

**HORICON TOWN BOARD
REGULAR MEETING & PUBLIC HEARING**

**SEPTEMBER 15, 2016
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: ZA Jim Steen, Skip Ostrander, Bill and Joanne McGhie, John Donovan, Tom Johansen, Mike Erickson, Mr. and Mrs. Dermody, Mr. and Mrs. McDonald, Ed Taylor, Brett Winchip, Zack Monroe, Thad and Jane Smith, Joyce Greenidge, Bernie Bolton, and Brandon Himoff.

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

Local Board of Health...

A Motion was made by Councilperson Olson, seconded by Councilperson Smith, to go into session as the Local Board of Health. The Board moved into session as Local Board of Health at 7:00 PM.

Public Hearing – Septic Variance for 3573 East Schroon River Rd / tax map #70.15-1-15 / McDonald:

Supervisor Simpson opened the Public Hearing regarding the request for a septic variance at 3573 East Schroon River Rd. ZA Steen explained the survey was just received so the revised site plan is not ready and has not been submitted to Cedarwood for review. The Board will leave the Public Hearing open until Thursday, October 20, 2016 at 7:00pm at which time they will re-convene the Public hearing for the septic variance at 3573 East Schroon River Rd.

Follow up on request for Septic Variance at 580 East Shore Dr / tax map #19.4-2-12 / Dermody

Zack Monroe, of Winchip Engineering, reviewed Cedarwood Engineering's questions with the Board. He said they have addressed Cedarwood's questions and based on their conversation they are requesting one additional variance as follows: proposed absorption bed fill slope required 3:1 horizontal to vertical; proposed slope 2:1 horizontal to vertical, which is a variance of 1:1 horizontal to vertical or 33.3%. Mr. Monroe explained they have prepared a letter to be sent to the adjoining property owners requesting their written approval of the proposed plan. He asked the Board to consider approving the application pending receipt of the letters from the adjoining landowners.

RESOLUTION #130-2016

Councilperson Olson and Councilperson Higgins introduced Res. No. 130 and moved its adoption: **RESOLUTION TO GRANT VARIANCE FOR AN ALTERNATIVE SEPTIC SYSTEM AT 580 EAST SHORE DRIVE** RESOLVED, that the Horicon Town Board, based on the receipt of a set of stamped plans from Winchip Engineering (project #16-008), revised 9-13-16, and the \$100.00 variance fee, does hereby grant a variance for an alternative septic system, pending receipt of signed letters of approval from the adjoining landowners, at 580 East Shore Dr. in Adirondack, NY (Tax Map #19.4-2-12) because the strict application of the minimum setback requirements, or the minimum lot size requirement, would result in a specified practical difficulty to the applicant. Further, the alternative proposed would not be materially detrimental to the purpose of this regulation, or to the property or natural resources in the area in or near the site of the proposed individual sewage disposal system, or otherwise conflict with the description, purpose, or the objectives of any plan or policy of the Town, and that the alternative

proposed is the minimum variance which would alleviate the specified practical difficulty as found by the Board to affect the applicant.

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

Request for Septic Variance at 20 Palisades Rd / tax map #71.20-1-4 / Larson

ZA Jim Steen said a septic variance request has been submitted by Berness Bolton Exc. Co. Inc. for 20 Palisades Road. Mr. Bolton explained they are proposing to install a Norweco system and are requesting a variance for the leach field and for the distribution box which will be fifty-six (56) feet from the lake where one hundred (100) feet is required. There was brief discussion on the request.

RESOLUTION #131-2016

Councilperson Olson and Councilperson Higgins introduced Res. No. 131 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 Berness Bolton Exc., Co., Inc. for a septic variance at 20 Palisades in Brant Lake complete, and does hereby set a Public Hearing for Thursday, October 20, 2016 at 7:00 PM at the Horicon Community Center.

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

A Motion was made by Councilperson Olson, seconded by Councilperson Smith, to move back into regular session. The Board moved back into regular session at 7:25PM.

Regular Meeting...

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

Approval of Minutes: Minutes of August 16, August 18, and September 7, 2016 were approved by Motion of Councilperson Olson and Councilperson Higgins.

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

Approval of Vouchers and Abstracts:

RESOLUTION #132-2016

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

RESOLUTION TO AUTHORIZE PAYMENT OF SEPTEMBER 2016 ABSTRACTS

RESOLVED, that the Town Board does hereby authorize the payment of the September 15, 2016 Vouchers and Abstracts as follows:

General Abstract	9	\$ 36,292.51
Highway Abstract	9	\$ 113,593.56

Ayes: 4 (Hill, Olson, Higgins, Smith, Simpson) Nays: 0 Abstain: 1 (Higgins)

Correspondence to the Board...

- NYSDEC RE: Notice of Public Hearing regarding Lake Champlain Drainage Basin Regulations
- NYS ORPS RE: Certificate of 2016 Final State Equalization Rate
- NYSDOT RE: Availability of funding to support transportation related projects and programs
- Kathy Hill RE: Occ Tax/Grant Award Final Report for Adirondack Shindig

Resolutions...

RESOLUTION #133-2016

Councilperson Olson and Councilperson Smith introduced Res. No. 133 and moved its adoption:

RESOLUTION TO SET BUDGET WORKSHOP MEETING

RESOLVED, that the Town Board of the Town of Horicon does hereby set a Budget Workshop Meeting for Tuesday, October 11, 2016 at 3:00 pm to discuss the 2017 Preliminary Budget.

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

RESOLUTION #134-2016

Councilperson Olson and Councilperson Smith introduced Res. No. 134 and moved its adoption:

RESOLUTION TO AUTHORIZE JUSTICE COURT TO APPLY FOR GRANT

RESOLVED, that the Horicon Town Board does hereby authorize the Horicon Justice Court to apply for a Justice Court Assistance Program (JCAP) Grant with the New York State Office of Court Administration. Amount to be requested is \$16,140.25.

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

Committee Reports...

-Councilperson Sylvia Smith said Jim Hughes will be going to Underwood on Saturday to see what survey stakes are there. She has been in contact with Rich Nawrot about the in Adirondack; noting the flower bed at the base of the sign will be prepped this fall. She has been taking pictures of the various ongoing Town projects for the Historical Society. Councilperson Smith noted the beautiful job the Highway crew did on the piece of property by the upper dam. She said new signs will be ordered for the beaches for next year. Councilperson Smith said she has spoken with Colleen Murtagh, Historian, who has agreed to head the Committee to get Heintzelman Library on the national register. Lastly, Councilperson Smith said she and Councilperson Olson interviewed Lynn Keil and recommend her for the position of Town Health Officer.

-Councilperson Bob Olson said he spoke to Bernie Hill of EZ Marine regarding the termination of the lease Mr. Hill has with the Town. Councilperson Olson said Mr. Hill was not pleased at the situation. Supervisor Simpson said he spoke to Mr. Hill and it was agreed Mr. Hill would have the boats off the property by September 30th at which time Supervisor Simpson indicated he would padlock the gate. Councilperson Olson said he has received another quote for work on the Heintzelman Library from Darryl Clute. Mr. Clute quoted a price of \$700 a day for two men, with the Town supplying the materials and machinery, and he estimates the job will take one to two weeks. Councilperson Olson noted Mr. Detmer had previously estimated the job would cost approximately \$19,000. There was discussion as to how the job should be completed. Supervisor Simpson reminded the Board they have the option to consult with Cedarwood on this project. The Board agreed Cedarwood should review the project and draw up a set of specs for the repair job.

RESOLUTION #135-2016

Councilperson Olson and Councilperson Smith introduced Res. No. 135 and moved its adoption:

RESOLUTION TO AUTHORIZE SUPERVISOR TO CONTACT CEDARWOOD

RESOLVED, that the Horicon Town Board does hereby authorize the Supervisor to work with Cedarwood Engineering to have a set up specs drawn up for the repairs on the Heintzelman Library.

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

-Councilperson Ken Higgins said he has spoken to the Highway crew regarding the playground project and they are willing to do the work. Supervisor Simpson asked Councilperson Higgins to schedule the work with the Highway Department.

Old Business...

BAN for Upper Dam remediation: Supervisor Simpson explained that the Board approved a change order for an additional \$70,000 worth of work on the upper dam remediation project. He said this puts the project at a level of funding that he would be more comfortable having the option to fund with a BAN. The Board agreed.

RESOLUTION #136-2016

Councilperson Olson and Councilperson Higgins introduced Res. No. 136 and moved its adoption:
RESOLUTION TO AUTHORIZE THE ISSUANCE OF UP TO \$239,000 IN SERIAL BONDS OF THE TOWN OF HORICON TO PAY THE COST OF CONSTRUCTION OF BRANT LAKE UPPER DAM SPILLWAY REPLACEMENT; AND AUTHORIZING THE ISSUANCE OF UP TO \$239,000 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 installation of a new spillway and rehabilitation of existing spillway channel including new reinforced concrete sidewall caps and spillway floor, and further including related preliminary and incidental costs (the "Project"), and this specific object or purpose is hereby authorized at a maximum estimated cost of Two Hundred Thirty-nine Thousand and 00/100 Dollars (\$239,000.00).

Section 2. The plan for the financing of such maximum estimated cost of the Project is the issuance of up to \$239,000 in serial bonds and/or bond anticipation notes of said Town, hereby authorized to be issued pursuant to the Local Finance Law

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 or payments made within the time period detailed in Section 1.150-2 of the Treasury Regulations. The Town may submit applications for grants and/or low interest loans from the New York State Environmental Facilities Corporation (EFC) and/or other funding sources and, to the extent that any such moneys are received, may apply such funds to the payment of principal and interest on the bonds or bond anticipation notes. 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 thirty (30) years, pursuant to Section 11.00(a)(22) 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 \$239,000, the maximum maturity of which shall not exceed the period of probable usefulness set forth above (which is further limited by the five (5) year limitation detailed in Section 4 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 \$239,000 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 at public or private sale and 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 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 19. 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 20. This Resolution shall take effect immediately.

Section 21. 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, Smith, Hill, Simpson) Nays: 0

Proposed Zoning Law: Supervisor Simpson said the APA review committee approved the proposed Zoning Law at their meeting today, and the full APA Board is expected to approve the document at their meeting tomorrow. He said the Town is now required to hold another Public Hearing.

RESOLUTION #137-2016

Councilperson Olson and Councilperson Hill introduced Res. No. 137 and moved its adoption:

RESOLUTION TO SET PUBLIC HEARING FOR PROPOSED AMENDMENTS TO HORICON ZONING LAW

RESOLVED, that the Town Board of the Town of Horicon does hereby set a Public Hearing for Thursday, October 20, 2016 at 7:15 PM for the purpose of discussing the proposed amendments to the Town of Horicon Zoning Law.

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

1881 Union Church: Councilperson Olson explained that he looked at the foundation on the 1881 Union Church and it is his opinion that it must be replaced before another winter passes or parts of it may be lost. Supervisor Simpson explained the Historical Society is \$27,391.00 short to complete the foundation work, and the Town Board could take money from the unexpended fund balance to cover the shortage. Supervisor Simpson noted any money spent by the Town will be reimbursed under the grant. John Donovan said the work has to be done before they can submit for reimbursement under the grant.

RESOLUTION #138-2016

Councilperson Olson and Councilperson Hill introduced Res. No. 138 and moved its adoption:

RESOLUTION TO AWARD CONTRACT FOR FOUNDATION REPLACEMENT AND AUTHORIZE BUDGET AMENDMENT FOR 1881 UNION CHURCH

RESOLVED, that the Town Board of the Town of Horicon does hereby award the contract for the 1881 Union Church foundation replacement to Gallup Concrete at a cost of \$65,891.00, and be it further RESOLVED, that the Horicon Historical Society will fund \$38,500.00 of the foundation project and the Town of Horicon will fund \$27,391.00 of the foundation project to come from the unexpended fund balance; transfer of funds will go to the HM capital account which will be reimbursed through the grant, and be it further

RESOLVED, that the Town Board authorizes the Bookkeeper to make the following Budget Amendment in the General Fund to reduce the unexpended fund balance:

Decrease	A599 - Unexpended Fund Balance	\$27,391.00
Increase	A391- Due From	\$27,391.00

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

New Business...

Shaw Hill Time Warner extension: Supervisor Simpson said Time Warner needs a Resolution to move forward with the line extensions on Shaw Hill Road. He said he knows Shaw Hill is to be done next, then Beaver Pond, and then Dorset Road needs to be finished.

RESOLUTION #139-2016

Councilperson Olson and Councilperson Hill introduced Res. No. 139 and moved its adoption:

RESOLUTION TO AUTHORIZE CABLE LINE EXTENSION ON SHAW HILL ROAD

WHEREAS, the Town of Horicon receives revenue from a Franchise Agreement with Time Warner Cable to be used by the Town for line extension of cable services, now, therefore be it

RESOLVED, that the Town Board of the Town of Horicon does hereby authorize the release of revenue from the line extension fund to be used for said line extensions on Shaw Hill Road.

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

Brant Lake Milfoil harvesting: Supervisor Simpson has spoken with Warren County Soil and Water who noted the amount of milfoil harvested from Brant Lake. He said AIM is recommending an additional week of harvesting with the option of adding a second week.

RESOLUTION #140-2016

Councilperson Olson and Councilperson Smith introduced Res. No. 140 and moved its adoption:

RESOLUTION TO COVER ADDITIONAL WEEK OF MILFOIL CONTROL

RESOLVED, that the Town Board of the Town of Horicon does hereby authorize funding for an additional week of milfoil control, with the option of a second week, at a cost of \$7,480.00 per week. The funds will be taken from code A8090.4.

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

Scrap metal at Landfill:

RESOLUTION #141-2016

Councilperson Smith and Councilperson Hill introduced Res. No. 141 and moved its adoption:

RESOLUTION TO AUTHORIZE REMOVAL OF SCRAP METAL PILE

RESOLVED, that the Town Board of the Town of Horicon does hereby authorize Roger Howe to remove the scrap metal pile at the Landfill for which he will pay the Town \$62.00 per ton.

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

Town Health Officer:

RESOLUTION #142-2016

Councilperson Smith and Councilperson Olson introduced Res. No. 142 and moved its adoption:

RESOLUTION TO APPOINT LYNN KEIL AS HEALTH OFFICER

WHEREAS, Gary Scidmore has resigned from his position as Town of Horicon Health Officer, and now, therefore be it

RESOLVED, that the Town Board of the Town of Horicon does hereby appoint Lynn Keil to complete the unexpired term of Town of Horicon Health Officer which will expire December 31, 2016.

Compensation will be prorated for the remainder of the term.

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

Privilege of the Floor...

-Tom Johansen noted what a nice job Darian Granger did on the concrete repairs at the Horicon Museum.

-Jane Smith noted what a great job Matthew Simpson Jr. did as Boat Steward Supervisor.

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

Respectfully Submitted:

Town Clerk