

**HORICON TOWN BOARD  
REGULAR MEETING**

**FEBRUARY 19, 2015  
7:00 PM**

Present at meeting: Matthew Simpson Supervisor  
Frank Hill Councilman  
Robert Olson Councilman  
Kenneth Higgins Councilman  
Sylvia Smith Councilwoman  
Krista Wood Town Clerk  
Mark Schachner Town Counsel

Also: AJ Reyes, Jane Smith, Bill and Joanne McGhie, Harvey Leidy, Brandon Himoff, Tom Johansen, Wayne Butler, John Donovan, Bob Smith, Matt Wood, Christine Hayes, HS Paul Smith, Teri Schuerlein, and ZA Jim Steen.

Supervisor Simpson called the meeting to order at 7:00 PM.

**Approval of Minutes:** Minutes of January 15, 2015 were approved by Motion of Councilperson Smith and Councilperson Olson, all Ayes.

**Approval of February 19, 2015 Vouchers and Abstracts:**

**RESOLUTION #42-2015**

Councilperson Hill and Councilperson Olson introduced Res. No. 42 and moved its adoption:

**RESOLUTION TO AUTHORIZE PAYMENT OF FEBRUARY ABSTRACTS**

RESOLVED, that the Town Board does hereby authorize payment of the February 19, 2015 Vouchers and Abstracts as follows:

General Vouchers	# 29 -62	\$ 16,488.97
Highway Vouchers	# 14-39	\$ 47,879.03
General Abstracts	3 & 4	\$110,672.08
Highway Abstracts	3 & 4	\$121,226.38

Ayes: 5 (Hill, Olson, Higgins, Smith, Simpson) Nays: 0

**Correspondence to the Board:**

- APA RE: Notice of Public Hearing concerning emergency projects
- Library Bd of Trustees RE: Election of Trustees for 2015
- Adk Park Loc Gov't RE: 18<sup>th</sup> Annual Adk Park Local Gov't Conference April 15-16<sup>th</sup>
- Brant Lk Association RE: 2014 Brant Lake Boat Launch Inspection Report

**Resolutions:**

**RESOLUTION #43-2015**

Councilperson Smith and Councilperson Higgins introduced Res. No. 43 and moved its adoption:

**RESOLUTION TO AUTHORIZE CREATION OF PART-TIME POSITION**

RESOLVED, that the Town Board of the Town of Horicon does hereby wish to create the position of Part-time Library Clerk.

Ayes: 5 (Smith, Higgins, Olson, Hill, Simpson) Nays: 0

It was noted by the Board that the Library Clerk position will be three hours per week at a pay rate of \$10.75 per hour.

**RESOLUTION #44-2015**

Councilperson Olson and Councilperson Hill introduced Res. No. 44 and moved its adoption:

**RESOLUTION TO AUTHORIZE CLERK TO ADVERTISE FOR PART-TIME LIBRARY CLERK**

RESOLVED, that the Town Board of the Town of Horicon does hereby authorize the Town Clerk to advertise for the position of Part-time Library Clerk.

Ayes: 5 (Olson, Hill, Higgins, Smith, Simpson) Nays: 0

**RESOLUTION #45-2015**

Councilperson Olson and Councilperson Higgins introduced Res. No. 45 and moved its adoption:

**RESOLUTION TO AUTHORIZE POSTING OF ROADS**

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

Ayes: 5 (Olson, Higgins, Hill, Smith, Simpson) Nays: 0

**RESOLUTION #46-2015**

Councilperson Higgins and Councilperson Olson introduced Res. No. 46 and moved its adoption:

**RESOLUTION AUTHORIZING SOLICITATION OF SAND BIDS**

RESOLVED, that the Town Board does hereby authorize the Town Clerk to solicit, by legal advertisement, bids for processed highway sand. Bids are to be opened at the regular Town Board meeting on March 19, 2015.

Ayes: 5 (Higgins, Olson, Hill, Smith, Simpson) Nays: 0

**RESOLUTION #47-2015**

Councilperson Olson and Councilperson Higgins introduced Res. No. 47 and moved its adoption:

**RESOLUTION TO SET UP ACCOUNT CODES FOR OVERTIME**

RESOLVED, that the Town Board of the Town of Horicon does hereby authorize the Bookkeeper to set up account codes D5110.11 (General Repair – Overtime), D5130.11 (Machinery-Overtime), and D5142.11 (Snow Removal – Overtime), and be it further

RESOLVED, that the Town Board authorizes the Bookkeeper to make the following transfers to these accounts:

<u>From:</u>	<u>To:</u>	<u>Amount:</u>
D5110.1 (Gen Rpr - Pers Svcs)	D5110.11 (Gen Rpr-O/T)	\$ 15,000.00
D5130.1 (Machinery-Pers Svcs)	D5130.11 (Mach-O/T)	\$ 6,524.00
D5142.1 (Snow Rem – Pers Svcs)	D5142.11 (Snow Rem-O/T)	\$ 30,000.00

Ayes: 5 (Olson, Higgins, Hill, Smith, Simpson) Nays: 0

**RESOLUTION #48-2015**

Councilperson Olson and Councilperson Higgins introduced Res. No. 48 and moved its adoption:

**RESOLUTION TO AUTHORIZE BUDGET AMENDMENT**

RESOLVED, that the Town Board of the Town of Horicon does hereby authorize the Bookkeeper to make the following Budget Amendment in the Highway Fund to increase revenues in the 2015 Budget as follows:

Decrease.....	DA599 – Appropriated Fund Balance	\$ 60,228.00
Increase.....	DA4589 – Federal Aid Storm Damage	\$ 18,744.00
Increase.....	DA2210 – Transportation Services	\$ 41,484.00

Ayes: 5 (Olson, Higgins, Hill, Smith, Simpson) Nays: 0

**RESOLUTION #49-2015**

Councilperson Higgins and Councilperson Olson introduced Res. No. 49 and moved its adoption:

**RESOLUTION TO AUTHORIZE ZONING ADMINISTRATOR TO ATTEND TRAINING**

RESOLVED, that the Town Board of the Town of Horicon does hereby authorize the Zoning Administrator to attend the Septic System Inspection Training being held March 18, 2015 in Ray Brook at a cost of \$199.00 plus reimbursement for mileage and meals.

Ayes: 5 (Higgins, Olson, Hill, Smith, Simpson) Nays: 0

**Old Business:**

*AJ Reyes/Lake Study:* AJ Reyes reviewed his draft survey, which will be part of his lake study, with the Board and asked for their feedback on it. AJ also explained how the survey will impact his Comprehensive Lake Management Plan. Wayne Butler, in correlation to AJ's work, reviewed the 2014 Brant Lake milfoil findings with the Board.

*Highway Truck:* Supervisor Simpson explained that financing the new Highway truck through Daimler had become a difficult process and suggested the Board consider financing it through a BAN instead; the Board agreed.

**RESOLUTION #50-2015**

Councilperson Olson and Councilperson Hill introduced Res. No. 50 and moved its adoption:

**RESOLUTION TO RESCIND RESOLUTION #38-2015**

RESOLVED, that the Town Board of the Town of Horicon does hereby rescind Resolution #38-2015 authorizing the purchase of a 2015 Highway plow truck to be financed through Daimler.

Ayes: 5 (Olson, Hill, Higgins, Smith, Simpson) Nays: 0

**RESOLUTION #51-2015**

Councilperson Olson and Councilperson Higgins introduced Res. No. 51 and moved its adoption:

**RESOLUTION AUTHORIZING THE ISSUANCE OF UP TO \$187,000 IN SERIAL BONDS OF THE TOWN OF HORICON TO PAY THE COST OF ACQUISITION OF 2015 PLOW TRUCK; AND AUTHORIZING THE ISSUANCE OF UP TO \$187,000 IN BOND ANTICIPATION NOTES OF THE TOWN OF HORICON FOR THE SAME PURPOSE**

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF HORICON, WARREN COUNTY, NEW YORK, AS FOLLOWS:

**Section 1.** The specific object or purpose for which the obligations authorized by this Bond Resolution are to be issued is the acquisition of a new 2015 Western Star 4700SF Truck with a dump body, front and wing snowplows and rear sander, and related preliminary and incidental costs (the "Project"), and this specific object or purpose is hereby authorized at a maximum estimated cost of \$197,000.00. The purchase of such plow truck as detailed per the Oneida County bid #1692 is hereby authorized.

**Section 2.** The plan for the financing of such maximum estimated cost of the Project is as follows:

- (a) the issuance of up to \$187,000 in serial bonds and/or bond anticipation notes of said Town, hereby authorized to be issued pursuant to the Local Finance Law; and
- (b) the trade in of a Town owned 1995 Ford L8000 truck with a trade in value of \$10,000.

The proceeds of the bonds or bond anticipation notes may be used to reimburse expenditures paid by the Town from other funds or otherwise on or after the date of adoption of this Bond

Resolution. Pursuant to Local Finance Law Section 107.00(d)(9), a down payment from current funds is not required.

**Section 3.** The Town Board anticipates that the Town may pay certain capital expenditures in connection with the Project prior to the receipt of the proceeds of the Bonds. The Town Board hereby declares its official intent to use Bond proceeds to reimburse the Town for such Project expenditures. This section of the Resolution is adopted solely for the purpose of establishing compliance with the requirements of Section 1.150-2 of the Treasury Regulations and does not bind the Town to make any expenditure, incur any indebtedness or proceed with the acquisition.

**Section 4.** It is hereby determined that the period of probable usefulness of the specific object or purpose is fifteen (15) years, pursuant to Section 11.00(a)(28) of the New York Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will not exceed five (5) years.

**Section 5.** The faith and credit of the Town of Horicon, Warren County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as they become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such years. There shall annually be levied on all the taxable real property of the Town a tax sufficient to pay the principal of and interest on such obligations as they become due and payable.

**Section 6.** For the purpose of paying the cost of the Project, there are hereby authorized to be issued serial bonds of the Town up to a maximum amount of \$187,000, the maximum maturity of which shall not exceed the period of probable usefulness set forth above, and which shall mature on or before such date as measured from the date of the bonds or from the date of the first bond anticipation note issued in anticipation of the sale of such bonds, whichever date is earlier. Such bonds may be in the form of a Statutory Installment Bond pursuant to Local Finance Law Section 62.10.

**Section 7.** There are hereby authorized to be issued bond anticipation notes for the specific object or purpose in an amount up to but not exceeding the \$187,000 maximum amount of serial bonds authorized to be issued, in anticipation of the issuance and sale of the serial bonds authorized, including renewals of such bond anticipation notes.

**Section 8.** Any bond anticipation notes shall be payable from the proceeds derived from the sale of the bonds or otherwise redeemed in the manner provided by Section 23.00 of the Local Finance Law. The faith and credit of the Town are hereby irrevocably pledged for the payment of the bond anticipation notes and the interest on them.

**Section 9.** There are no bond anticipation notes outstanding which have been previously issued in anticipation of the sale of these bonds. Neither are the bond anticipation notes hereby authorized renewal notes. These bond anticipation notes will not be issued in anticipation of bonds for an assessable improvement. These notes shall mature at such time as the Town may determine and may be renewed from time to time, provided that in no event shall such notes or renewals extend more than one (1) year beyond the original date of issue except as permitted in the Local Finance Law.

**Section 10.** Subject to the terms and conditions of this Resolution and of the Local Finance Law, and pursuant to the provisions of Sections 30.00, 50.00 and 56.00 to 60.00, inclusive, of the Local Finance Law, the power to authorize bond anticipation notes in anticipation of the issuance of the serial bonds authorized by this Resolution and the renewal of these notes, and the power to prescribe the terms, form and contents of the serial bonds and bond anticipation notes and the power to sell and deliver the serial bonds and bond anticipation notes issued in anticipation of the issuance of the bonds is hereby delegated to the Town Supervisor, the Chief Fiscal Officer of the Town. The Town Supervisor is hereby authorized to sign any serial bonds and bond anticipation notes issued in anticipation of the

issuance of the serial bonds issued pursuant to this Resolution by manual or facsimile signature, and the Town Clerk is hereby authorized to affix or impress or imprint a facsimile of the seal of the Town to any of the serial bonds or bond anticipation notes and to attest such seal by manual or facsimile signature. If executed by facsimile signature, such obligation shall be authenticated by the manual countersignature of the Town Clerk or a designated fiscal agent. The Town Supervisor, as Chief Fiscal Officer of the Town, is authorized to execute and deliver any documents and to take such other action as may be necessary and proper to carry out the intent of the provisions of this Resolution.

**Section 11.** The exact date of issuance of the bonds and/or notes and the exact date upon which they shall become due and payable shall be fixed and determined by the Chief Fiscal Officer, provided, however, that the maturity of the notes or renewals shall not exceed one (1) year from the date of issue except as permitted by the Local Finance Law.

**Section 12.** The Chief Fiscal Officer shall prepare the bonds and/or notes and sell them in accordance with the provisions of the Local Finance Law, and at such sale shall determine the interest rate to be borne by such bonds and/or notes, and whether fixed or variable. The Town Board authorizes the Chief Fiscal Officer to establish substantially level or declining annual debt service for the repayment of such Bonds if he believes it is in the best interests of the Town.

**Section 13.** If issued, the notes shall be in registered form, and shall bear interest at the determined rate.

**Section 14.** The Chief Fiscal Officer shall deliver the bonds and/or notes to the purchaser only against a certified check or other immediately available funds. The proceeds of the sale of the bonds and/or notes shall be deposited and/or invested as required by Section 165.00 of the Local Finance Law, and the power to invest the proceeds of sale is hereby delegated to the Chief Fiscal Officer and the power to invest in any instruments described in Section 165.00 is expressly granted.

**Section 15.** To the extent that it is permitted to do so under the Internal Revenue Code of 1986, as amended (the "Code"), the Town hereby designates the bonds and/or notes as "qualified tax-exempt obligations" under Section 265(b)(3) of the Code. The Town hereby covenants that, to the extent permitted under the Code in existence as of the date of issuance of any bonds and/or notes, it will (i) take all actions on its part necessary to cause interest on the bonds and/or notes to be excluded from gross income for purposes of Federal income taxes and (ii) refrain from taking any action which would cause interest on the bonds and/or notes to be included in gross income for purposes of Federal income taxes.

**Section 16.** Miller, Mannix, Schachner & Hafner, LLC, Glens Falls, New York, is hereby designated bond counsel.

**Section 17.** The Town of Horicon is a town wholly within the Adirondack Park. However, State lands subject to taxation within the Town's boundaries are assessed at less than thirty percent (30%) of the total taxable assessed valuation of the Town, so permission of the State Comptroller to issue the bonds and/or notes is not required under Local Finance Law Section 104.10(3).

**Section 18.** This Resolution is not subject to permissive referendum pursuant to Article 7 of New York Town Law and Section 35.00 of New York Local Finance Law referendum.

**Section 19.** This Resolution shall be published in full, or a summary of this Resolution shall be published, in the *Post-Star*, which has been designated as the official newspaper of the Town, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

**Section 20.** The validity of these serial bonds and bond anticipation notes may be contested only if:

(1) These obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(2) The provisions of law which should be complied with at the date of publication of this Resolution or a summary thereof are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or

(3) Such obligations are authorized in violation of the provisions of the State Constitution.

**Section 21.** This Resolution shall take effect immediately.

**Section 22.** The question of the adoption of this Resolution was duly put to a vote on roll call which resulted as follows:

Ayes: 5 (Olson, Higgins, Hill, Smith, Simpson) Nays: 0

**New Business:**

**Shared Services – Assessor:** Supervisor Simpson explained that he and Supervisor Ron Conover (Town of Bolton) are on the County Shared Services Committee which looks for efficiencies among Towns, Counties, and the State. He said, as per the Governor’s agenda, the Town must have an Efficiency Plan by June to show savings within the Town. In discussing this plan with Supervisor Conover, Supervisor Simpson said they discussed the possibility of the two Towns sharing an Assessor. Supervisor Simpson said Assessor Christine Hayes would divide her time equally between the two Towns and the costs for health insurance and retirement would be split equally between the Towns. The Board felt this would be worth pursuing and asked Supervisor Simpson to work out the details with Supervisor Conover and bring the information to the next meeting for discussion.

**Committee Reports:**

-Councilperson Hill addressed several Highway issues. He said that they have ordered master switches for the trucks as a fire prevention measure. He also noted that something has to be done about the problem with the furnace as it has gone on for too long. The Board agreed it needs to be fixed now and told Councilperson Hill to get someone in to fix it. Councilperson Hill also asked what the Board wanted to do about clearing back the banks at the end of people’s driveways. There was brief discussion and Supervisor Simpson told HS Paul Smith it was up to him as Highway Superintendent how he wanted to handle it. Lastly, it was brought up that non-residents of the Town are taking the salted sand for their driveways and it is costing the Town money. The Board asked Supervisor Simpson to speak to Supervisor Monroe about salting their sand for their residents so they do not come to Horicon.

-Councilperson Olson spoke about the negative effect the restrictive R1 Zoning district has on Point O’ Pines as discussed at last month’s meeting. He said that if the Town Board feels there is benefit in considering the request made by the Himoff’s to include Group Camps as a conditional use in the R1 Zone then he will gather more information and suggested the Board consider a Public Hearing. There was lengthy discussion between the Board and Brandon Himoff regarding the restrictiveness of the R1 Zone on the Group Camps, the issues that will arise for the Town if they allow Group Camps in the R1, and also possible alternatives for the existing Camps in lieu of changing the Zoning. Councilperson Olson will look into this further and report back to the Board.

-Councilperson Smith said she and Councilperson Hill have met regarding Beautification and will have more information at next month’s meeting. She noted that the cemetery maps are now complete. Lastly, she asked if it would be possible to get a report from the Town Historian as the Board does from

other Departments. Supervisor Simpson said the Board will send a letter to the Historian requesting that she submit a quarterly report to the Board.

**Privilege of the Floor**

-Brandon Himoff told the Board that the Pug Parade has been adopted by Lake Luzerne. He asked that the monies budgeted for the Pug Parade be held while the Chamber searches for a new event.

-HS Paul Smith asked the Board if there is anything in the County contract regarding clearing snow out of the intersections. Supervisor Simpson told HS Smith that there is nothing in the contract that references this, therefore, it would be up to him as to whether or not he feels it should be done. The Board agreed it is HS Smith's decision and they will support his decision.

-John Donovan gave an update on the 1881 Union Church.

-Jane Smith told the Board that the Adirondack Lakes Alliance is progressing, and it looks as though they may be partnering with the AATV.

-Joanne McGhie said the Library is anxious to get the new Clerk and asked when the ad will go in the paper. The ad will be in Monday's paper.

**Executive Session**

Councilman Hill made a motion, seconded by Councilman Olson, to move to Executive Session to discuss employment history and possible compensation. The Board moved to Executive Session at 8:30 PM.

The Board returned from Executive Session at 8: 50 PM and Councilman Hill made a motion to return to Regular Session, seconded by Councilman Higgins, all in favor. The Board discussed the employment history of an employee, no action was taken.

**Adjourn...** There being no further business to attend to the meeting was adjourned at 8:50 by MOTION of Councilperson Hill and Councilperson Olson, all in favor.

Respectfully Submitted:

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Town Clerk