

**JUNE 18, 2009 PUBLIC HEARING (ZONING AMENDMENT) BOARD MEETING**

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

Also: John & Peggy Stevens, Ruth Hayes, Roscoe Chase, Ken Dott, Gordon Hayes, Bill Bruce, Martin Meade, Jean Olson, Krista & Matt Wood, Mary Lou & Poul Carstensen, Tim Beadnell, Tom Johansen, Joe Koch, Gary Frenz, Brandon Himoff, Steve Smith, Louie Russo, Jerry Hill, Chuck Hilton, Gerald Contois, Charles Lewis, Wade Lewis, Don Lewis, Kit & Eric Isachsen, Harry Balz, Tom Geiger, Chris Smith-Hayes, Don Butler, Robert Duell, Bob Hill, Bernie Hill, Patrick Farrell, Don Studler, Bill McGhia, Cliff Bouchard, Jane & Thad Smith, Cindy Meade, Andy Beadnell, Randy & Liz StClaire, many others.

Supervisor Bentley opened the public hearing and the clerk read the legal notice as follows:

"Notice is hereby given, that the Town Board of the Town of Horicon will hold a public hearing on the 18<sup>th</sup> of June at 7:00 PM at the Horicon Community Center for the purpose of amending the Horicon Zoning & Project Review. Proposed amendment is regarding Section 17- Administration, specifically 17.10 Zoning Administrator: The addition is the following sentence: **The Zoning Administrator is hereby empowered and authorized to issue appearance tickets returnable in the Town Justice Court of the Town of Horicon.** All interested persons who attend said hearing shall be given the opportunity to be heard. By Order of the Town Board".

In answer to disturbing e-mails that have been distributed around Town regarding inaccurate information, the Board made available the following information sheet on the table with the Agendas:

"The Town Board appreciates your attendance at this public hearing tonight and welcomes you to the meeting. Before opening the floor to comments, the Board would like to clear up a few misconceptions that have been widely circulated, perhaps by some of the people here this evening. The Town Board was prompted to propose this zoning amendment by a Town Board member who was not satisfied by the way zoning violations were issued even though they were being done in the long-standing way. In order to clarify the process and include authorization in our Zoning Ordinance, this proposed amendment was drafted, introduced and a public hearing scheduled. This amendment simply authorizes the Zoning Administrator to issue violations when needed which has always been a part of his job. It does not appoint him as Town Constable

nor authorize him to carry a gun. The issue before us tonight is this one proposed sentence: **"The Zoning Administrator is hereby empowered and authorized to issue appearance tickets returnable in the Town Justice Court of the Town of Horicon"**. This is the proposed amendment in its entirety. There is no hidden meaning or agenda. Please be considerate of others and limit your comments for or against this amendment to 2 minutes. Thank You.

Supervisor Bentley then opened the floor to comments.

Poul Carstensen: "How will this differ from what is already being done?"

Supervisor Bentley: "It won't differ, this is the way its been done all along".

ZA McMeekin: "95% of people respond to warning or violation notice and correct what is wrong. This process only applies to the other 5 %".

Counselor Mike Hill- The Board is simply trying to formalize this and put it into the Zoning Ordinance. The authority is already inferred under State Law, by making this addition it will eliminate any future questions.

Brandon Himoff: "If Town already can do it there is no reason to pass this. It is on a little shaky ground".

Steven Smith: "Leave the legal decision to the judge, he's an elected official".

Counselor Hill: The Town would benefit from a legal position in defending the Town. It would make it easier for enforcement. No Zoning Administrator action has been overturned, but this would benefit the Towns position. It will clarify and formalize the process that has gone on for years".

John Stevens: "If no case has been overturned there is really no problem".

Tim Beadnell: Against amendment.

Councilman Olson: "The Town Board should approve appearance tickets before violation goes into court".

(Audience talked amongst themselves)

Other comments were based on personal experiences with Zoning Administrator and did not address the proposed amendment.

Councilman Higgins made a MOTION to leave the public hearing open for 30 days for written comments only, Councilman Hill seconded, 3 in favor (Higgins, Hill, Bentley) 1 against (Olson), 1 absent (Dooris).

**SOUTH IKE HAYES ROAD** Roscoe Chase asked about the qualified abandoned status of South Ike Hayes Road. Mr. Chase owns property he would like to subdivide in the future and needs information regarding the use of a small part of the qualified abandoned road for his lots. Mr. Chase was told the driveway of any lot needs to intersect with a maintained road. Counselor Hill said the Highway Superintendent would have to take steps to re-introduce that part of road back into the Town's highway system. Councilman Olson suggested Mr. Chase meet with HS Smith and show him what part of road is needed. That would be first step to trying to get section re-opened. Councilman Olson said it would be discussed next month when more information has been gathered.

**MINUTES:** The minutes of May 21<sup>st</sup> were approved by MOTION of Messrs. Higgins & Hill, 4 ayes, 1 absent, (Dooris).

**REPORTS:** Supervisor, Town Clerk and Zoning

**JUNE ABSTRACTS:**

**RESOLUTION NO. 77 OF 2009**

Messrs. Olson & Higgins introduced Res. 77 and moved its adoption:

**RESOLUTION TO AUTHORIZE PAYMENT OF ABSTRACTS**

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

Highway Vouchers # 121-139	\$77,337.63
General Vouchers # 149-181	\$28,525.69
Highway Abstracts # 15 & 17	\$12,346.53
General Abstracts # 15 & 17	\$17,265.77

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

**COMMUNICATIONS:**

Adirondack Overhead Door	RE: Quote to move door opener
Condit Brothers	RE: Quote for porta-johns
Pat Tatich, Warren Co.	RE: GIS Services
Doug Roberts	RE: Adirondack Bible Church

**Action on Communications:**

Supervisor Bentley spoke about the importance of the GIS Services from Warren County. They are requesting an annual amount of \$2,500 beginning in 2010 and a pro-rated amount of \$1,250 for the balance of this year. In order to continue the program it would have to be primarily funded by resources external to the County.

**RESOLUTION NO. 78 OF 2009**

Messrs. Olson & Hill introduced Res. 78 and moved its adoption:

**RESOLUTION TO AUTHORIZE FINANCIAL ASSISTANCE  
FOR THE RETENTION OF TOWN GIS SERVICES**

RESOLVED that the Town Board does hereby authorize the pro-rated payment of \$1,250.00 to Warren County Planning Department to provide financial assistance for the retention of Town GIS Services. Beginning in 2010 the financial assistance will be \$2,500.00 annually for the Town of Horicon.

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

**Adirondack Bible Church-** Supervisor Bentley asked Town Counsel to continue to research the Town's options regarding the status of this property. Letter received from Doug Roberts says insurance on building will end on June 23<sup>rd</sup>.

**Old Business:**

**Surplus equipment-** The list of surplus equipment has been reviewed and the following Resolution introduced:

### **RESOLUTION NO. 79 OF 2009**

Messrs. Olson & Higgins introduced Res. 79 and moved its adoption:

#### **RESOLUTION TO DECLARE EQUIPMENT AS SURPLUS AND SELL BY BID**

RESOLVED, that the Town Board does hereby declare the following equipment as surplus no longer needed by the Town:

Cub Cadet Rider Mower (does not run, needs work)  
Husqvarna Riding Mowers (2) (need work) (with baggers)  
Push Mowers (2) (1 bagger)  
Snowmobile Trailer  
Old line-marker  
Old style rotor-tiller

BE IT FURTHER,

RESOLVED, that the Town Clerk is hereby authorized to advertise for sealed bids for said equipment to be opened on July 16<sup>th</sup> at 10:00 AM.

Ayes: 4    Nays: 0    Absent: Dooris

Master Plan: Dr. Lamb has sent the disc of the final draft and will send a hard copy also. Copies will be made for the Committees before the meeting.

### **RESOLUTION NO. 80 OF 2009**

Messrs. Olson & Hill introduced Res. 80 and moved its adoption:

#### **RESOLUTION SETTING MASTER PLAN MEETING**

RESOLVED, that the Town Board does hereby set a joint meeting for the Town Board, Planning Board, Master Plan Steering Committee, and Sub-Committees on July 30<sup>th</sup> at 6:00 PM at the Horicon Community Center.

Ayes: 4    Nays: 0    Absent: Dooris

Cell Towers- Supervisor Bentley reported that the Town Counsel has reviewed the Agreement and suggested some changes be made before it can be executed.

Pavilion- Supervisor Bentley has obtained the permit and everything is in place to begin the project.

Sound System- Councilman Olson reported that agreed-upon system has been ordered. If the Board wants to add a recording device to the system it would be \$600-\$999 extra. Councilman Olson will pass on the information he received regarding what type of system we may want.

#### **New Business-**

Adirondack Community Center- Councilman Hill reported that Terry is working on putting up a railing on the stairs as requested.

Zoning Complaint- The Zoning Administrator received a signed complaint stating "There are a lot of people in Town selling firewood and other things on their property and

placing signs against Town Ordinances..... The signer of the complaint stated that "he was not permitted to sell on his property, zoned LC and it's not right that others are". Ms. Smith-Hayes said, "The owner needs to contact APA to see if restriction is actually on his permit. If it isn't he would be able to sell wood." Councilman Hill said most complaints are regarding camp wood and not wood to heat homes. Councilman Olson said the owner is reluctant to engage APA. After lengthy discussion regarding these smaller enterprises, and not wanting to discourage it, the following Resolution was introduced:

**RESOLUTION NO. 81 OF 2009**

Messrs. Olson & Hill introduced Res. 81 and moved its adoption:

**RESOLUTION ALLOWING RESIDENTS TO SELL WOOD**

RESOLVED, that the Town Board does hereby state that as far as the Town of Horicon is concerned it is acceptable to sell wood at your home-site.

Ayes: 4    Nays: 0    Absent: Dooris

Marina Zoning Decision- Mr. Bouchard asked how it was possible that the Zoning Board Decision, which was written by Town Counsel, was so easy for the APA to overturn? Mr. Bouchard questioned what kind of legal advice the ZBA had been given? Counselor to the ZBA Mike Hill said, "the APA has jurisdiction to review all variances issued by our ZBA". The APA stated that the Marina Proposal did not meet some of the criteria of both the APA and the Town of Horicon. Councilman Olson suggested the Town Board support our ZBA variance and fight the APA on this issue. Councilman Olson asked if the Town could file an Article 78 against the APA? Counselor Hill said he did not know if the Town could do that, but he would research it. Mr. Bouchard asked if the Town Attorney had given the ZBA advice in this case? Councilman Olson said the Attorney advises the Board, but does not make decisions. Councilman Olson added that "we have an approved plan for zoning and I would fight this (APA decision) tooth & nail". Counselor Hill responded by saying "we took the information provided and did the best job we could, the APA did not agree the use variance was justified". Mr. Bouchard said the applicant needs to take the initiative on fighting this, not the Town of Horicon.

**Resolutions:**

**RESOLUTION NO. 82 OF 2009**

Messrs. Higgins & Hill introduced Res. 82 and moved its adoption:

**RESOLUTION TO AMEND RES. 70 OF 2009 (BUDGET AMENDMENT)**

RESOLVED, that the Town Board does hereby amend Resolution 70 of 2009, a Resolution Authorizing a Budget Amendment. The Resolution is amended to read:

Increase	510 (Estimated Revenues)	
	D2680 Insurance Recovery	\$13,332.07
	D2210 Trans. Services	\$ 1,371.20

Instead of the Increase of \$14,703.27 to D599 Appropriated Fund Balance.

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

**RESOLUTION NO. 83 OF 2009**

Messrs. Olson & Hill introduced Res. 83 and moved its adoption:

**RESOLUTION TO AMEND RES. 74 OF 2009 (DREAM WEAVER)**

RESOLVED, that the Town Board does hereby amend Resolution No. 74 of 2009, a Resolution to Purchase a Dream-Weaver Program. The Resolution is amended to replace the Dream Weaver Program with the Adobe Contribute CS4 Retail for a price of \$194.99.

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

**RESOLUTION NO. 84 OF 2009**

Messrs. Higgins & Hill introduced Res. 84 and moved its adoption:

**RESOLUTION TO ADD NEW 9-1-1 ROADS**

RESOLVED, that the Town Board does hereby add two new 9-1-1 roads to the Town of Horicon Emergency Road System. The new roads are: Boulder Corner Lane and Fox Hill Road located in Crystal Lake Preserve.

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

**RESOLUTION NO. 85 OF 2009**

Messrs. Olson & Hill introduced Res. 85 and moved its adoption:

**RESOLUTION TO AUTHORIZE ATTENDANCE TO  
PLANNING & ZONING SUMMER SCHOOL**

RESOLVED, that the Town Board does hereby authorize Dennis Doyle and other interested members of Planning or Zoning Board to attend the summer school session of the Association of Towns Planning & Zoning Seminars on July 23<sup>rd</sup>. Cost is \$70.00 per person, plus reimbursement of mileage.

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

**RESOLUTION NO. 86 OF 2009**

Messrs. Higgins & Olson introduced Res. 86 and moved its adoption:

**RESOLUTION TO MOVE DOOR OPENER AT LANDFILL**

RESOLVED, that the Town Board does hereby authorize the labor and service call to the landfill to move the electric door opener to the front door. Cost of service is \$300.00 and will be done by Adirondack Overhead Door Co. of Queensbury.

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

**Privilege of Floor:**

American Legion Dedication- Louie Russo spoke about the service at the Adirondack Honor Roll on Memorial Day. Mr. Russo would like to see the little area by the Honor Roll made into a little park, as it is a lovely setting. Hopefully the Town can get volunteer workers to do project.

Museum Project- Tom Johansen reported the Eagle Scouts are ready to start at the museum.

Mr. Johansen also asked the Board for permission for the Highway to help with the tents on July 11<sup>th</sup> in Chestertown for the Chamber of Commerce, as they have done in previous year. The Board was in favor of doing this.

Pease Hill culvert problem- Property owner Patrick Farrell asked when something would be done about the blocked culverts on his property. He said the PO would not deliver mail to his house because of conditions by culvert. Supervisor Bentley said the County plans to clean out the culverts as soon as possible.

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

Respectfully submitted: Arlene Mayer, Town Clerk