

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

**DECEMBER 20, 2012
7:00 PM**

Present at meeting: Ralph Bentley Supervisor
 Frank Hill Councilman
 Robert Olson Councilman
 Kenneth Higgins Councilman
 Matthew Simpson Councilman

Krista Wood Town Clerk

Also: HS Paul Smith, Sandy Smith, Tom Johansen, Edna Trumble, Jane Smith, Bill McGhie, Gary Frenz, Paul Holmes, Doug Paton, Bill Siegle, Teri Schuerlein, John Donovan, and others.

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

Reports: Supervisor, Town Clerk, Zoning, Justice

Approval of Minutes: Minutes of November 15, 2012 were approved by Motion of Messrs. Hill Olson and Simpson, all Ayes.

**Approval of December 2012 Vouchers and Abstracts:
RESOLUTION NO. 137 OF 2012**

Messrs. Hill and Olson introduced Res. No. 137 and moved its adoption, all Ayes:

RESOLUTION TO AUTHORIZE PAYMENT OF ABSTRACTS

RESOLVED, that the Town Board does hereby authorize the payment of the December 20, 2012 Vouchers and Abstracts as follows:

General Vouchers	#348-384	\$ 30,480.72
Highway Vouchers	#174-185	\$ 7,312.75
General Abstracts	33 & 34	\$ 39,143.28
Highway Abstracts	33 & 34	\$ 16,293.89

Correspondence to the Board:

-Time Warner RE: Claim for underpaid franchise fees
-Mike Caton/Computel RE: Time Warner's response to claim for underpaid franchise fees
-NYS OSC RE: New "Piggybacking" Law – Exception to competitive bidding
-Tod Beadnell RE: Renewal of contract with Warren Co. for snow and ice removal
-StoredTech RE: Quote for computer support
-Northeast Info Sys. RE: Quote for battery backup for phone system
-Jim Lieberum RE: MOU for Schroon Lake EWM program
-Gary Scidmore RE: Notice of temporary closure of the NWEMS
-Doug Paton RE: Letter of resignation from Planning Board

Resolutions:

RESOLUTION NO. 138 OF 2012

Messrs. Olson and Hill introduced Res. No. 138 and moved its adoption, all Ayes:

RESOLUTION TO SET END OF YEAR MEETING

RESOLVED, that the Town Board does hereby set Thursday, December 27, 2012 at 3:00 PM for the end of the year meeting.

RESOLUTION NO. 139 OF 2012

Messrs. Higgins and Olson introduced Res. No. 139 and moved its adoption, all Ayes:

RESOLUTION TO SET PUBLIC HEARING FOR 2013 CONTRACTS

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WHEREAS, monies have been appropriated in the 2013 Budget for contracts in the following amounts:

Emergency Service Provider	\$ 49,000.00
Horicon Historical Society	\$ 500.00
Senior Mini-Bus	\$ 4,680.00
North Warren Chamber of Commerce	\$ 6,000.00
Horicon Free Library	\$ 1,000.00
Horicon Senior Citizens	\$ 1,000.00
Chester-Horicon Health Center	\$ 5,000.00
Snowmobile Club	\$ 3,500.00
Brant Lake Foundation	\$ 20,000.00
East Shore Schroon Lake Association	\$ 20,000.00
Horicon Volunteer Fire Company	\$189,000.00

NOW, THEREFORE BE IT RESOLVED, that a Notice of Public Hearing will be published stating that a hearing on the above named contracts will be held on Thursday, December 27, 2012 at 3:00 PM at the Horicon Community Center.

RESOLUTION NO. 140 OF 2012

Messrs. Hill and Olson introduced Res. No. 140 and moved its adoption, all Ayes:

RESOLUTION TO SET ORGANIZATION MEETING

RESOLVED, that the Town Board of the Town of Horicon does hereby set the Organization Meeting of the Town of Horicon for Thursday, January 3, 2013 at 6:00 pm.

RESOLUTION NO. 141 OF 2012

Messrs. Higgins and Olson introduced Res. No. 141 and moved its adoption, all Ayes:

RESOLUTION TO AUTHORIZE PETTY CASH FUND FOR TAX COLLECTION

RESOLVED, that the Town Board of the Town of Horicon does hereby authorize the Office of Tax Collector to set up a petty cash fund in the amount of \$200.00 for the 2013 tax collection period.

RESOLUTION NO. 142 OF 2012

Messrs. Olson and Higgins introduced Res. No. 142 and moved its adoption, all Ayes:

RESOLUTION TO ESTABLISH SECOND NOTICE FEE FOR THE 2013 TAX COLLECTION PERIOD

WHEREAS the Town is required by Sec. 987 of the Real Property Tax Law to mail a Notice of Delinquency to land owners who are delinquent in making real property tax payments and charge the landowner a second notice fee of \$1.00, AND

WHEREAS, the mailing of said notices costs the Town postage along with the cost of preparing and handling said notices, NOW, THEREFORE BE IT

RESOLVED, that the Second Notice fee be established at \$2.00 for each delinquent notice that is sent, and BE IT FURTHER

RESOLVED, that the Horicon Town Board does hereby authorize the Tax Collector of the Town of Horicon to impose the \$2.00 second notice fee on each delinquent notice sent to cover the cost of preparing and mailing the delinquent notice.

RESOLUTION NO. 143 OF 2012

Messrs. Hill and Simpson introduced Res. No. 143 and moved its adoption, all Ayes:

RESOLUTION TO AMEND RESOLUTION #128-2012 TO ACCEPT THE CSEA CONTRACT

WHEREAS, Resolution #128-2012 stated that an HEO position would be created in the Highway Department, with a maximum of three HEO's, at a starting salary of \$19.83 per hour (no raise for 2013), NOW, THEREFOR BE IT

RESOLVED, that the Horicon Town Board wishes to change the maximum number of HEO's and does hereby amend Resolution #128-2012 to allow for a maximum of four HEO's at a starting salary of \$19.83 per hour (no raise for 2013).

RESOLUTION NO. 144 OF 2012

Messrs. Olson and Higgins introduced Res. No. 144 and moved its adoption, all Ayes:

RESOLUTION TO AUTHORIZE THE SUPERVISOR TO SIGN AN MOU WITH WARREN COUNTY SOIL AND WATER CONSERVATION DISTRICT

WHEREAS, WCSWCD and the Town of Horicon have established a Eurasian watermilfoil (EWM) management program for Schroon Lake and the Town of Horicon has agreed to participate in the program by providing funding for the program, and

WHEREAS, a Memorandum of Understanding has been prepared to outline the responsibilities of both WCSWCD and the Town of Horicon in regards to the EWM management program, NOW, THEREFORE BE IT

RESOLVED, that the Town of Horicon does hereby authorize Supervisor Bentley to sign the Memorandum of Understanding with Warren County Soil and Water Conservation District which may continue seasonally upon ratification by the parties and may be revoked at any time on fourteen days prior written notice.

RESOLUTION NO. 145 OF 2012

Messrs. Simpson and Olson introduced Res. No. 145 and moved its adoption:

RESOLUTION TO AUTHORIZE CONTRACT WITH WARREN COUNTY FOR SNOW & ICE REMOVAL

RESOLVED, that the Town Board of the Town of Horicon does hereby authorize Supervisor Ralph Bentley to sign the contract with Warren County for snow and ice removal according to the 2013 Schedule A Payment Rate. Compensation to the Town of Horicon from Warren County will be in the amount of \$147,357.00.

Ayes: 4 (Simpson, Olson, Higgins, Bentley) Nays: 1 (Hill)

RESOLUTION NO. 146 OF 2012

Messrs. Higgins and Olson introduced Res. No. 146 and moved its adoption, all Ayes:

RESOLUTION TO SUPPORT APPLICATION FOR GRANT FUNDING FOR THE ADIRONDACK UNION CHURCH BY THE HORICON HISTORICAL SOCIETY

WHEREAS, the Horicon Town Board, in Resolution #110-2011, supported the creation of a museum at the Adirondack Union Church by the Horicon Historical Society under the Charter of the existing Horicon Museum, AND

WHEREAS, the Horicon Historical Society is asking for Town of Horicon support of the Historical Society's grant funding efforts in 2013, at no cost to the Town of Horicon, NOW, THEREFORE BE IT

RESOLVED, that the Horicon Town Board does hereby encourage, authorize and support the Horicon Historical Society's grant funding efforts including the National Endowment for the Humanities program and such other federal, New York State planning, implementation and capital grant programs as may be available for Historical Society programs and capital projects including creation of a Museum at the Adirondack Union Church.

RESOLUTION #147-2012

Messrs. Olson and Hill introduced Res. No. 147 and moved its adoption, all Ayes:

RESOLUTION TO AUTHORIZE THE TRANSFER OF FUNDS

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

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General:

From:	To:	Amount:
9060.8 (Med. Insur.)	1310.1 (Dir. Fin.-Pers)	\$ 123.60
9060.8 (Med. Insur.)	1420.4 (Atty-Contr)	\$ 11,479.00
9060.8 (Med. Insur.)	1430.1 (Fltr-Pers.)	\$ 696.55
9060.8 (Med. Insur.)	1620.4 (Bldg-Contr)	\$ 11,999.60
9060.8 (Med. Insur.)	1660.4 (Stk Rm-Contr)	\$ 61.79
9060.8 (Med. Insur.)	7140.4 (Bt Launch-Contr)	\$ 105.98
9060.8 (Med. Insur.)	8020.4 (Plann-Contr)	\$ 514.31
9060.8 (Med. Insur.)	8810.4 (Cem-Contr)	\$ 276.41
9060.8 (Med. Insur.)	9030.8 (Soc. Sec.)	\$ 1,598.57

Highway:

From:	To:	Amount:
5142.1 (Snow - Pers.)	5110.4 (Gen. Pers.)	\$ 12,759.95
5142.1 (Snow - Pers.)	5130.4 (Mach.-Contr.)	\$ 563.02
5142.1 (Snow - Pers.)	5140.4 (Brush-Contr.)	\$ 850.31
5142.1 (Snow - Pers.)	9060.8 (Med. Insur.)	\$ 10,816.65

RESOLUTION #148-2012

Messrs. Olson and Higgins introduced Res. No. 148 and moved its adoption, all Ayes:

RESOLUTION TO ACCEPT JUSTICE MURPHY'S RESIGNATION

WHEREAS, Horicon Town Justice James Murphy has submitted a letter of resignation to the Horicon Town Board to be effective December 31, 2012, now, therefore be it RESOLVED, that the Horicon Town Board does hereby accept James Murphy's resignation as Horicon Town Justice effective December 31, 2012.

Old Business:

Highway truck bids: The Clerk advertised for bids for a new cab and chassis for the Highway Department. There were two bids received and Mohawk Valley Freightliner was low bidder. Councilman Simpson noted that a heated windshield will be an additional cost of \$284.00.

RESOLUTION NO. 149 OF 2012

Messrs. Hill and Simpson introduced Res. No. 149 and moved its adoption, all Ayes:

RESOLUTION TO ACCEPT BID FOR CAB AND CHASSIS

WHEREAS, the Town Board advertised for bids for a new cab and chassis for the Highway Department, AND

WHEREAS, two bids were received and opened on November 30th at 1:00 PM, now, therefore be it RESOLVED, that the Town Board does hereby accept the bid of \$96,921.00 for a 2013 cab and chassis plus the heated windshield for \$284.00 submitted by Mohawk Valley Freightliner of Yorkville, NY and authorizes the purchase of the cab and chassis plus heated windshield for the total price of \$97,205.00.

RESOLUTION NO. 150 OF 2012

Messrs. Hill and Simpson introduced Res. No. 150 and moved its adoption, all Ayes:

RESOLUTION TO AUTHORIZE PURCHASE OF PLOW, BOX, AND SANDER FOR TRUCK

WHEREAS, the Town is purchasing a 2013 cab and chassis for the Highway Department and has received a quote from Viking Cives for a straight plow, box, and sander for the truck for a price of \$74,161.60, now, therefore be it

RESOLVED, that the Town Board does hereby the purchase of the plow, box, and sander from Viking Cives for a price of \$74,161.60.

Attendance at AATV training in New York:

RESOLUTION #151-2012

Messrs. Olson and Higgins introduced Res. No. 151 and moved its adoption, all Ayes:

RESOLUTION AUTHORIZING COUNCILMAN SIMPSON TO ATTEND ASSOCIATION OF TOWNS TRAINING SCHOOL

RESOLVED, that the Town Board does hereby authorize Councilman Matt Simpson to attend the Association of Towns Training School from February 17 through February 20, 2013, be it further RESOLVED, that the Town Board of the Town of Horicon does hereby appoint Matt Simpson to cast the vote for the Town of Horicon at the Annual Business Session of the Association of Towns Meeting in New York City on February 20, 2013.

Supervisor Bentley noted that only Councilman Simpson is authorized to attend the AATV training in February, as the Board had previously decided at the November 15th meeting that all training for the Zoning and Planning Boards will be done in-house in 2013.

Time Warner claim resolution: Time Warner has responded to the claim filed on the Town's behalf by Computel Consultants and has given the Town four options to choose from in terms of how they would like to proceed. The Board agreed that they would accept Time Warner's proposal to pay the Town \$1,797.00 in full satisfaction for all franchise fee liability.

RESOLUTION #152-2012

Messrs. Olson and Simpson introduced Res. No. 152 and moved its adoption, all Ayes:

RESOLUTION AUTHORIZING SUPERVISOR BENTLEY TO SIGN SETTLEMENT WITH TIME WARNER

WHEREAS, Computel Consultants filed a claim on behalf of the Town of Horicon against Time Warner Cable for unpaid franchise fees and Time Warner has responded with several proposals to resolve the issue of the unpaid fees, now, therefore be it

RESOLVED, that the Town Board of the Town of Horicon does accept, and authorize Supervisor Bentley to sign, the settlement agreement with Time Warner (option #4) wherein Time Warner agrees to pay the Town of Horicon \$1,797.00 in full satisfaction for all franchise fee liability based on its failure to pay the "fee-on-fee" for the period prior to the date hereof and pay the fee on fee prospectively.

North Warren Emergency Squad representative: Supervisor Bentley stated that the NWEMS has revamped its Board of Directors and has asked that the Town appoint a representative to sit on the Board of Directors. Supervisor Bentley spoke with John Goode who indicated he would be interested in this.

RESOLUTION #153-2012

Messrs. Olson and Simpson introduced Res. No. 153 and moved its adoption, all Ayes:

RESOLUTION TO APPOINT JOHN GOOD AS REPRESENTATIVE

WHEREAS, the North Warren Emergency Squad has appointed a new Board of Directors and has asked the Town of Horicon and the Town of Chester to each appoint a representative to sit on the Board of Directors, now, therefore be it

RESOLVED, that the Town Board of the Town of Horicon does hereby appoint John Good as the Horicon representative to the North Warren Emergency Squad Board of Directors.

New Business:

StoredTech/Computer support quote: There was discussion as to whether or not the time bank should be purchased at a reduced rate or if the Town should just pay as needed.

RESOLUTION #154-2012

Messrs. Olson and Simpson introduced Res. No. 154 and moved its adoption, all Ayes:

RESOLUTION TO ACCEPT STOREDTECH QUOTE

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RESOLVED, that the Town Board of the Town of Horicon does hereby accept the quote submitted by StoredTech for a time bank of tech support at a cost of \$2,875.00. Any unused hours will roll into the following year.

Battery Back-up for phone system: The Board decided not to purchase a battery back-up for the phone system because as long as the generator is working properly there are no issues.

Cemetery Request: Councilman Simpson said he had a request from Bruce Robbins who would like to purchase two lots in the Brant Lake Cemetery at the resident fee, not at the non-resident fee, based on the history of his family in Brant Lake. Councilman Simpson pointed out that, although he understands him asking, the cemetery maintenance costs are covered by taxpayer dollars and the resident fee reflects that. He said he feels it would set a bad precedent and Councilman Hill agreed. The Board agreed and a letter is to be sent to Mr. Robbins stating that he will have to pay the non-resident rate if he wishes to purchase cemetery plots in the Brant Lake Cemetery.

Councilman Simpson said he had also had a request by a family that wished to have a burial this coming Saturday. The cemeteries are now closed for the season but the Board has stated in the past that they will consider a winter burial if weather permits. The family addressed the Board asking for special consideration and explained their situation. Councilman Higgins said the issue they have is the potential damage to the cemetery when they do burials this time of year. He also noted that with the storm that is being predicted for Friday the Custodian may not be able to do the burial. The Board agreed that they would wait to see what the storm does and make a decision on Friday.

Privilege of the Floor

-Bill McGhie told the Board, in regards to the Board's suggestion that they have people monitor the BTI program to ensure that it is being done, that he and the other members of ESSLA would be willing to monitor the program from Valentine Pond Rd. west if the Board decided to do that.

-Paul Holmes addressed the Board regarding his suggestion at last meeting to have Board appointed Study Committees. He noted that he has not heard anything further on this from the Board but he has had several people approach him about this and they are willing to participate.

-Tom Johansen told the Board that the NW Chamber has had 2,519 visitors so far this year that are from 9 different countries and 19 states.

-Jane Smith told the Board that the Schroon Lake Management Plan has been awarded a \$300,000.00 grant.

-John Donovan said that in January they will be doing homework on other municipalities' agreements with DEC in regards to boat launches and will bring that information to the Board for use in their negotiations with DEC.

-Councilman Simpson told the Board that he had met with Marty Fitzgerald, Warren County, to inspect the Adirondack Schoolhouse. He said the Town needs to install a smoke detector, and they also cannot have any group of people meet in the building until all of the gas and lawnmowers are removed. Besides that, he said they are fine.

-Councilman Simpson also asked if anything more had been done regarding the property Aaron Baker is interested in purchasing. Supervisor Bentley said he had spoken with Mike Swan who said he would do an evaluation.

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-Councilman Olson said that he had contacted Stuart Messenger, based on Counselor Schachner's suggestion, about the Zoning and Planning training. He asked Gary Frenz if the Boards had received the list of classes. Gary said they had and they are currently reviewing which ones they would like to have. He indicated that he should have an answer for Councilman Olson by the beginning of January.

Executive Session:

Councilman Olson made a motion, seconded by Councilman Simpson, to move to Executive Session to discuss personnel and a possible Justice appointment, all in favor. The Board moved to Executive Session at 7:48 PM.

The Board returned from Executive Session at 8:17 PM and Councilman Olson made a motion to return to Regular Session, seconded by Councilman Higgins, all in favor. Personnel and the Town Justice position were discussed.

RESOLUTION #155-2012

Messrs. Simpson and Higgins introduced Res. No. 155 and moved its adoption, all Ayes:

RESOLUTION TO APPOINT JOHN STEVENS AS TOWN JUSTICE

RESOLVED, that the Town Board of the Town of Horicon does hereby appoint John Stevens as Horicon Town Justice to take office upon completion of the upcoming training in April. This appointment will be effective through December 31, 2013. Justice Jim McDermott will fill the office for the next three months.

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

Respectfully Submitted:

Town Clerk