. Alternate
Joseph Dooris	RE: Apply for ZBA Alternate

Action on Communications- Question as to how second alternates for Planning and Zoning Board will be used. It was decided that each Board decide their own policy. Councilman Olson asked if there can be two separate policies? Counselor Schachner answered "yes, if that is how they want it". There are two applicants and two positions open. The following Resolution was then introduced:

RESOLUTION NO. 38 OF 2007

Messrs. Hill & Higgins introduced Res. 38 and moved its adoption:

RESOLUTION TO APPOINT ALTERNATES FOR BOARDS

WHEREAS, the clerk advertised for applicants to serve as alternates for the Planning Board and Zoning Board of Appeals, AND

WHEREAS, two people applied for the positions, one for each Board, NOW THEREFORE BE IT

RESOLVED, that the Town Board does hereby appoint Georgia McMeekin to serve as second alternate to the Planning Board and Joseph B. Dooris to serve as second alternate to the Zoning Board of Appeals.

Hill-aye, Higgins-aye, Olson-aye, Hayes-abstain, Bentley-aye

OLD BUSINESS-

CSEA Medical Insurance- The CSEA Unit has decided against having the same insurance plan as the rest of the Town. Councilwoman Hayes asked how they can make that decision? Councilman Hill said it is in their contract that the Town must supply them with insurance that is "as good or better" than what they had. When the Town went into a different type plan in January the highway employees met with their CSEA Representative and decided they wanted a plan different than what we had. The Plan they wanted was Empire Blue Cross HMO Option # 5. Supervisor Bentley said their plan will be cheaper for the Town in the long run. A Resolution is needed to send to the CSEA Unit to let them know the Town has authorized the change.

RESOLUTION NO. 39 OF 2007

Messrs. Higgins & Olson introduced Res. 39 and moved its adoption:

**RESOLUTION AUTHORIZING CHANGE OF INSURANCE
PLAN FOR CSEA HIGHWAY EMPLOYEES**

WHEREAS, the Town of Horicon CSEA Unit has officially ratified switching medical insurance from MVP to Empire Blue Cross HMO Option # 5, AND

WHEREAS, the CSEA Unit is entitled by contract to medical insurance "as good or better" than what they previously had and they feel the Empire Blue Cross HMO Option # 5 is better than the MVP Plan accorded to other Town employees, NOW, THEREFORE BE IT

RESOLVED, that the Town Board does hereby authorize the Town of Horicon Highway employees to be covered under their chosen plan with Empire Blue Cross HMO Option # 5.

Hill-aye, Higgins-aye, Olson-aye, Hayes-aye, Bentley-aye

Zoning Amendments- Definitions

These proposed amendments were discussed at the public hearing held at the beginning of this meeting. Counselor Schachner reviewed the SEQR Form with the Town Board and based on their responses completed the form. The following Resolution was then introduced:

RESOLUTION NO. 40 OF 2007

Mr. Higgins & Mrs. Hayes introduced Res. 40 and moved its adoption:

**RESOLUTION RE-SUBMITTING PROPOSED ZONING
DEFINITIONS WITH PROPOSED ADDITIONS AND
SHORT ENVIRONMENTAL ASSESSMENT FORM**

WHEREAS, the Horicon Town Board held a public hearing on November 9, 2007 for the proposed addition of Zoning Definitions to the Horicon Zoning & Project Review, AND

WHEREAS, upon review and input from the APA certain additions were made by the Horicon Town Board to the proposed Zoning Definitions, AND

WHEREAS, the Horicon Town Board then held a second public hearing for these amendments on February 15th, NOW, THEREFORE BE IT

RESOLVED, that the Town Board wishes to be declared as the lead agency for these amendments and hereby re-submits the completed definitions, together with a Short Environmental Assessment Form and a Negative declaration to the APA as they requested, BE IT FURTHER

RESOLVED, that these amendments, in this final form, are hereby adopted by the Horicon Town Board.

Hill-aye, Higgins-aye, Olson-aye, Hayes-aye, Bentley-aye

Warren County Youth Board-

The Town Board has been seeking someone to serve on the Warren County Youth Board as a representative from Horicon. Councilwoman Hayes has found an applicant who will be a very good person for this position, Nancy Harrison from Brant Lake.

RESOLUTION NO. 41 OF 2007

Mrs. Hayes & Mr. Olson introduced Res. 41 and moved its adoption:

RESOLUTION TO APPOINT WARREN COUNTY YOUTH BOARD MEMBER

RESOLVED, that the Town Board does hereby appoint Nancy Harrison to serve as the representative from Horicon on the Warren County Youth Board.

Ayes: 5 Nays: 0

NEW BUSINESS-

Lights on Mill Pond- Supervisor Bentley reported we need to decide which way to go with the old fashioned lights to be installed around the Mill Pond. We need help in drawing up the specifications needed to begin this project. He will contact Chuck Hilton regarding his electrical knowledge. Mr. Hilton had volunteered his services before, and with Don Butler installed the lighting on the new fountain. Councilman Olson volunteered to help where he can. Councilman Higgins would like to see lights on the upper dam done at the same time. Mr. Brandon Himoff suggested the Town use different color lights and perhaps change them for holidays.

RESOLUTIONS-

The Town has been asked to sign a easement with Niagara Mohawk in order to allow them to run underground and above ground power lines to people with property behind the South Horicon Cemetery. This is the only way for these people to have electricity.

RESOLUTION NO. 42 OF 2007

Mrs. Hayes & Mr. Higgins introduced Res. 42 of 2007 and moved its adoption:

RESOLUTION TO AUTHORIZE SUPERVISOR TO SIGN EASEMENT

RESOLVED, that the Town Board does hereby authorize Supervisor Ralph Bentley to sign the "Grant of Easement" with Niagara Mohawk Power Corporation regarding property belonging to the Town of Horicon which Niagara Mohawk wishes to cross in order to install above ground and underground power lines.

Ayes: 5 Nays: 0

RESOLUTION NO. 43 OF 2007

Messrs. Higgins & Hill introduced Res. 43 and moved its adoption:

RESOLUTION TO DESIGNATE POLLING PLACES IN THE TOWN OF HORICON

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 locations be and hereby are designated as the respective polling places in the Districts as enumerated:

- Election District # 1 Horicon Community Center
- Election District # 2 6604 State Route 8
Brant Lake, New York 12815

And that such locations are accessible to the physically handicapped voter (unless otherwise noted), AND BE IT FURTHER

RESOLVED, that a copy of this Resolution be forwarded to the Warren County Board of Elections.

Hill-aye, Higgins-aye, Olson-aye, Hayes-aye, Bentley-aye

RESOLUTION NO. 44 OF 2007

Messrs. Higgins & Hill introduced Res. 44 and moved its adoption:

RESOLUTION TO AUTHORIZE POSTING OF ROADS

RESOLVED, that the Town Board does hereby authorize the Highway Superintendent to advertise and post the Town Roads for spring conditions.

Ayes: 5 Nays: 0

RESOLUTION NO. 45 OF 2007

Messrs. Higgins & Hill introduced Res. 45 and moved its adoption:

RESOLUTION AUTHORIZING SOLICITATION OF SAND BIDS

RESOLVED, that the Town Board does hereby authorize the clerk to solicit, by legal ad, bids for highway sand. Bids to be opened at 7:00 PM on March 15th.

Ayes: 5 Nays: 0

RESOLUTION NO. 46 OF 2007

Messrs. Higgins & Hill introduced Res. 46 and moved its adoption:

RESOLUTION TO AUTHORIZE BUDGET AMENDMENT

WHEREAS, the Town of Horicon has taken delivery of a 2005 John Deere Excavator and proposes to use money from the Fund Balance to pay for a portion of this excavator, NOW, THEREFORE BE IT

RESOLVED, that the following Budget Amendment be authorized:

Increase	Appropriated Fund Balance (D599)	\$54,970.00
Increase	Appropriations (960)	\$54,970.00

Hill-aye, Higgins-aye, Olson-aye, Hayes-aye, Bentley-aye

RESOLUTION NO. 47 OF 2007

Messrs. Higgins & Hill introduced Res. 47 and moved its adoption:

RESOLUTION AUTHORIZING TRANSFER OF FUNDS

RESOLVED, that the Town Board does hereby authorize the following transfer of funds:

GENERAL

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
8020.4 (Planning)	1620.4 (Build & Grounds)	\$490.00
8020.4 (Planning)	6410.4 (Publicity)	\$ 85.00

Hill-aye, Higgins-aye, Olson-aye, Hayes-aye, Bentley-aye

RESOLUTION NO. 48 OF 2007

Messrs. Hill & Higgins introduced Res. 48 and moved its adoption:

RESOLUTION TO AUTHORIZE "AGREEMENT TO SPEND TOWN HIGHWAY FUNDS"

RESOLVED, that the Town Board does hereby authorize the "Agreement To Spend Town Highway Funds" as prepared by Highway Superintendent Paul Smith. This agreement authorizes spending the CHIPS money for paving parts of Shaw Hill Road, Pease Hill Road and all of Gibbons Road.

Hill-aye, Higgins-aye, Olson-aye, Hayes-aye, Bentley-aye

Highway Superintendent Smith suggested that when the paving begins we only use trucks from Chestertown to help haul blacktop, or have it trucked. He does not feel we should obligate Horicon to the many Towns we have used in the past. The Board is in total agreement.

RESOLUTION NO. 49 OF 2007

Messrs. Hill & Higgins introduced Res. 49 and moved its adoption:

RESOLUTION TO AUTHORIZE ATTENDANCE AT APA CONFERENCE

RESOLVED, that the Town Board does hereby authorize Steven Smith and other official representatives of the Town of Horicon to attend the Adirondack Park Local Government Day Conference on March 21st and 22nd. Registration fee and travel expenses to be paid by the Town, for authorized personnel only.

Hill-aye, Higgins-aye, Olson-aye, Hayes-aye, Bentley-aye

RESOLUTION NO. 50 OF 2007

Messrs. Olson & Hill introduced Res. 50 and moved its adoption:

RESOLUTION TO AUTHORIZE REQUEST FOR PROPOSALS

WHEREAS, the Town of Horicon applied for, and received, a Grant from the Strategic Planning Technical Assistance Grant Program for use by the Planning Board in securing technical assistance to help them with Community Development, AND

WHEREAS, the Town Board now wishes to solicit proposals from Engineering and Consulting firms to guide the Planning Board in their next phase of the plan, NOW, THEREFORE, BE IT

RESOLVED, that the Town Board does hereby authorize the clerk to advertise for RFP's. The RFP's received will be reviewed by the Planning Board and the successful candidate will be referred to the Town Board for authorization.

Ayes: 5 Nays: 0

Councilman Hill reported that the non-CSEA employee hired should be provided with the same safety equipment as the CSEA employees as he works on the road also. The following Resolution was then introduced:

RESOLUTION NO. 51 OF 2007

Mr. Hill & Mrs. Hayes introduced Res. 51 and moved its adoption:

RESOLUTION AUTHORIZING PURCHASE OF SAFETY EQUIPMENT FOR JACKIE YOUNES

RESOLVED, that the Town Board does hereby authorize that the same safety equipment provided to highway employees (T-shirts, hooded sweatshirt, safety shoes and coat) be provided to Jackie Younes under the same conditions and time frame as the highway employees.

Hill-aye, Higgins-aye, Olson-aye, Hayes-aye, Bentley-aye

PRIVILEGE OF FLOOR-
No comments.

This being all the business to attend to, the meeting was adjourned at 8:15 PM by MOTION of Messrs. Higgins & Olson, all ayes.

Respectfully submitted:

Town Clerk