

**HORICON TOWN BOARD
SPECIAL MEETING OF THE BOARD**

**FEBRUARY 23, 2011
6:00 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: Mark Montanye, Lisa Fish, Heidi Feldt, Kevin White, Tom Johansen, Harry Balz, Gary Frenz, Paul Frasco, and others.

Supervisor Bentley called the meeting to order at 6:00 PM.

Resolutions:

RESOLUTION #49-2011

Messrs. Olson and Higgins introduced Res. No. 49 and moved its adoption, all Ayes:

RESOLUTION TO APPROVE PAYMENT OF BILLS

WHEREAS, the monthly statement from Chestertown Auto & Truck Supply was delivered to the Horicon Fire Department by mistake, and therefore it was not paid in the February 17th Abstracts, NOW, THEREFORE BE IT

RESOLVED, that the Town Board does hereby approve payment of the Chestertown Auto & Truck Supply Voucher in the amount of \$736.78 to be mailed February 24, 2011.

RESOLUTION #50-2011

Messrs. Higgins and Hill introduced Res. No. 50 and moved its adoption, all Ayes:

RESOLUTION TO AUTHORIZE ATTENDANCE AT THE ADIRONDACK PARK LOCAL GOVERNMENT DAY CONFERENCE

RESOLVED, that the Town Board of the Town of Horicon does hereby authorize members of the Town Board, Zoning Board of Appeals, Planning Board, and Zoning Administrator to attend the Adirondack Park Local Government Day Conference which is being held March 22 through March 23, 2011. The cost is \$55.75 per person, if registered by March 9th, plus reimbursement for travel expenses.

North Warren Emergency Squad:

Supervisor Bentley opened the discussion with the North Warren Emergency Squad stating that there were two issues in regards to the 2010 Contract; the first being non-receipt by the Town Board of quarterly financial reports and the second being a question of whether or not the NWEMS was in compliance with the Fair Labor Standards Act.

Kevin White of the NW Emergency Squad responded that the reports hadn't been submitted since the Town Board liaison stopped coming by. Supervisor Bentley asked if one of the Squad members had the reports with them now and Mr. White provided the Board with the reports at that time for the entire year of 2010.

Councilman Dooris took issue with the lack of information the reports contained stating that they were simply lists of expenditures and did not list balance information. He stated that he would like to see a more detailed quarterly report which was inclusive of beginning balances,

expenditures, receipts, and ending balances so that the Board could see the financial health of their organization. Mr. White responded that they would make the balances available. Councilman Dooris further stated that the detail of the activity reports does meet the requirements as set forth in the 2010 contract and he is satisfied with those reports.

Councilman Olson asked if the Squad has an internal audit done and Mr. White stated that they do. Councilman Olson asked the Squad to provide the Town Board with a copy of the auditors Annual Report once it has been completed. Mr. White said he would provide that. Councilman Olson continued on to say that his main issue with the contract was the question of the Squad's compliance with the Fair Labor Standards Act. He states that if the Squad can demonstrate that they are operating within the limits of the FLSA then he has no further issues.

Kevin White responded that the US Labor Department is conducting an investigation so he is currently under advisement by the Squad attorney not to comment one way or another on the compliance issue. Squad Attorney Montanye clarified that there has been no determination at this point that the Squad is not in compliance.

Town Counselor Mark Schachner posed a question to the Squad for clarification purposes. He stated that the compliance issue that Councilman Olson is speaking of is one where an individual, or individuals, is both volunteering for and being paid for a position. That being said, Town Counselor Schachner said he thought there was a point some time ago when the issue of compliance had come up and the Squad had, in fact, acknowledged the practice had been occurring and they had made changes to responsibilities to eliminate that practice. Kevin White said that this statement was correct but they now need to see if those changes satisfy the Labor Department.

Councilman Olson states that he had requested a "manning table", a list of individuals and their specific duties, in an effort to determine if the Squad was in compliance with the FLSA. He stated he was unable to obtain that information. Squad Attorney Montanye stated that once the investigation by the US Labor Department is complete the Squad will disclose the findings of that investigation to the Town Board which will address the FLSA compliance issue.

Further discussion took place with the determination being made that the issue of the activity reports and the financial reports largely being resolved. The Town Board asked the Squad to provide account balances by the next meeting of the Town Board on March 17th. This leaves only the FLSA compliance issue unresolved. Kevin White stated that once the Squad receives the report from the US Labor Department they will provide that determination to the Town Board to resolve the FLSA issue. The Town Board stated that they hope to receive that information prior to their next meeting.

There being no further items to discuss with the North Warren Emergency Squad, a Motion was made by Councilman Dooris to move to Executive Session to discuss Notice of Claim and possible litigation, this was seconded by Councilman Olson and the Board moved to Executive Session at 6:45pm to discuss Notice of Claim and possible litigation.

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The Board returned from Executive Session at 8:18PM. Motion was made by Councilman Olson to return to regular session which was seconded by Councilman Dooris, all in favor. Supervisor Bentley stated that Notice of Claim and possible litigation had been discussed and no decisions were made.

Adjourn... There being no further business to attend to the meeting was adjourned at 8:20 PM by MOTION of Messrs. Olson and Hill, all in favor.

Respectfully Submitted:

Town Clerk