

**HORICON TOWN BOARD
REGULAR MEETING**

**AUGUST 20, 2015
7:00 PM**

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

Also: Jane Smith, Nick and Deborah Buttino, Kathy Suozzo (Cedarwood Engineering), Assessor Christine Hayes, HS Paul Smith, ZA Jim Steen, Bob Smith, Teri Schuerlein, Kathy Hill.

Supervisor Simpson opened the meeting at 7:00pm.

The Giants Little League team addressed the Board briefly to thank the Town for providing the services on the field and for their support. The team then presented their 2015 Little League trophy and team photo to the Board.

Local Board of Health...

Supervisor Simpson advised the Board they need to convene as the Local Board of Health to consider a septic variance request. A Motion was made by Councilperson Smith, seconded by Councilperson Olson, to go into session as the Local Board of Health to consider a request for a septic variance. The Board moved into session as Local Board of Health at 7:05 PM.

ZA Jim Steen said a septic variance request has been made by Cedarwood Engineering for an alternative system being proposed for 1 Red Wing Road in Adirondack. Kathy Suozzo from Cedarwood Engineering said they are proposing to replace the current non-conforming septic with an alternative septic system which cannot meet several minimum setback requirements. She explained variances are being requested for the following setbacks: septic tank to dwelling 5' proposed (10' required); septic tank to property line 4.2' proposed (10' required); distribution box to property line 6.5' proposed (10' required); distribution box to neighboring well 96.4' proposed (100' required); absorption field to property line 1.1' proposed (10' required); and absorption field to dwelling 2.5' proposed (20' required). Jim Steen said he feels this is the best plan to meet setbacks to neighboring wells. The Board deemed the application complete and set a public hearing.

RESOLUTION #124-2015

Councilperson Olson and Councilperson Hill introduced Res. No. 124 and moved its adoption:

RESOLUTION TO SET PUBLIC HEARING

RESOLVED, that the Town Board of the Town of Horicon, acting in its capacity as the Local Board of Health, considers the application made by Cedarwood Engineering for a septic variance at 1 Red Wing Rd in Adirondack complete and does hereby set a Public Hearing for Thursday, September 17, 2015 at 7:00PM at the Horicon Community Center.

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

A Motion was made by Councilperson Olson, seconded by Councilperson Higgins, to move back into regular session. The Board moved back into regular session at 7:15PM.

Reports: Supervisor, Town Clerk, Zoning, Justice, Assessor

Approval of Minutes: Minutes of July 23, 2015 were approved by Motion of Councilperson Higgins and Councilperson Olson.

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

Approval of Vouchers and Abstracts:

RESOLUTION #125-2015

Councilperson Hill and Councilperson Olson introduced Res. No. 125 and moved its adoption:

RESOLUTION TO AUTHORIZE PAYMENT OF AUGUST 2015 ABSTRACTS

RESOLVED, that the Town Board does hereby authorize the payment of the August 20, 2015 Vouchers and Abstracts as follows:

General Vouchers	# 231-277	\$ 31,294.82
Highway Vouchers	# 131-154	\$ 131,083.04
HA – CFA East Shore	# 6	\$ 1,731.39
General Abstracts	23 & 24	\$ 40,621.07
Highway Abstracts	23 & 24	\$ 13,870.29

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

Correspondence to the Board...

- George Hayes RE: Letter of interest in regards to serving as SLPD Commissioner if a seat opens
- Terry Martino, APA RE: Notice of Hamlet Economic Planning and Assistance initiative

Resolutions...

RESOLUTION #126-2015

Councilperson Smith and Councilperson Higgins introduced Res. No. 126 and moved its adoption:

RESOLUTION TO AUTHORIZE THE TRANSFER FUNDS

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

From:	To:	Amount:
<i>General:</i>		
6412.4 (Spec. Publ.)	8090.1 (Insect-Pers.)	\$ 8,000.00
8510.2 (Beaut-Equip.)	8510.4 (Beautif-Contr.)	\$ 2,000.00

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

RESOLUTION #127-2015

Councilperson Olson and Councilperson Smith introduced Res. No. 127 and moved its adoption:

RESOLUTION TO AMEND TOWN'S VOLUNTEER FIREFIGHTER SERVICE AWARD PROGRAM POINT SYSTEM

WHEREAS, pursuant to General Municipal Law Section 216, the Horicon Town Board previously adopted a defined benefit Volunteer Firefighter Service Award Program (the "Program"), as described in General Municipal Law Section 219, which was effective January 12, 1999 and amended in 2006 and 2013; and

WHEREAS, the Town Board wishes to amend the points awarded under the Program to be consistent with General Municipal Law; and

WHEREAS, such an amendment is authorized, subject to a mandatory referendum, pursuant to Article 11-A of the New York General Municipal Law; and

WHEREAS, the amendment is not expected to result in any increase in cost to property owners in the Town Fire Protection District; NOW, THEREFORE, BE IT

RESOLVED, that the Horicon Town Board hereby amends the Volunteer Firefighter Service Award Program to conform the number of points granted for the performance of an activity and the amount of an activity required to earn the points granted for the performance of the activity with New York General Municipal Law; and be it FURTHER RESOLVED, that in order to effectuate the approved amendments, the Town Board hereby adopts the attached "Horicon Fire Department, Inc. Length of Service Award Program Point System" which was prepared by Penflex, Inc. as the official point system for the Program, subject to mandatory referendum at the November 3, 2015 general/biennial election; and be it

FURTHER RESOLVED, that the Service Award Program shall continue to be administered by the Town of Horicon; and be it

FURTHER RESOLVED, that any other amendments to related Program documents required to effectuate the intent of this Resolution are hereby authorized and approved; and be it

FURTHER RESOLVED, that this Resolution is subject to mandatory referendum and the Town Board hereby authorizes and directs the Town Clerk and Town Counsel to prepare a proposition relating to this Resolution to be placed on the November 3, 2015 election ballot for the approval or disapproval of the eligible voters within the Town Fire Protection District, and the Town Clerk, with the advice of Town Counsel, to prepare an abstract of the proposition, and be it

FURTHER RESOLVED, that the Town Board hereby authorizes and directs the Town Clerk to transmit a certified copy of this Resolution together with the proposition and abstract to the Warren County Board of Elections or other appropriate officials so that the proposition will be placed on the November 3, 2015 election ballot in all the voting locations in the Town of Horicon Fire Protection District; and be it

FURTHER RESOLVED, that the Town Supervisor, Town Clerk and Town Counsel are hereby authorized and directed to take such additional actions as may be necessary and appropriate in connection with the mandatory referendum and the Program amendments.

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

RESOLUTION #128-2015

Councilperson Olson and Councilperson Hill introduced Res. No. 128 and moved its adoption:

RESOLUTION TO INCREASE BENEFIT UNDER TOWN'S VOLUNTEER FIREFIGHTER SERVICE AWARD PROGRAM

WHEREAS, pursuant to General Municipal Law Section 216, the Horicon Town Board previously adopted a defined benefit Volunteer Firefighter Service Award Program (the "Program"), as described in General Municipal Law Section 219, which was effective January 12, 1999 and amended in 2006 and 2013; and

WHEREAS, investment of the Program's assets has resulted in sufficient funds to allow an increase in the benefit amount; and

WHEREAS, the Town Board wishes to amend portions of the Volunteer Fire Fighter Service Award Program Plan Document to increase the benefit amount; and

WHEREAS, such an amendment is authorized, subject to a mandatory referendum, pursuant to Article 11-A of the New York General Municipal Law; and

WHEREAS, the amendment is not expected to result in any increase in cost to property owners in the Town Fire Protection District; NOW, THEREFORE, BE IT

RESOLVED, that the Horicon Town Board hereby amends the Volunteer Firefighter Service Award Program to increase the benefit at age 65 from \$10 per month to \$15 per month, with a related increase in the maximum monthly benefit that may be earned from \$250 to \$375; and be it

FURTHER RESOLVED, that in order to effectuate the approved amendments, the Town Board adopts the following revisions to the Horicon Fire Department, Inc. Length of Service Award Program Plan Document dated December 2013 (the "Plan") and the Horicon Fire Department, Inc. Length of Service Award Program Summary of Program Provisions dated December 2013 (the "Summary"), subject to a mandatory referendum at the November 3, 2015 general/biennial election:

1. Section 11 of the Plan is amended as follows:
 - 11. Monthly Service Award:** As of January 1, 2016, \$15 per year of Service Credit up to the Maximum Years of Service Credit (see #14). For service prior to January 1, 2016, the Monthly Service Award is \$10 per year of Service Credit up to the Maximum Years of Service Credit.
2. Section 12 of the Plan is amended as follows:
 - 12. Accrued Monthly Service Award:** A Participant's Accrued Monthly Service Award equals a Participant's years of Service Credit times the Monthly Service Award and shall be paid after attainment of the Entitlement Age at the Participant's Benefit Commencement Date in accordance with provision #19 and provision #20 of this Plan Document. The Accrued Monthly

Service Award shall be adjusted for Service Credit earned after attainment of the Entitlement Age in accordance with provision #13e. As of January 1, 2016, the maximum Accrued Monthly Service Award is \$375. For service prior to January 1, 2016, the maximum Accrued Monthly Service Award is \$250.

3. The fifth bulleted paragraph on page 1 of the Summary, entitled "Accrued Monthly Service Award", is amended as follows:

Accrued Monthly Service Award: A participant's Accrued Monthly Service Award is equal to \$15 per year of Service Credit earned (including Prior Service Credit). The maximum Accrued Monthly Service Award that may be earned is \$375. The Accrued Monthly Service Award is paid to the Participant each month for life beginning on the first day of the month on or after turning age 65. A minimum of 120 payments are guaranteed to be made.

4. The third bulleted paragraph on page 2 of the Summary, entitled "Post Entitlement Age", is amended as follows:

Post-Entitlement Age: Effective January 1, 2015, Participants who remain active volunteer firefighters after age 65 and earn additional years of Service Credit will have their Accrued Monthly Service Award payment increased by \$15 effective the January 1ST following the year in which the additional Service Credit was earned. This includes Service Credit earned in the year the Participant turns age 65. The actual increase in payments will not take place until Penflex receives the certified points listing sometime after January 1ST, however the increase will be retroactive to January 1ST, and be it

FURTHER RESOLVED, that the estimated annual cost of the amended Service Award Program will continue to be the \$28,973.10 included in the 2015 Town Budget, the estimated annual administration cost will remain at \$5,000, the projected monthly award will be \$15 per year of service up to a maximum of \$375 per month and the estimated annual cost per covered participant will be approximately \$750; and be it

FURTHER RESOLVED, that the Service Award Program shall continue to be administered by the Town of Horicon; and be it

FURTHER RESOLVED, that any other amendments to related Program documents required to effectuate the intent of this Resolution are hereby authorized and approved; and be it

FURTHER RESOLVED, that such amendments shall take effect January 1, 2016; and be it

FURTHER RESOLVED, that this Resolution is subject to mandatory referendum and the Town Board hereby authorizes and directs the Town Clerk and Town Counsel to prepare a proposition relating to this Resolution to be placed on the November 3, 2015 election ballot for the approval or disapproval of the eligible voters within the Town Fire Protection District, and the Town Clerk, with the advice of Town Counsel, to prepare an abstract of the proposition, and be it

FURTHER RESOLVED, that the Town Board hereby authorizes and directs the Town Clerk to transmit a certified copy of this Resolution together with the proposition and abstract to the Warren County Board of Elections or other appropriate officials so that the proposition will be placed on the November 3, 2015 election ballot in all the voting locations in the Town of Horicon Fire Protection District; and be it

FURTHER RESOLVED, that the Town Supervisor, Town Clerk and Town Counsel are hereby authorized and directed to take such additional actions as may be necessary and appropriate in connection with the mandatory referendum and the Program amendments.

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

RESOLUTION #129-2015

Councilperson Olson and Councilperson Hill introduced Res. No. 129 and moved its adoption:

RESOLUTION TO AUTHORIZE ATTENDANCE AT NYSSA SEMINAR

RESOLVED, that the Town Board of the Town of Horicon does hereby authorize Assessor Christine Hayes to attend the NYSAA Seminar on Assessment Administration from October 5th to October 7th. The costs are \$175.00 for the seminar, \$543.00 for lodging (two nights lodging and two dinners), plus reimbursement for mileage. Town of Bolton will cover half the cost.

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

Committee Reports...

Councilperson Smith noted that the Museum newsletter went out prematurely and it stated the HHHS sponsored the Adirondack Shindig, when in fact it was the Town of Horicon that sponsored it. She said this will be noted in the next issue of the newsletter. She was asked to gather information and pricing on material for the playgrounds which she did. Councilperson Smith explained the various materials that can be used and said the wood chips seemed to be the most economical. Supervisor Simpson asked the Board if they wanted to move forward with putting the material in now or wait until next spring. The Board felt, at this point, it would be best to wait and take care of it in the spring. Councilperson Smith commented on the great job Kevin Kilcullen is doing and noted that the Board should budget for some equipment for Beautification as he is using some of his own equipment.

Councilperson Olson noted that Horicon Day was a good event this year.

Old Business...

Scrap Metal: Supervisor Simpson updated the Board on the situation with the scrap metal. He said he is working with Investigator Maday, and although no money has been received for the scrap metal yet he has been advised to be patient.

Insulation RFP: Supervisor Simpson said he feels it would be best to contact Cedarwood Engineering and have them prepare the RFP for roof insulation. He guesses this would cost approximately \$1,500 to \$2000 for Cedarwood to prepare the specs. The Board agreed this would be a good idea.

Millpond Lights: Supervisor Simpson asked the Board to put some thought into what they would like to do about the lights around the Millpond. The bulbs are continually in need of replacement and the paint is peeling off the poles. Supervisor Simpson noted that the fix for these issues is costly and asked the Board to think about the best way to proceed.

Highway: Supervisor Simpson said Highway Superintendent Smith has asked to modify the paving schedule. He noted the cost of blacktop is down so he would like to wrap up some smaller jobs so they can move on to a bigger project next year. There was discussion on what would be done and the Board agreed to modify the schedule.

RESOLUTION #130-2015

Councilperson Olson and Councilperson Hill introduced Res. No. 130 and moved its adoption:

RESOLUTION TO RESCIND (284) AGREEMENT TO EXPEND HIGHWAY MONIES

RESOLVED, that the Town Board of the Town of Horicon does hereby rescind the previously submitted Agreement to Expend Highway Monies for Duell Hill Road and substitute the new Agreement's for work on Johnson Road and Hayesburg Road as specified in the Agreement's at costs not to exceed \$68,961.07.

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

RESOLUTION #131-2015

Councilperson Olson and Councilperson Higgins introduced Res. No. 131 and moved its adoption:

RESOLUTION TO AUTHORIZE AGREEMENT TO EXPEND HIGHWAY MONIES FOR WINTER RECOVERY WORK

RESOLVED, that the Town Board of the Town of Horicon does hereby authorize the Agreement to Expend Highway Monies for winter recovery work on Hayesburg Road commencing at Horicon Avenue and extending

960 ft to AJ Baker's property in the amount of \$18,650.78. The Town will receive \$17,693.61 from CHIPS funding for winter recovery work through and the remainder of the cost will be taken from D5110.4 – General Repairs.

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

New Business...

Landfill revenue decrease: Supervisor Simpson advised the Board that they need to look at efficiencies at the Landfill. He noted that revenues are down and should be budgeted lower for next year. Councilperson Olson said he will be looking at this closely for the Budget and will have a proposal.

Privilege of the Floor...

-Kathy Hill told the Board the Adirondack Shindig was very successful, the crowd was up this year, and they are looking at a new event for next year. She thanked the Board for their support.

-John Donovan once again noted the shortfall for the Union Church and urged the Board to reach out to Senator Little to see if they could get part of the grant money now. Supervisor Simpson explained again that everything that can be done at this point has been done. He reiterated that Senator Little understands the situation fully. It is now simply a matter of waiting for the funding.

Executive Session...

Councilperson Higgins made a motion, seconded by Councilperson Smith, to move to Executive Session to discuss possible litigation, all in favor. The Board moved to Executive Session at 8:30 PM.

The Board returned from Executive Session at 8:45 PM and Councilman Olson made a motion to return to Regular Session, seconded by Councilman Hill, all in favor. Possible litigation was discussed and no decisions were made.

RESOLUTION NO. 132 OF 2015

Councilperson Hill and Councilperson Higgins introduced Res. No. 132 and moved its adoption:

RESOLUTION TO AUTHORE TOWN COUNSEL TO REPRESENT TOWN EMPLOYEE IN CONNECTION WITH TRAFFIC ACCIDENT OCCURRING DURING PERFORMANCE OF TOWN HIGHWAY WORK

WHEREAS, to protect the interest of Town of Horicon employees, the Town Board desires to retain an attorney to represent highway department employee Timothy Meade in connection with a traffic accident occurring in a Town vehicle, during the employee's hours of employment, while engaged in Town work on July 1, 2015; and WHEREAS, the relationship which exists between the Town of Horicon and Miller, Mannix, Schachner & Hafner causes the Town Board to wish to authorize Town Counsel to represent Mr. Meade in the current matter; and WHEREAS, the Town Board recognizes that although the interests of the Town of Horicon and the interests of Mr. Meade are generally aligned, the defense of Mr. Meade could result in the Town's insurer declining to provide coverage; and

WHEREAS, the Town Board nonetheless believes representation of Mr. Meade by Town Counsel to be most appropriate in the matter; now, therefore be it

RESOLVED, that the Town Board hereby authorizes Miller, Mannix, Schachner & Hafner, in their capacity as Town Counsel, to represent Town employee Timothy Meade in connection with the alleged traffic infraction and accident occurring on July 1, 2015 during performance of Town highway work; and be it

FURTHER RESOLVED, that the Horicon Town Board hereby expressly recognizes and waives any potential conflict of interest arising out of Miller, Mannix, Schachner & Hafner's representation of Mr. Meade.

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

ADJOURN... There being no further business to attend to the meeting was adjourned at 8:46 PM by MOTION of Councilperson Higgins and Councilperson Smith, all in favor.

Respectfully Submitted:

Town Clerk