

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

**JUNE 20, 2013
7:00 PM**

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

Krista Wood Town Clerk
Mark Schachner Town Counsel

Also: Dana Ayres, Harry Balz, Harvey Leidy, Bill McGhie, Jane Smith, Tom Johansen, Paul Holmes, Gary Frenz, Paul and Teri Schuerlein, Peter Palmer, Christine Hayes, others.

Supervisor Bentley called the Meeting to order at 7:00PM and opened the first Public Hearing.

PUBLIC HEARING #1: Proposed amendment to the Local Law to change the terms of the Board of Ethics members from one year terms to five year terms.

Councilman Olson explained that the Board had originally set one year terms to see how things would work. He feels that things are working fine and it is a good idea to switch to staggered five year terms.

There being no further comments Public Hearing #1 was closed at 7:03PM and Public Hearing #2 was opened.

PUBLIC HEARING #2: Proposed Local Law to Establish Prior Written Notice of Defect Requirement

Harry Balz asked for further explanation. Counselor Schachner explained that this Local Law would require that complaints to the Town be in writing in order to constitute a formal notice of defect.

There were no further comments and Public Hearing #2 was closed at 7:05PM.

REGULAR MEETING...

Approval of Minutes: Minutes of May 22 and June 7, 2013 were approved by Motion of Messrs. Simpson and Olson, all Ayes.

Approval of Abstracts:
RESOLUTION #82-2013

Messrs. Olson and Hill introduced Res. No. 82 and moved its adoption, all Ayes:

RESOLUTION TO AUTHORIZE PAYMENT OF JUNE ABSTRACTS

RESOLVED, that the Town Board does hereby authorize the payment of the June 20, 2013 Vouchers and Abstracts as follows:

General Vouchers	#152-184	\$ 14,186.92
Highway Vouchers	# 74-89	\$ 45,040.06
General Abstracts	15 & 16	\$ 21,910.17
Highway Abstracts	15 & 16	\$ 9,224.07

Correspondence to the Board:

- WC Bicent. Committee RE: Request for sponsorship
- NYS OEM RE: Notification of FEMA application closeout

- John Goode RE: Letter of resignation from NWEMS Board
- Computel Consultants RE: Update on Time Warner Franchise Fee claim
- Horicon Library Trustees RE: Thank you to the Board for support in getting aid from SALS

Old Business:

Solar Panels – presentation by Monitor Electric: Tyler Justin, Monolith Solar Associates LLC, gave a presentation on their proposal for solar power units for the Town. He explained that Monolith will install and maintain the equipment at no cost to the Town, and the Town will be charged at a 25% reduced rate less than what they would otherwise be charged by National Grid. Their standard contract is for twenty years at which point the Town would have the option of a buy-out, have the equipment removed, or renew the contract. Councilman Olson asked what the timeline would be if the Board decides to move forward. Mr. Justin said the contracts would need to be reviewed, they would submit their plan to NYSERDA for approval (which can take 1-3 months), and then they would start work on the layout and site plan. He noted that if approval were given now they would expect to have this up by the fall. The Board thanked Mr. Justin for his time.

Discussion on proposed Zoning Ordinance and Subdivision Regulations:

RESOLUTION #83-2013

Messrs. Olson and Higgins introduced Res. No. 83 and moved its adoption, all Ayes:

RESOLUTION TO FORWARD REVISED HORICON ZONING ORDINANCE AND SUBDIVISION REGULATIONS TO THE APA

RESOLVED, that the Town Board of the Town of Horicon does hereby authorize the Clerk to forward the proposed changes to the Town of Horicon Zoning Ordinance and Subdivision Regulations to the APA for review.

Board of Ethics terms:

RESOLUTION #84-2013

Messrs. Higgins and Olson introduced Res. No. 84 and moved its adoption, all Ayes:

RESOLUTION TO ADOPT REVISED TOWN OF HORICON CODE OF ETHICS

WHEREAS, the Town Board held a public hearing regarding the proposed changes to the Town of Horicon Code of Ethics to increase the terms of the Board of Ethics members from one year terms to staggered five year terms, and add wording requiring at least one member of the Board of Ethics to be an officer or employee of the Town of Horicon, AND

WHEREAS, the Town Board has reviewed the changes to the Code of Ethics and heard all interested parties who attended the public hearing, NOW, THEREFORE BE IT

RESOLVED, that the Town Board of the Town of Horicon does hereby adopt the Revised Town of Horicon Code of Ethics, being Local Law #1 of 2013, and a copy of said Code of Ethics will be on file in the Office of the Town Clerk. The Board further authorizes the Clerk to file Local Law #1 of 2013 with the Secretary of State.

Prior Written Notice of Defect Requirement:

RESOLUTION #85-2013

Messrs. Simpson and Olson introduced Res. No. 85 and moved its adoption, all Ayes:

RESOLUTION TO ADOPT LOCAL LAW PERTAINING TO NOTICE OF DEFECT

WHEREAS, the Town Board held a public hearing regarding a proposed Local Law to establish prior written notice of defect requirement, AND

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WHEREAS, the Town Board has reviewed the proposed Local Law and heard all interested parties who attended the public hearing, NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Horicon does hereby adopt the Local Law to Establish Prior Written Notice of Defect Requirement, being Local Law #2 of 2013, and a copy of Local Law will be on file in the Office of the Town Clerk. The Board further authorizes the Clerk to file Local Law #2 of 2013 with the Secretary of State.

Dam Committee:

Supervisor Bentley stated that Paul Holmes had submitted a letter of resignation from the Dam Committee and asked the Board if they wished to accept his resignation. Councilman Higgins noted that Paul has done a lot of work so it was his feeling that Paul could stay on the Committee if he wished, but suggested the Board appoint Harry Balz as Chairman of the Committee. Paul Holmes said that since he wrote the letter a lot has been done and things are working better so he no longer wishes to resign. The Board felt it was fine for Mr. Holmes to remain on the Committee and voted to appoint a new Chair.

RESOLUTION # 86-2013

Messrs. Higgins and Hill introduced Res. No. 86 and moved its adoption, all Ayes:

RESOLUTION TO APPOINT NEW DAM COMMITTEE CHAIRMAN

RESOLVED, that the Town Board of the Town of Horicon does hereby appoint Harry Balz as Chariman of the Dam Committee.

Supervisor Bentley asked if there was a report from the Dam Committee. Councilman Olson reported on the program that he and Doug Paton attended in regards to possible funding for the bridge project. Peter Palmer, member of the Dam Committee, presented an idea to the Board that the Committee had discussed. It was suggested that the deck of the bridge be replaced with a walk bridge and new fencing, or guard rails, be put up along with some cosmetic improvements. Peter noted that, in the interim at least, this would improve the looks of the bridge in an inexpensive and timely way. The Board was interested in pursuing this option and they asked Harry Balz to get some price estimates.

New Business:

Request for \$1,000 to Sponsor Warren County Bicentennial:

RESOLUTION #87-2013

Messrs. Olson and Simpson introduced Res. No. 87 and moved its adoption, all Ayes:

RESOLUTION TO SPONSOR WARREN COUNTY BICENTENNIAL

RESOLVED, that the Town Board of the Town of Horicon does hereby authorize the payment of \$1,000.00 to the Citizens Advisory Committee in support of the Warren County Bicentennial.

Contract for Horicon Day:

RESOLUTION #88 -2013

Messrs. Hill and Simpson introduced Res. No. 88 and moved its adoption, all Ayes:

RESOLUTION TO AUTHORIZE CONTRACTS FOR HORICON DAY

RESOLVED, that the Horicon Town Board does hereby authorize Supervisor Bentley to sign the following contracts for Horicon Day. Funding for these will be taken from the Special Publicity Fund (A6412.4):

Johnsburg Volunteer Fire Dept.	\$100	Dunk Tank
Bounce Around	\$375	Water Slide
North Country Portable Toilets	\$745	Porta Johns
Five Star Golf Cars	\$350	6 passenger golf car

Request for key to Community Center: Sandra Ragule is interested in purchasing the Church next to the Community Center and has asked for a key to the Community Center in order to use the restroom facilities. The Board agreed she would not be given a key to the Community Center.

Time Clock for Highway Dept.: Councilman Simpson told the Board the time clock at the Highway Garage is not working properly. The Board agreed that Councilman Simpson should get pricing for a new time clock.

Closure of Landfill Rd.:

RESOLUTION #89-2013

Messrs. Higgins and Olson introduced Res. No. 89 and moved its adoption, all Ayes:

RESOLUTION TO AUTHORIZE THE TEMPORARY CLOSURE OF TANNERY RD. AND LANDFILL RD. ON JULY 28, 2013

WHEREAS, on Sunday, July 28, 2013 Hudson Headwaters will be holding the Care for Kids 5K race, NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Horicon, in consideration of the safety of the participants of the 5K Race, does hereby authorize the closing of Tannery Road and Landfill Road between 9:00 AM and 10:30 AM on Sunday, July 28, 2013.

Resolutions:

RESOLUTION #90-2013

Messrs. Higgins and Olson introduced Res. No. 90 and moved its adoption, all Ayes:

RESOLUTION TO CLARIFY COOPERATIVE SPONSORSHIP OF BICENTENNIAL EVENT

Resolved, that the Town Board of the Town of Horicon does hereby state that the August 24th celebration for the Warren County Bicentennial is a Town sponsored event in cooperative agreement with the Town of Chester.

RESOLUTION #91 -2013

Messrs. Olson and Higgins introduced Res. No. 91 and moved its adoption, all Ayes:

RESOLUTION TO AUTHORIZE ATTENDANCE AT TAKING THE BENCH TRAINING

RESOLVED, that the Town Board of the Town of Horicon does hereby authorize Justice John Stevens to attend the Taking the Bench Final Session training to be held on July 12, 2013 in Albany. Justice Stevens will be reimbursed for mileage.

RESOLUTION #92-2013

Messrs. Olson and Higgins introduced Res. No. 92 and moved its adoption, all Ayes:

RESOLUTION TO DESIGNATE INDIVIDUAL TO RECEIVE NOTICE OF CLAIM

WHEREAS General Municipal Law, §53 requires towns to file a certificate with the Secretary of State designating the Secretary of State as an agent for service of a notice of claim; and WHEREAS, General Municipal Law, §53 requires the certificate to include the applicable time limit for filing the notice of claim and the name, post office address and electronic mail address, if available, of an officer, person, for the transmittal of notices of claim served upon the Secretary as the town's agent; and

WHEREAS, pursuant to General Municipal Law, §50-e(1)(a), the applicable time limit for the filing of a notice of claim upon a town is 90 days after the claim arises, or in the case of a wrongful death action, 90 days from the appointment of a representative of the decedent's estate; Now therefore Be It RESOLVED, that the Town Board of the Town of Horicon, County of Warren designates the Town Clerk to receive notices of claims served upon the Secretary of State by mail at PO Box 90, Brant Lake, NY 12815.

BE IT FURTHER RESOLVED, that the Town Board hereby directs the Town Clerk to file the required certificate with the Secretary of State informing him or her of the Town's designation and applicable time limitation for filing a notice of claim with the town on or before July 14, 2013.

RESOLUTION #93-2013

Messrs. Olson and Simpson introduced Res. No. 93 and moved its adoption, all Ayes:

RESOLUTION TO AUTHORIZE ATTENDANCE AT PLANNING AND ZONING SUMMER SCHOOL

RESOLVED, that the Town Board of the Town of Horicon does hereby authorize Dorothy Johnson to attend the Planning and Zoning Summer School to be held on July 31, 2013 in Malta. Cost is \$80.00 plus reimbursement for mileage.

Privilege of the Floor:

-Tom Johansen asked for the Board's permission to have the Highway crew help put up the tents again this year for Summerfest and Horicon Day.

RESOLUTION #94-2013

Messrs. Simpson and Olson introduced Res. No. 94 and moved its adoption, all Ayes:

RESOLUTION TO AUTHORIZE HIGHWAY CREW TO PUT UP TENTS

RESOLVED, that the Town Board of the Town of Horicon does hereby authorize the Highway Crew to assist in putting up the tents for Summerfest and Horicon Day.

-Jane Smith asked when the Board would appoint an officer or employee of the Town to the Board of Ethics. The Board stated they will begin the appointments for the staggered five year terms at the Organizational Meeting in January 2014. They will also appoint a Town employee or official at that time.

-Councilman Olson told the Board that the owner of the Glendale property, where the North Warren County Celebration is being held, has asked that the Town of Chester and the Town of Horicon take turns mowing the property until the first of August. Councilman Olson asked Counselor Schachner if there would be a problem with a Horicon employee mowing since the property is not in the Town of Horicon. Counselor Schachner advised that ideally there should be an intermunicipal agreement. The Board decided to modify Resolution #90-2013 to include wording to cover this.

RESOLUTION #95-2013

Messrs. Higgins and Olson introduced Res. No. 95 and moved its adoption, all Ayes:

RESOLUTION TO MODIFY RESOLUTION #90-2013

RESOLVED, that the Town Board of the Town of Horicon does hereby state that the August 24th celebration for the Warren County Bicentennial is a Town sponsored event in cooperative agreement with the Town of Chester, BE IT FURTHER

RESOLVED, that the Town Board of the Town of Horicon does hereby approve this as an Intermunicipal Agreement between the Town of Horicon and the Town of Chester.

Executive Session: Councilman Olson made a motion, seconded by Councilman Simpson, to move to Executive Session to discuss a personnel matter, all in favor. The Board moved to Executive Session at 8:15 PM.

The Board returned from Executive Session at 8:45 PM and Councilman Olson made a motion to return to Regular Session, seconded by Councilman Hill, all in favor. A personnel matter was discussed and no decisions were made.

Supervisor Bentley asked Counselor Schachner if the Board could move forward with the Solar project, and Counselor Schachner said they could. Counselor Schachner did recommend a modification be

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made to the wording in the contract. He noted the present contract reads "binding arbitration in the event of dispute". Counselor Schachner suggests changing this and asked if the Board was in agreement with his recommendation. The Board agreed with his recommendation.

RESOLUTION #96-2013

Messrs. Olson and Hill introduced Res. No. 96 and moved its adoption, all Ayes:

RESOLUTION TO PROCEED WITH MONOLITH SOLAR ASSOCIATES LLC

RESOLVED, that the Town Board of the Town of Horicon does hereby wish to move forward with Monolith Solar Associates LLC for the installation of solar panels pending the approval of the contracts by Town Counsel and site plan design review by Councilman Olson and Harry Balz.

Adjourn... There being no further business to attend to the meeting was adjourned at 8:45PM by MOTION of Messrs. Hill and Higgins all in favor.

Respectfully Submitted:

Town Clerk