

**FEBRUARY 21, 2008 PUBLIC HEARING & TOWN BOARD MEETING**

Present at meeting:       Ralph Bentley       Supervisor  
                                  Frank Hill            Councilman  
                                  Kenneth Higgins    Councilman  
                                  Robert Olson        Councilman  
                                  Shirley Hayes       Councilwoman

Gary McMeekin            Zoning Administrator  
Paul Smith                Highway Superintendent  
Mark Schachner          Town Counsel  
Arlene Mayer             Town Clerk

Also: Christine Smith-Hayes, Joe Dooris, Gordon Hayes, Roscoe Chase, Tom Johansen, Martin Meade, Ken Dott, Greta House, Harvey Leidy, Mike Maxwell, Sandy Smith, Lori Hughs, Mr. Bouletti, Mr. & Mrs. Heilman, Harry Balz, others

Supervisor Bentley opened the public hearing regarding Zoning Amendment, Section 14.10. This is third public hearing for this amendment and the proposed wording is according to suggestions from APA. There were no comments. The public hearing was closed at 7:05 PM. Supervisor Bentley then opened the regular meeting and welcomed guests.

Approval of Minutes-The minutes of January 17<sup>th</sup> were approved by MOTION of Messrs. Olson & Hill, all ayes.

Reports- Supervisor, Town Clerk, Zoning, Justice, Highway Garage

Approval of February Abstracts-

**RESOLUTION NO. 32 OF 2008**

Messrs. Hill & Olson introduced Res. 32 and moved its adoption:

**RESOLUTION TO AUTHORIZE PAYMENT OF FEBRUARY ABSTRACTS**

RESOLVED, that the Town Board does hereby authorize the bookkeeper to pay the following February Abstracts:

Highway Vouchers # 19-53	\$62,262.40
General Vouchers # 34-71	\$29,816.57
Highway Abstracts # 3 & 4	\$12,468.92
General Abstracts # 3 & 4	\$562,040.69

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

Informal Discussion – Re-Val Program- Mike Maxwell who is in charge of the current Re-Val Program addressed the audience. Ms. Smith-Hayes provided the Board with copies of the letter going out to property owners. Mr. Maxwell briefly described the basics of the re-val and answered questions from the Board and audience.

Assessing State Lands- Representatives from the NYS Office of Real Property Services explained how they go about valuing vacant State land. They said there has been a dramatic increase in the land value and the State owned land appraisals are going up also. Supervisor Bentley pointed out some State owned land that was not on their appraisal list.

The Board thanked Mr. Maxell, Ms. Smith-Hayes and the gentlemen from ORPS for coming to the meeting.

Communications-

Adirondack Park Agency	RE: Local Government Day Conference
Adirondack Landfill Services	RE: Post-closure monitoring services
Chuck & Cindy Hilton	RE: Thank You
Time Warner Cable	RE: Line Extension Fund
Mike Gibson, Curt Morehouse, John Francisco	RE: Painting proposals
Kerri Whelan	RE: Swimming program proposal

Old Business-

ATV Litigation- The Town has come to the end of the road with the Local Law to open certain roads to ATV traffic. A Resolution to end the appeals will be presented later in the meeting.

Zoning Amendment- The second public hearing was held at the beginning of this meeting and the re-worded final draft and SEQR form will be adopted later in the meeting.

Gate for landfill- The Board has reviewed the information regarding a new gate for the landfill and the following Resolution was introduced:

**RESOLUTION NO. 33 OF 2008**

Messrs. Olson & Higgins introduced Res. 33 and moved its adoption:

**RESOLUTION TO AUTHORIZE PURCHASE OF LANDFILL GATE**

RESOLVED, that the Town Board does hereby authorize entering into a contract with AFSCO Fence Supply to "furnish and install one (1) 24' wide X 4' high double swing galvanized barrier gate. To be installed on 4" galvanized schedule 40 weight gate posts with 2" galvanized schedule 40 weight gate hold back posts. All posts are to be set in concrete footings. Total price of installed gate is \$2,065.00.

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

New Business-

Museum Addition- Mr. Balz is working with the Historical Society to get plans and Bid information together so the Bid process can begin for the addition to be built on the Horicon Museum.

Floater position vacancy- The floater position created by the Town Board last year has just become vacant. Councilman Hill said the Board needs to "hammer out" in detail the requirements for this job before we advertise it. There are some problems in determining the scope of the position.

Old Town Hall Property- Councilman Higgins reported that he spoke to John Palermo regarding the old Town Hall property. Mr. Palermo is willing to gift the property on the Mill Pond from the Town Hall up to the sand pit. Councilman Higgins said this needs to be looked into now. It does not mean it would have to be turned into a beach; it could

be made into a park. Permits would be needed and dredging would need to be done if there is any kind of swimming. Councilman Higgins suggested the Supervisor speak to Mr. Palermo and a meeting set up.

Resolutions-

**RESOLUTION NO. 34 OF 2008**

Messrs. Hill & Higgins introduced Res. 34 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 20<sup>th</sup>.

Ayes: 5      Nays: 0

**RESOLUTION NO. 35 OF 2008**

Messrs. Olson & Hill introduced Res. 35 and moved its adoption:

**RESOLUTION TO ADOPT REVISED WORDING FOR ZONING SECTION 14.10 AND SUBMIT SEQR FORM**

WHEREAS, the Horicon Town Board held a second public hearing on February 21, 2008 to adopt the proposed text regarding Section 14.10 after making suggested changes to the original wording, NOW, THEREFORE BE IT

RESOLVED, that the Town Board of the Town of Horicon does hereby adopt the following amendment, which is the last paragraph of Section 14.10 Pre-Existing Lots and Subdivisions.

“Determinations as to the lots in subdivisions that qualify as “pre-existing” under this Local Law are contained in Appendix E. Additions to the list of lots and subdivisions contained in Appendix E and to qualify as “pre-existing” under this Local Law will be added in accordance of Local Law Section 18 (Zoning and Project Review Book).

BE IT FURTHER

RESOLVED, that a copy of this Resolution and a completed SEQR form is hereby submitted to Brian Grisi at the Adirondack Park Agency in completion of this zoning change.

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

**RESOLUTION NO. 36 OF 2008**

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

**RESOLUTION TO AWARD PAINTING CONTRACT FOR COMMUNITY CENTER**

WHEREAS, the Town Board solicited prices for the labor only to paint the meeting room of the Community Center, AND

WHEREAS, the Board has received three proposals for this work, proposals being \$600.00, \$1,380.00, and \$1,600.00, NOW, THEREFORE BE IT

RESOLVED, that the Town Board does hereby award the painting contract to Mike Gibson who submitted the lowest proposal for the project, \$600.00.

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

**RESOLUTION NO. 37 OF 2008**

Messrs. Higgins & Olson introduced Res. 37 and moved its adoption:

**RESOLUTION TO AUTHORIZE CONSTRUCTION BIDS FOR MUSEUM**

RESOLVED, that the Town Board does hereby authorize the clerk to solicit for bids for the purpose of constructing an addition to the Horicon Museum. Bids will be opened on a suitable date based on the timing of receipt of construction plans.

Ayes: 5 Nays: 0

**RESOLUTION NO. 38 OF 2008**

Mr. Higgins & Mrs. Hayes introduced Res. 38 and moved its adoption:

**RESOLUTION TERMINATING FURTHER APPEALS  
FOR THE DEC/HORICON ATV ACCESS CASE**

RESOLVED, that the Town Board of the Town of Horicon wishes to end further Appeals and will cease pursuit of the "DEC v. Horicon ATV Access Case", BE IT FURTHER

RESOLVED, that this Resolution serve as written notification to Town Counsel, Mark Schachner, that it is the Town Board's decision to bring this litigation to an end.

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

**RESOLUTION NO. 39 OF 2008**

Messrs. Higgins & Hill introduced Res. 39 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.

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

**RESOLUTION NO. 40 OF 2008**

Mrs. Hayes & Mr. Hill introduced Res. 40 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, NY 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. 41 OF 2008**

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

##### **RESOLUTION TO AUTHORIZE ATTENDANCE AT CONFERENCE**

RESOLVED, that the Town Board does hereby authorize interested Town Officials to attend the Adirondack Park Local Government Day Conference on March 25<sup>th</sup> and 26<sup>th</sup>. Mileage and expenses will be paid and/or reimbursed by the Town to those representing Horicon.

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

#### **RESOLUTION NO. 42 OF 2008**

The Members of the Horicon Town Board introduced Res. 42 and moved its adoption:

##### **RESOLUTION IN SUPPORT OF CONTINUED STATE TAX PAYMENTS ON STATE-OWNED LAND IN THE ADIRONDACK PARK**

WHEREAS, the state Legislature first authorized New York State in 1886 to make Payments to local governments for property taxes on state-owned land, AND

WHEREAS, since 1894, when the Adirondack Park Forest Preserve was established by Article 7 of the state Constitution, the state has been purchasing private lands in the Adirondack Park for inclusion in the Forest Preserve, AND

WHEREAS, the state's designation of millions of acres of land as Forest Preserve has sharply reduced and in some places eliminated opportunities for most economic activity in Adirondack Park communities, in contrast with the broad opportunities for growth available in other communities across the state, AND

WHEREAS, state-owned Forest Preserve comprises a majority of all property-as much as 96 percent-in some communities in the Adirondacks, AND

WHEREAS, the state Legislature authorized acquisition of private lands in the Adirondacks as a benefit to all state residents, and as such, bears the responsibility for sharing in the continuing costs associated with those properties, such as road maintenance and local emergency response protection, rather than imposing these costs on the declining number of local property taxpayers in Adirondack communities whose ability to pay taxes has been sharply restricted by the loss of economic growth associated with the acquisitions, AND

WHEREAS, Adirondack Park Agency regulations have further reduced economic opportunities on the land that remains in private ownership, thereby further restricting job growth and economic opportunity in the region, AND

WHEREAS, the combination of vast state land ownership and heavy state regulation of private land has helped to create an economy in many Adirondack communities that is largely dependent on local and state government and school districts as the major employer and economic force, AND

WHEREAS, New York State's determination to continue to convert more private land into Forest Preserve in the Adirondack Park, combined with increasing APA regulation, sets up a perpetual cycle of slow economic decline that has been only minimally leavened by the state's payment of property taxes to local communities, which if withdrawn, as a consequence of a recent court decision, would cause catastrophic collapse of essential local government services in some Adirondack communities, THEREFORE

BE IT RESOLVED, the Town of Horicon hereby calls on Gov. Spitzer and the state Legislature to defer all future state acquisition of private land in the Adirondacks until such time as the Governor and Legislature provide an irrevocable guarantee that there will be no interruption, reduction or loss in tax payments to local governments on Forest Preserve and other state-owned land and property on which the state holds conservation easements in the Adirondack Park, and that these payments continue in perpetuity, AND

BE IT FURTHER RESOLVED, the clerk shall send a copy of this resolution to Governor Spitzer, the state's legislative leaders and Adirondack-region representatives, AND

BE IT FURTHER RESOLVED, the clerk shall also forward a copy of this resolution to the Adirondack Park Local Government Review Board.

Ayes: 5    Nays: 0

Privilege of Floor-

Beaver Pond Road- Mr. John Donovan spoke about a section of Beaver Pond Road that is a "disaster". Mr. Donovan asked that this section be considered for paving because of the physical condition of the road. Councilman Hill said the Board would take his request under consideration. HS Smith said he would try and get it on the paving schedule after looking it over. Councilman Hill said the Highway Committee would be meeting with the Highway Superintendent soon to discuss what will be paved next. Supervisor Bentley said the Town is going to have to work at finding some money for paving as we have already overspent the budget because of all the bad weather.

Mr. Ken Dott thanked the Board for all their efforts in getting the Section 14.10 zoning amendment finalized.

This being all the business to attend to, the meeting was adjourned at 8:30 by MOTION of Messrs. Higgins & Hill, all ayes.

Respectfully submitted,

Town Clerk

