

**HORICON TOWN BOARD  
REGULAR MEETING**

**FEBRUARY 21, 2013  
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: Jane Smith, Bill McGhie, Harry Balz, HS Smith, Gordy Hayes, Matt Wood, Pete Palmer, Paul Holmes, Frank Costello, Teri Schuerlein, Brandon Himoff, and Mike Raymond.

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

**Approval of Minutes:** Minutes of January 17, 2013 and February 7, 2013 were approved by Motion of Messrs. Higgins and Hill, all Ayes.

**Approval of February 21, 2013 Vouchers and Abstracts:**

**RESOLUTION #36-2012**

Messrs. Hill and Olson introduced Res. No. 36 and moved its adoption, all Ayes:

**RESOLUTION TO AUTHORIZE PAYMENT OF FEBRUARY ABSTRACTS**

RESOLVED, that the Town Board does hereby authorize payment of the February 21, 2013 Vouchers and Abstracts as follows:

General Vouchers	#29-58	\$ 44,085.33
Highway Vouchers	#16-35	\$ 36,854.41
General Abstracts	3 & 5	\$ 119,211.86
Highway Abstracts	3 & 5	\$ 94,903.67

**Correspondence to the Board:**

-Ethics Committee      RE: Request to lengthen the term appointments of the Ethics Comm. members  
-WC BOE                      RE: Return and disposal of lever voting machines  
-ANCA                          RE: North Country Clean Energy Conference  
-Jane Smith                  RE: 2012 Lake Steward Report for Schroon Lake  
-NW Bicent. Team          RE: Letter of appreciation for support of the Spaghetti Dinner  
-Brant Lake Camp          RE: Request that Camp Road become a private road

**Resolutions:**

**RESOLUTION #37-2012**

Messrs. Olson and Higgins introduced Res. No. 37 and moved its adoption, all Ayes:

**RESOLUTION TO AUTHORIZE ATTENDANCE AT JUSTICE TRAINING**

RESOLVED, that the Town Board does hereby authorize Town Justice John Stevens to attend Justice Training "Core A" and "Core B" from March 11-12, 2013 in Latham, NY, and BE IT FURTHER  
RESOLVED, that the Town Board authorizes Town Justice John Stevens to attend training "Taking the Bench" from April 8-13, 2013 in Colonie, NY, and BE IT FURTHER  
RESOLVED, the Town Board authorizes John Stevens be reimbursed for food and mileage while attending training.

**RESOLUTION #38-2012**

Messrs. Higgins and Olson introduced Res. No. 38 and moved its adoption, all Ayes:

**RESOLUTION TO AUTHORIZE PAYMENT FOR FINGERPRINTING**

RESOLVED, that the Horicon Town Board does hereby authorize payment to L-1 Enrollment Service in the amount of \$171.50 for the mandated fingerprinting of Town Justice John Stevens and Court Clerk Karen Burka.

**RESOLUTION #39-2012**

Messrs. Hill and Simpson introduced Res. No. 39 and moved its adoption, all Ayes:

**RESOLUTION AUTHORIZING THE ISSUANCE OF UP TO \$117,000 SERIAL BONDS OF THE TOWN OF HORICON TO PAY A PORTION OF THE COST OF A NEW PLOW/DUMP TRUCK; AND AUTHORIZING THE ISSUANCE OF UP TO \$117,000 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 a new Freightliner Truck Cab and Chassis with heated windshield, snowplow and dump body, and related preliminary and incidental costs (the "Project"), and this specific object or purpose is hereby authorized at a maximum estimated cost of \$172,000.

**Section 2.** The plan for the financing of such maximum estimated cost of the Project is as follows:

(a) the issuance of up to \$117,000 serial bonds and/or bond anticipation notes of said Town, hereby authorized to be issued pursuant to the Local Finance Law; and

(b) the use of \$55,000 in general Town funds.

Pursuant to Local Finance Law Section 107.00(d)(9), a down payment from current funds is not required.

**Section 3.** It is hereby determined that the period of probable usefulness of the specific object or purpose is fifteen (15) years, pursuant to Section 11.00(a)(28) 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 4.** 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 5.** For the purpose of paying a portion of the cost of the Project, there are hereby authorized to be issued serial bonds of the Town up to a maximum amount of \$117,000, the maximum maturity of which shall not exceed the period of probable usefulness set forth 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 6.** 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 \$117,000 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 7.** 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 8.** 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 9.** 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 10.** 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 11.** The Chief Fiscal Officer shall prepare the bonds and/or notes and sell them 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 annual debt service for the repayment of such Bonds if he believes it is in the best interests of the Town.

**Section 12.** If issued, the notes may be in bearer form and may contain a power to convert to registered form, and shall bear interest at the determined rate.

**Section 13.** 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 14.** 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 15.** Miller, Mannix, Schachner & Hafner, LLC, Glens Falls, New York, is hereby designated bond counsel.

**Section 16.** 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 17.** 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 18.** 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 19.** The question of the adoption of this Resolution was duly put to a vote on roll call which resulted as follows:

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

**RESOLUTION #40-2012**

Messrs. Hill and Simpson introduced Res. No. 40 and moved its adoption, all Ayes:

**RESOLUTION TO AUTHORIZE POSTING OF ROADS**

RESOLVED, that the Town Board of the Town of Horicon does hereby authorize the Highway Superintendent to advertise and post the Town Roads for spring conditions when warranted.

**RESOLUTION #41-2012**

Messrs. Hill and Simpson introduced Res. No. 41 and moved its adoption, all Ayes:

**RESOLUTION AUTHORIZING SOLICITATION OF SAND BIDS**

RESOLVED, that the Town Board does hereby authorize the Town Clerk to solicit, by legal advertisement, bids for highway sand. Bids are to be opened at 11:00 AM on March 21<sup>ST</sup>, 2013.

**RESOLUTION #42-2012**

Messrs. Olson and Higgins introduced Res. No. 42 and moved its adoption, all Ayes:

**RESOLUTION TO RELEASE FIRST PAYMENT OF 2013 NWEMS CONTRACT**

RESOLVED, that the Horicon Town Board does hereby authorize the early release of the first installment payment, in the amount of \$12,250.00, to be paid to the North Warren Emergency Squad for the 2013 Contract.

**Old Business:**

*Planning Board Member:*

**RESOLUTION #43-2012**

Messrs. Higgins and Olson introduced Res. No. 43 and moved its adoption, all Ayes:

**RESOLUTION TO APPOINT PLANNING BOARD MEMBER**

WHEREAS, the Town Board advertised for positions on the Planning Board and three applications were received and the applicants were interviewed, now, therefore be it

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RESOLVED, that the Town Board of the Town of Horicon does hereby appoint Teri Schuerlein to fill the vacant seat of Planning Board member, effective immediately, for a term that will expire on December 31, 2017.

*Town property adjacent to Aaron Baker:* The Board has received an appraisal on the parcel of property on Hayesburg Road that borders Aaron Baker's property. Supervisor Bentley said he spoke to Aaron Baker about the price and he indicated that Mr. Baker is willing to move forward with purchasing the parcel of property.

**RESOLUTION #44-2012**

Messrs. Hill and Higgins introduced Res. No. 44 and moved its adoption, all Ayes:

**RESOLUTION TO AUTHORIZE SALE OF PROPERTY**

RESOLVED, that the Town Board does hereby declare the 100' x 200' parcel of property located on Hayesburg Road, identified as Tax Map number 105.10-2-11, as surplus, and be it further RESOLVED, that the Horicon Town Board authorizes said property to be sold to Aaron Baker for the price of six thousand (\$6,000.00) dollars.

*Zoning Ordinance revisions:*

**RESOLUTION #45-2012**

Messrs. Higgins and Olson introduced Res. No. 45 and moved its adoption, all Ayes:

**RESOLUTION TO SET WORKSHOP MEETING**

RESOLVED, that the Horicon Town Board does hereby set a workshop meeting for Thursday, March 7, 2013 at 6:00 PM. The purpose of this workshop meeting is to review and discuss the proposed changes to the Town of Horicon Zoning Ordinance.

***New Business:***

*Disposal of Lever Voting Machines:* Supervisor Bentley said he thinks the Town should keep them for the school or Fire Company to use. Councilman Higgins asked if supplies would be available for them since the machines are almost obsolete now. There was discussion and it was decided that the machines would be kept.

**RESOLUTION #46-2012**

Messrs. Higgins and Olson introduced Res. No. 46 and moved its adoption, all Ayes:

**RESOLUTION TO NOTIFY WARREN COUNTY VOTING MACHINES WILL BE KEPT**

RESOLVED, that the Horicon Town Board wishes to keep the lever voting machines and will notify the County of this decision.

*Solar panels:* Councilman Olson gave the Board a report on the solar panel discussion that he and Harry Balz had with the representative from Triangle Electrical Systems, Inc. Councilman Olson explained the various options they would have; one of which is finding an investor to cover the cost of installing the solar panels. Councilman Olson and Harry Balz feel that this is worth pursuing based on their findings. The Board agreed. Councilman Olson and Harry Balz will continue to work on this.

*Request by Brant Lake Camp to close Camp Road:* Supervisor Bentley explained that Brant Lake Camp would like to take over Camp Road. Highway Superintendent Smith and the Board are both fine with this and will move forward on it.

**RESOLUTION #47-2012**

Messrs. Higgins and Olson introduced Res. No. 47 and moved its adoption, all Ayes:

**RESOLUTION TO SET A PUBLIC HEARING FOR THE PROPOSED CLOSURE OF CAMP ROAD**

RESOLVED, that the Town Board of the Town of Horicon does hereby set a Public Hearing for the purpose of reviewing the proposed closure of Camp Road to be held at the Horicon Community Center on Thursday, March 21, 2013 at 7:00 PM. All those wishing to attend will be heard.

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Councilman Hill told the Board that he had obtained two prices for a storage shed for the purpose of storing the mowers and equipment over in Adirondack. He explained that it would cost approximately \$3,200 for a 14' x 16' shed. There was discussion on this and the Board will think about it.

Councilman Simpson gave the Board a report on the information he gathered at the Association of Towns meeting and how it affects the Town.

**Privilege of the Floor...**

-Brandon Himoff thanked the Board for their contribution to the Brant Lake Carnival. He noted it was a success and they are already planning for next year and have a lot of new ideas.

-Jane Smith thanked the Board members who donated funds for the Spaghetti Dinner fundraiser.

-Paul Holmes updated the Board on the Millpond and Dam Committee. He explained that they are presently gathering information and they are working with DEC.

**Adjourn...** There being no further business to attend to the meeting was adjourned at 7:55 by MOTION of Messrs. Higgins and Olson, all in favor.

Respectfully Submitted:

\_\_\_\_\_  
Town Clerk