

**HORICON TOWN BOARD  
REGULAR MEETING OF THE BOARD**

**JANUARY 20, 2011  
7:00 PM**

Present at meeting	Ralph Bentley	Supervisor
	Frank Hill	Councilman
	Kenneth Higgins	Councilman
	Robert Olson	Councilman
	Joseph Dooris	Councilman
Krista Wood	Town Clerk	
Mark Schachner	Town Counsel	

Also: Gary Frenz, Harvey Leidy, Harry Balz, Bill McGhie, Jane Smith, Matt Simpson, John Goode, June Maxam, Tom Johansen, Frank Costello.

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

**Approval of Minutes:** Minutes of December 16<sup>th</sup>, December 30<sup>th</sup>, January 3<sup>rd</sup>, and January 12<sup>th</sup> were approved by Motion of Messrs. Higgins and Hill, all Ayes.

**Approval of Abstracts:**  
**RESOLUTION #21-2011**

Messrs. Olson and Higgins introduced Res. No. 21 and moved its adoption, all Ayes.

**RESOLUTION TO AUTHORIZE PAYMENT OF ABSTRACTS**

RESOLVED, that the Town Board does hereby authorize the payment of the January 2011 Vouchers and Abstracts as follows:

General Vouchers	# 1-36	\$ 98,279.82
Highway Vouchers	# 1-16	\$ 70,132.50
General Abstracts	# 1	\$ 15,919.35
Highway Abstracts	# 1	\$ 13,092.01

**Correspondence to the Board:**

- APA RE: Permit issued for a communications tower on East Schroon River Rd.
- APA RE: Permit issued for installation of new utility poles and lines along Palisades Rd.
- Town of Hague RE: Exploring the formation of a group of Warren Co. towns to obtain health insurance
- June Maxam RE: Open Government forum
- Sheri Norton RE: Issue with Burnt Hill road from the intersection of Burnt Pond Rd to Hayesburg Rd.
- Bill McGhie RE: Request to be considered for a seat on the Horicon Planning Board

**Action on Correspondence:**

Burnt Hill Road: The Board discussed the issue with Burnt Hill Road and the GPS routing and determined it would be best to rename the section from the Town Line to Ridin-Hy Ranch road. The following motion was made:

**RESOLUTION #22-2011**

Messrs. Higgins and Olson introduced Res. No. 22 and moved its adoption, all Ayes:

**RESOLUTION TO CHANGE THE NAME OF A SECTION OF BURNT HILL ROAD**

WHEREAS, it has come to the attention of the Board that people are having issues when using their GPS devices to reach Ridin-Hy Ranch. The GPS system is routing them to the Ranch via Burnt Hill Road which is a seasonal use road and not accessible in the winter months, AND

WHEREAS, Ridin-Hy Ranch has requested the Board rename this section of road in light of the potential safety issues this presents, NOW, THEREFORE BE IT RESOLVED, that the Town Board does hereby approve re-naming the section of Burnt Hill Road beginning where it intersects with Ridin-Hy Ranch Road south to the Horicon Town line to River Road.

**Resolutions:**

**RESOLUTION #23-2011**

Messrs. Higgins and Hill introduced Res. No. 23 and moved its adoption, all Ayes:

**RESOLUTION TO ABOLISH THE POSITION OF ELECTED TOWN TAX COLLECTOR**

WHEREAS, the Town Board of the Town of Horicon wishes to abolish the office of Tax Collector under New York State Town Law Section 36, effective at the expiration of the current term of office, December 31, 2011, AND

WHEREAS, the Town Board intends that the Town Clerk shall assume the powers and duties of the Tax Collector at the expiration of the current Collector's term as required by Town Law Section 36, AND NOW, THEREFORE, BE IT

RESOLVED, that the elected office of Town Tax Collector is hereby abolished effective at the expiration of the current term, and BE IT FURTHER

RESOLVED, the Tax Collector shall, at the expiration of the current term, turn over to the Town Clerk all documents and property in her possession related to the office of Tax Collector, and, BE IT FURTHER

RESOLVED, that the Town Clerk shall assume all responsibilities and powers of the tax Collector upon the abolishment of the office of Tax Collector.

**RESOLUTION #24-2011**

Messrs. Hill and Higgins introduced Res. No. 24 and moved its adoption, all Ayes:

**RESOLUTION TO ACKNOWLEDGE COMPLETION OF AUDIT OF THE TOWN CLERK RECORDS**

RESOLVED, that the Town Board of the Town of Horicon does hereby state that the examination of the 2010 Town Clerk records was completed at the meeting of the Board on January 20, 2011 and the records were approved by all members of the Board.

**RESOLUTION #25-2011**

Messrs. Hill and Dooris introduced Res. No. 25 and moved its adoption, all Ayes:

**RESOLUTION TO ACKNOWLEDGE COMPLETION OF AUDIT OF THE JUSTICE COURT RECORDS**

RESOLVED, that the Town Board of the Town of Horicon does hereby state that the examination of the 2010 Justice Court records was completed at the meeting of the Board on January 20, 2011 and the records were approved by all members of the Board.

**RESOLUTION #26-2011**

Messrs. Olson and Higgins introduced Res. No. 26 and moved its adoption, all Ayes:

**RESOLUTION TO EXPRESS APPRECIATION TO THOSE WHO DONATED TO THE HORICON FOOD PANTRY**

WHEREAS, throughout the year several organizations and individuals have made very generous donations to the Horicon Food Pantry, AND NOW, THEREFORE, BE IT

RESOLVED, that the Horicon Town Board does hereby wish to express their gratitude to these organizations and individuals for their donations to the Horicon Food Pantry which greatly benefit those in need in the Town of Horicon.

**RESOLUTION #27-2011**

Messrs. Olson and Higgins introduced Res. No. 27 and moved its adoption, all Ayes:

**RESOLUTION TO AUTHORIZE SUPERVISOR TO SIGN AGREEMENT WITH WARREN-HAMILTON COUNTIES' OFFICE FOR THE AGING**

RESOLVED, that the Town Board does hereby authorize Supervisor Bentley to sign the Agreement between The County of Warren, acting for and on behalf of the, Warren-Hamilton Counties' Office for the Aging and the Town of Horicon. The Agreement is valid for a period of one year, January 1, 2011 through December 31, 2011, and provides for the transportation of the Senior Citizens for \$1,280.00.

**RESOLUTION #28-2011**

Messrs. Higgins and Hill introduced Res. No. 28 and moved its adoption, all Ayes:

**RESOLUTION TO APPROVE AN AMENDMENT TO THE HORICON FIRE DEPARTMENT'S CERTIFICATE OF INCORPORATION**

WHEREAS, the Horicon Fire Department adopted an amendment to their Certificate of Incorporation on November 2, 2010, AND

WHEREAS, the amendment has been reviewed and approved by the Charities Bureau in the Office of the NYS Attorney General. It has also been approved by Justice Muller of the State Supreme Court, AND

WHEREAS, the Division of Corporations has advised the Horicon Fire Department that the amendment also needs to be approved by the Horicon Town Board, NOW, THEREFORE BE IT RESOLVED, that the Horicon Town Board has reviewed the amendment made to the Certificate of Incorporation of the Horicon Fire Department, and, BE IT FURTHER RESOLVED, that the Horicon Town Board does hereby approve the amendment to the Horicon Fire Department's Certificate of Incorporation as adopted on November 2, 2010.

**RESOLUTION #29-2011**

Messrs. Olson and Hill introduced Res. No. 29 and moved its adoption, all Ayes:

**RESOLUTION TO JOIN IN THE ADIRONDACK PARTNERSHIP**

WHEREAS, many organizations within the Adirondacks have identified planning resources and a regional planning structure as a need, and

WHEREAS, AATV through a partnership with ANCA, was successful in creating a great deal of meaningful data and information through APRAP, and

WHEREAS, one of the first planning priorities needs to be the development of successful economic strategies for the Adirondack Park, and

WHEREAS, local governments are best equipped to lead this effort due to their understanding of local community issues, and

WHEREAS, it has been determined that such a process must include Towns, Villages, Counties, State Agencies and other partners, and

WHEREAS, the Adirondack Partnership is structured to accomplish this process, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor of the Town of Horicon is hereby authorized to enter into the Adirondack Partnership MOU, and be it further

RESOLVED, (TBD at Feb. meeting) be named as the AATV Representative to the Adirondack Partnership.

RESOLVED that a copy of this resolution be forwarded to the Adirondack Association of Towns and Villages.

**Old Business:**

North Warren Emergency Squad: The Board instructed the Clerk to contact the Squad and re-schedule the meeting with the NWEMS Board of Directors for some time in February.

Safety Equipment for the Highway Superintendent: Councilman Hill noted that the safety equipment for the Highway Superintendent does not fall under the Union contract so the Board needs to pass a Resolution to either pay for his safety equipment or not, but it should be in writing. The Board agreed that safety equipment should be worn by the Highway Superintendent and should be supplied by the Town. The following Resolution was introduced:

**RESOLUTION #30-2011**

Messrs. Olson and Hill introduced Res. No. 29 and moved its adoption, all Ayes:

**RESOLUTION TO APPROVE PAYMENT FOR SAFETY EQUIPMENT FOR HIGHWAY SUPERINTENDENT**

RESOLVED, that the Horicon Town Board does hereby require the Highway Superintendent to wear the necessary safety equipment as required by OSHA while performing the duties of the job and the Board will furnish the safety equipment.

**New Business:**

Proposed Property Tax Cap: Councilman Olson spoke on the property tax cap being proposed. He noted that the State needs major financial restraint and feels that the Town should do its part to that end. He noted, however, that historically the burden of restraint has been disproportionate amongst the state, counties, and towns and that presents a problem. Supervisor Bentley stated that the proposed cap is not such an issue for the Town, yet it does greatly affect the County. He further noted that much of the problem lies with the State not paying for their unfunded mandates. He stated that if the State takes care of their unfunded mandates then the proposed 2% tax cap is not an issue, however, if they don't then the proposed 2% tax cap is unrealistic. Councilman Olson and Councilman Hill stated that they will not support the proposed Resolution to oppose the property tax cap, the other Board members agreed and no action was taken.

Board of Ethics: The Board discussed the need to appoint a new Board of Ethics noting that several of the original members have passed away. Councilman Dooris suggested the Clerk advertise for interested individuals to serve on the Board of Ethics. Councilman Hill suggested the Town Board review the Town of Horicon Code of Ethics for possible updating. Councilman Hill made a motion that the town advertise for interested parties to serve on the Board of Ethics, this was seconded by Councilman Dooris, all in favor.

**Privilege of the Floor:**

- Harvey Leidy spoke of the need for the newsletter to go out and thought that if collaboration is not possible it will likely be March before the next issue goes out. He asked the Board if they were interested in the continuation of the newsletter and the Board members agreed that they fully support the newsletter. In relation to a prior suggestion by Councilman Olson to have someone come in and work with the Board on human relations, Harvey suggested the Board members review a book that he had read and possibly invite the author to come in and speak to the Board. Councilman Olson stated that he would review the suggested book and see if it is applicable to the goal in mind and will meet with Harry after he reviews the material.

- Bill McGhie told the Board and those present that he was happy to announce that the ESSLA had received an award for Conservationist of the Year from Warren County Soil and Water. This award was given to the ESSLA in connection with their work and efforts on the Schroom Lake Management Plan.

- Harry Balz suggested, in relation to the group health insurance as proposed by the Town of Hague, that the Board contact BOCES as they have a similar situation and see what their plan looks like.

- John Goode addressed the Town Board on the Ethics policy. He stated that the Board needs to be familiar with the Code themselves and follow it, and suggested that maybe the Board needs ethics training.

There being no further comments from the audience, Councilman Dooris made a motion that the Board take a brief recess in order to meet with Town Counsel for the purpose of seeking and gaining legal advice. The motion was seconded by Councilman Olson and the Board moved to a recess at 8:00 pm for the purpose of obtaining legal advice from Town Counsel in a conference subject to attorney-client privilege.

At 8:20PM the Board returned from a recess and Councilman Dooris made a motion to reconvene the meeting which was seconded by Councilman Olson, all in favor. Attorney Schachner made clear that no decisions were made during the recess; there was only discussion for the purpose of seeking and gaining legal advice.

Councilman Dooris stated that the Board had discussed and sought legal advice from Attorney Schachner related to a FOIL request the Town received for a copy of a letter. At this time, Councilman Dooris suggested the Board proceed and act on the FOIL request by releasing a copy of the letter with two paragraphs redacted. Councilman Olson agreed and said the Board should release all information that is legal under the Freedom of Information Law. Councilman Dooris made a motion to release the letter with the first and fourth paragraphs redacted as those two paragraphs are exempt from release under the Freedom of Information Law. Councilman Olson seconded the motion and all Board members were in favor.

**Adjourn:**

There being no further business to attend to the meeting was adjourned at 8:25 PM by MOTION of Messrs. Dooris and Olson, all in favor.

Respectfully Submitted: \_\_\_\_\_

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Town Clerk