

PUBLIC HEARING: Continuation of Public Hearing on the proposed revision to the Town of Horicon Noise Ordinance.

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

Also: Attorney Mark Schachner, HS Paul Smith, Jane Smith, Brandon Himoff, Tom Johansen, Joe and Linda Koch, Gary Frenz, Paul Frasco, Gary McMeekin.

Supervisor Bentley re-convened the public hearing at 7:00 PM.

1. – Proposed Noise Ordinance

Councilman Dooris expressed concern that the “lawful discharge of firearms” was not included on the list of exceptions. Brandon Himoff, a member of the Committee that drafted the Ordinance, addressed this item. Brandon explained the “lawful discharge of firearms” was not listed as a specific exception because there was no initial prohibition related to the discharge of firearms. Councilman Dooris stated Brandon’s explanation satisfies his concern.

Joe Koch asked where the Committee came up with the 36mph speed limit in measuring sound levels of a boat stating that this speed could be an issue in certain areas of Schroon Lake. Brandon Himoff explained that he had two concerns over there being no specified speed at which to measure the sound. He noted that certain boats while idling may not be above the decibel limit but once they are in motion they certainly would. On the other hand, if the officer told the driver to drive at say 45mph quite a few boats would be in violation. Therefore, upon doing some research Brandon found that an average speed of 36mph had been used as a reference in terms of decibel levels and this is how the Committee arrived at the 36mph. Mr. Koch stressed his concern again that this speed limit would present issues in certain areas on Schroon Lake one being the river where the speed limit is only 5mph. Brandon suggested that if the boat were in a 5mph zone then the officer should perform the static test to measure the decibels.

There being no further comments, Councilman Olson made a motion to close this portion of the Public Hearing, seconded by Councilman Higgins, all in favor.

2. – Proposed Dog Control Ordinance

There were no public comments on the Proposed Dog Control Ordinance Councilman Dooris made a motion to close the Public Hearing at 7:25 pm on the Proposed Dog Control Ordinance, seconded by Councilman Olson, all in favor.

REGULAR MEETING – 7:25 pm:

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

Also: Attorney Mark Schachner, HS Paul Smith, Jane Smith, Brandon Himoff, Tom Johansen, Joe and Linda Koch, Gary Frenz, Paul Frasco, Gary McMeekin.

Approval of Minutes: Minutes of September 16th were approved by Motion of Messrs. Olson and Higgins, all Ayes.

Approval of October Abstracts:

RESOLUTION NO. 114 OF 2010

Messrs. Olson and Higgins introduced Res. No. 114 and moved its adoption, all Ayes.

RESOLUTION TO AUTHORIZE PAYMENT OF ABSTRACTS

RESOLVED, that the Town Board of the Town of Horicon does hereby authorize the Bookkeeper to pay the following October Vouchers and Abstracts:

General Vouchers	# 251 - 277	\$ 21,495.99
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Highway Vouchers # 164 - 179	\$ 79,956.46
General Abstracts 27 & 28	\$ 24,897.21
Highway Abstracts 27 & 28	\$ 12,617.88

Correspondence to the Board:

Maureen Wilson RE: Thank you for acknowledging her contribution to Horicon Day
APA RE: Notice of proposal to relocate National Grid distribution line
NYS PS Comm. RE: Notice of Public Hearing regarding Nat'l Grid's intent to raise electric rates
Harvey Leidy RE: Advisory concerning assaults on unsuspecting persons
Daniel Smith RE: Letter of Resignation from Zoning Board of Appeals
BL Estates Assoc. RE: Speed control issue in Brant Lake Estates

Resolutions:

RESOLUTION NO. 115 OF 2010

Messrs. Dooris and Olson introduced Res. No. 115 and moved its adoption, all Ayes.

RESOLUTION TO APPOINT NEW ZONING BOARD OF APPEALS MEMBER

WHEREAS, after serving on the Zoning Board of Appeals for some time, Daniel Smith submitted his resignation as an active member of the ZBA on September 28, 2010. He indicated that he would serve as Alternate ZBA Member if the Town Board so wishes.

RESOLVED, that the Town Board of the Town of Horicon does hereby appoint Daniel Smith as Alternate Zoning Board of Appeals member, AND, BE IT FURTHER

RESOLVED, that the Town Board does hereby appoint James Steen as Zoning Board of Appeals Member to fill the seat vacated by Daniel Smith effective immediately.

RESOLUTION NO. 116 OF 2010

Messrs. Dooris and Higgins introduced Res. No. 116 and moved its adoption, all Ayes.

RESOLUTION TO ENDORSE THE REQUEST FOR SPEED LIMIT REDUCTION IN BRANT LAKE ESTATES

WHEREAS, the Brant Lake Estates Association has expressed concern over safety issues related to the current speed limit in Brant Lake Estates and desires to have the speed limit reduced, AND

WHEREAS, the Brant Lake Estates Association is requesting the Horicon Town Board endorse the speed limit reduction request and forward it on to the New York State DOT, NOW, THEREFORE BE IT,

RESOLVED, that the Horicon Town Board does hereby endorse the request for a speed limit reduction in Brant Lake Estates and authorizes the Clerk to forward the request for such to Warren County Engineering Department who will review and forward on to the Department of Transportation.

RESOLUTION NO. 117 OF 2010

Messrs. Higgins and Dooris introduced Res. No. 117 and moved its adoption, all Ayes.

RESOLUTION TO AUTHORIZE TRANSFER OF FUNDS

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

GENERAL:

<u>FROM:</u>	<u>TO:</u>	<u>AMOUNT:</u>
A1110.1 – Justice	A1430.1 – Floater	\$ 4,000.00
A1990.4 – Conting.	A1920.4 – Munic Assoc Dues	\$ 125.00
A1990.4 – Conting.	A1220.2 – Surplus Equip	\$ 489.00
A1990.4 – Conting.	A7140.4 – Boat Launch St Lts	\$ 250.00
A1990.4 – Conting.	A7620.4 – Library Contr.	\$ 400.00
A1990.4 – Conting.	A8010.4 – Zoning Contr.	\$ 2,500.00
A9010.8 – Retirement	A8510.4 – Beautific. Contr.	\$ 3,000.00
A9010.8 – Retirement	A9050.8 – Unemp.	\$ 1,107.45
A9010.8 – Retirement	A8810.1 – Cemetery Pers.	\$ 2,892.55
A1990.4 – Conting.	A8810.4 – Cemetery Contr.	\$ 300.00

HIGHWAY:

<u>FROM:</u>	<u>TO:</u>	<u>AMOUNT:</u>
D5148.4 – Svcs Other Govt	D5110.4 – Gen Repairs Contr.	\$23,000.00
D5110.4 – Gen Repairs Contr.	D5112.4 – Impvmt-CHIPS	\$64,443.62

RESOLUTION NO. 118 OF 2010

Messrs. Higgins and Hill introduced Res. No. 118 and moved its adoption,

Ayes: Higgins, Hill, Dooris, and Bentley Abstain: Olson

RESOLUTION TO AUTHORIZE ATTENDANCE AT SARATOGA COUNTY PLANNING AND ZONING CONFERENCE

RESOLVED, that the Town Board does hereby authorize the interested Members of the Town Board, Planning Board and Zoning Board to attend the Saratoga County Planning and Zoning Conference. The Conference will be held in Saratoga Springs on Wednesday, January 26, 2011. The cost is \$65 per person plus reimbursement of mileage.

RESOLUTION NO. 119 OF 2010

The Entire Horicon Town Board introduced Res. No. 119 and moved its adoption:

RESOLUTION TO EXPRESS ABSOLUTE SUPPORT OF THE ADIRONDACK PARK LOCAL GOVERNMENT REVIEW BOARD

WHEREAS, the Hamilton County Board of Supervisors recently addressed questions related to their level of support for the Adirondack Park Local Government Review Board, AND

WHEREAS, on October 7, 2010 the Hamilton Co. Board of Supervisors passed a Resolution expressing their absolute support of the Adirondack Park Local Government Review Board, AND

WHEREAS, it is the desire of the Horicon Town Board to join with the Hamilton County Board of Supervisors in expressing their support of the Adirondack Park Local Government Review Board, NOW, THEREFORE BE IT

RESOLVED, that the Town Board of the Town of Horicon does hereby make an absolute declaration of support for the Adirondack Park Local Government Review Board and their ongoing efforts, BE IT FURTHER

RESOLVED, that certified copies of this Resolution be forwarded to Governor Patterson, the Adirondack Senators, the Adirondack Assembly Members, the Chairman of the Adirondack Park Agency, the Commissioner of DEC, the Secretary of state, the Commissioner of Economic Development, NYSAC, and the AATV.

RESOLUTION NO. 120 OF 2010

Messrs. Dooris and Higgins introduced Res. No. 120 and moved its adoption, all Ayes.

RESOLUTION TO AUTHORIZE SUPERVISOR BENTLEY TO SIGN THE CHESTER/HORICON HEALTH CENTER OPERATIONS & MAINTENANCE AGREEMENT

WHEREAS, the Chester/Horicon Health Center Operations and Maintenance Agreement has been updated to a) make the Agreement term current; b) make this an Agreement which is renewed automatically on an annual basis unless any party seeks otherwise; c) eliminate reference to the old Health Center which HHHN previously occupied and d) eliminate reference to the proposed construction of the new Health Center, as that has been already been accomplished, NOW, THEREFORE BE IT

RESOLVED, that the Town Board of the Town of Horicon does hereby authorize Supervisor Bentley to sign the updated Chester/Horicon Health Center Operations and Maintenance Agreement.

RESOLUTION NO. 121 OF 2010

Messrs. Dooris and Olson introduced Res. No. 121 and moved its adoption,

Ayes: Dooris, Olson, Hill, and Bentley Abstain: Higgins

RESOLUTION TO APPOINT DAWN HIGGINS AS ASSISTANT/CLERK TO THE DEPUTY TAX COLLECTOR

RESOLVED, that the Town Board of the Town of Horicon does hereby appoint Dawn Higgins as Assistant/Clerk to the Deputy Tax Collector effective immediately, BE IT FURTHER

RESOLVED, that as Assistant/Clerk to the Deputy Tax Collector, Dawn Higgins is hereby authorized by the Board to perform the tasks and duties of the Deputy Tax Collector in the absence of the Deputy Tax Collector.

RESOLUTION NO. 122 OF 2010

Messrs. Dooris and Higgins introduced Res. No. 122 and moved its adoption, all Ayes.

RESOLUTION TO AUTHORIZE ATTENDANCE AT ASSESSOR VALUATION COURSE II

RESOLVED, that the Town Board does hereby authorize Christine Hayes to attend the Assessor Valuation Course II (Application of the Three Approaches to Value). Valuation Course II will

be held at the Malta Town Hall November 15 through November 19, 2010. The cost of the course is \$350 plus reimbursement of mileage.

RESOLUTION NO. 123 OF 2010

Messrs. Dooris and Hill introduced Res. No. 123 and moved its adoption, all Ayes.

RESOLUTION TO CHANGE THE DATE OF THE NOVEMBER 2010 TOWN BOARD MEETING

RESOLVED, that the Town Board of the Town of Horicon does hereby wish to change the date of the regularly scheduled November 2010 Town Board meeting. The regular November meeting of the Town Board of the Town of Horicon will be held on Tuesday, November 16, 2010 at 7:00 PM.

Old Business:

Well for Museum: Quotes for a new well were obtained for the Horicon Museum.

RESOLUTION NO. 124 OF 2010

Messrs. Dooris and Hill introduced Res. No. 124 and moved its adoption,

Ayes: Dooris, Hill, Olson, and Bentley Abstain: Higgins

RESOLUTION TO PROCEED WITH NEW WELL FOR THE HORICON MUSEUM

WHEREAS, the Horicon Town Board asked the Clerk to obtain quotes for a new well at the Horicon Museum, AND

WHEREAS, the Clerk requested quotes from three separate companies and two of those companies submitted quotes for the new well, NOW, THEREFORE BE IT,

RESOLVED, that the Horicon Town Board does hereby accept the quote from Parker Water Wells and further authorizes Supervisor Bentley to sign the Proposal submitted by Parker Water Wells for a new well at the Horicon Museum.

Bids for Heating Fuel and Propane: The Clerk advertised for bids for heating fuel and propane for 2011. Two Bids were submitted and were publicly opened at 10:00 AM on October 21, 2010.

RESOLUTION NO. 125 OF 2010

Messrs. Olson and Hill introduced Res. No. 125 and moved its adoption, all Ayes.

RESOLUTION TO AWARD BIDS FOR FUEL AND PROPANE FOR 2011

WHEREAS, the Town Board advertised for bids for heating oil and kerosene for Town buildings and also propane for the Highway Garage, AND

WHEREAS, bids were received and opened on October 21st at 10:00 AM, NOW, THEREFORE BE IT,

RESOLVED, that the Town Board does hereby award the bids as follows:

Fuel Oil and Kerosene	Mountain Petroleum	.35 cents over rack
Propane	Mountain Petroleum	.35 cents over rack

Purchase of Delaney Property: Attorney Schachner advised that all paperwork was in order and inquired as to whether or not the Board wished to obtain title insurance.

RESOLUTION NO. 126 OF 2010

Messrs. Hill and Dooris introduced Res. No. 126 and moved its adoption, all Ayes.

RESOLUTION TO APPROPRIATE FUNDS FOR THE PURCHASE OF THE DELANEY PROPERTY

WHEREAS, at the meeting of the Board on September 16th, 2010, the Board authorized the purchase of a 30 acre parcel of property from Mary Delaney for a price of \$20,000.00, AND, WHEREAS, the Board authorizes Miller, Mannix, Schachner & Hafner LLC to obtain a Title Insurance report on the above mentioned property, NOW, THEREFORE BE IT

RESOLVED, that the Town Board of the Town of Horicon accepts the 30 acre parcel of property subject to receipt of a favorable Title Insurance report, BE IT FURTHER

RESOLVED, that the Board does hereby approve the following Budget Amendment:

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 to pay for purchase of the Delaney property be taken from A1940.4 (Munic. Prop.).

Adirondack Park Agency and Adirondack Park Local Government Review Board: Further to the Resolution 119 of 2010 above, Councilman Dooris suggested to the Board that they pass a Resolution urging for the removal and/or resignation of APA Chairman Curt Stiles.

RESOLUTION NO. 127 OF 2010

The Entire Horicon Town Board introduced Res. No. 127 and moved its adoption:

RESOLUTION TO REQUEST THE REMOVAL OF CURT STILES AS CHAIRMAN OF THE ADIRONDACK PARK AGENCY

WHEREAS, based on the recent controversy between Curt Stiles, Chairman of the APA, and the Adirondack Park Local Government Review Board, along with the repeated past controversy over the enforcement policies of the Adirondack Park Agency, BE IT

RESOLVED, that the Horicon Town Board does hereby ask for the removal and/or resignation of Curt Stiles as Chairman of the Adirondack Park Agency, BE IT FURTHER

RESOLVED, that certified copies of this Resolution be forwarded to Governor Paterson, the Adirondack Senators, the Adirondack Assembly Members, the Warren County Board of Supervisors, the Commissioner of DEC, the Secretary of State, the Adirondack Park Local Government Review Board, and the AATV.

North Warren Emergency Squad: Councilman Olson asked Attorney Schachner what the decision was on his previous inquiry as to whether or not the NWEMS is in compliance with the Fair Labor Standards Act. Attorney Schachner stated that he could not make an easy determination at this point and would need further documentation from the Squad.

Councilman Olson stated that he will request the necessary information from the Squad and get it to Attorney Schachner for review and a determination on the FLSA compliance question. Councilman Dooris then re-visited the issues regarding the reports the Board was to have received from the Squad as outlined in the 2010 Contract. He stated the reports are not being submitted regularly and when they are submitted they lack the detail originally requested by the Board. Councilman Dooris stated that this also puts the Squad in violation of the 2010 Contract. The following Resolution was then introduced:

RESOLUTION NO. 128 OF 2010

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

RESOLUTION TO HOLD FURTHER PAYMENTS TO NORTH WARREN EMERGENCY SQUAD PENDING REQUEST FOR INFORMATION

WHEREAS, at the October 21, 2010 meeting, the Town Board of the Town of Horicon identified several issues with the North Warren Emergency Squad (the Squad) that they believe violate the 2010 Contract between the Squad and the Town of Horicon, NOW, THEREFORE BE IT

RESOLVED, that the Town of Horicon does hereby authorize any remaining payments to the North Warren Emergency Squad be held until the Board is able to make an accurate determination on the NW Emergency Squad's status under the FLSA and until such time the NW Emergency Squad complies with the terms of the 2010 Contract.

The Board instructed the Clerk to forward a letter to the Squad advising them of the decision to hold future payments until the Board can make a definite determination as to the questions raised regarding compliance with the contract.

New Business:

Warren County Bi-Centennial: Need to appoint committee member.

RESOLUTION NO. 129 OF 2010

Messrs. Higgins and Olson introduced Res. No. 129 and moved its adoption, all Ayes.

RESOLUTION TO APPOINT SYLVIA SMITH TO WARREN COUNTY BI-CENTENNIAL COMMITTEE

RESOLVED, that the Town Board of the Town of Horicon does hereby appoint Sylvia Smith to work with Tom Johansen on the Bi-Centennial Committee of Warren County as a representative of the Town of Horicon.

Gaslight Village Property:

RESOLUTION NO. 130 OF 2010

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

RESOLUTION URGING WARREN COUNTY BOARD OF SUPERVISORS TO SELL THE COUNTY SHARE OF THE GASLIGHT VILLAGE PROPERTY

RESOLVED, that the Town Board of the Town of Horicon does hereby urge the Warren County Board of Supervisors to sell the Warren County share of the Gaslight Village property in order

to save the taxpayers money as there is no foreseeable benefit to the taxpayers of Warren County.

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to the Warren County Board of Supervisors, Town of Bolton, Town of Chester, Town of Hague, Town of Johnsbury, Town of Lake George, Town of Lake Luzerne, Town of Queensbury, Town of Stony Creek, Town of Thurman, and Town of Warrensburg.

Horicon Day 2011: Councilman Olson has drafted a letter to the North Warren Chamber of Commerce advising them that the Horicon Day Committee is planning on holding the Horicon Day 2011 festivities on Saturday, August 6, 2011.

Highway Department: HS Smith advised the Board that the 2000 Chevrolet pickup is not drivable and suggested the Board put the truck out for bid as a parts truck noted as "as is, where is". The Board authorized the Clerk to advertise for bids.

Pavilion Dedication: Councilman Dooris asked where the dedication of the Pavilion stood. Councilman Hill advised that the plaque is ready and the Board discussed obtaining a stone for the plaque. They also decided that the dedication would incorporate the Ballfield and the Pavilion. Councilman Hill is to contact Cliff Gates to obtain the monument and then a date will be set for the dedication.

Additional Resolutions:

RESOLUTION NO. 131 OF 2010

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

RESOLUTION TO ADOPT NEW TOWN OF HORICON NOISE ORDINANCE

WHEREAS, the Town Board held a public hearing regarding the proposed Noise Ordinance, AND

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

RESOLVED, that the Town Board of the Town of Horicon does hereby adopt the Revised Town of Horicon Noise Ordinance, being Local Law #2 of 2010, and a copy of said Noise Ordinance will be on file in the Office of the Town Clerk. The Board further authorizes the Clerk to file Local Law #2 of 2010 with the Secretary of State.

RESOLUTION NO. 132 OF 2010

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

RESOLUTION TO ADOPT NEW TOWN OF HORICON DOG CONTROL LAW

WHEREAS, the Town Board held a public hearing regarding the proposed Dog Control Law, AND

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

RESOLVED, that the Town Board of the Town of Horicon does hereby adopt the Revised Town of Horicon Dog Control Law, being Local Law #3 of 2010, and a copy of said Dog Control Law will be on file in the Office of the Town Clerk. The Board further authorizes the Clerk to file Local Law #3 of 2010 with the Secretary of State.

RESOLUTION NO. 133 OF 2010

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

RESOLUTION TO APPOINT BOARD MEMBERS TO MEET WITH NORTH WARREN EMERGENCY SQUAD

RESOLVED, that the Town Board of the Town of Horicon does hereby appoint Councilman Joseph Dooris and Councilman Robert Olson to represent the Town of Horicon in a meeting with the North Warren Emergency Squad. The purpose of the meeting will be to discuss and attempt to resolve the long standing issues with the Squad.

Privilege of the Floor: There were no comments from the audience.

Adjourn:

There being no further business to attend to the meeting was adjourned at 8:15 PM by MOTION of Messrs. Olson and Hill, all in favor.

Respectfully Submitted:

Town Clerk