

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

**JANUARY 18, 2018
7:00 PM**

Present at meeting:	Matthew Simpson	Supervisor
	Frank Hill	Councilperson
	Robert Olson	Councilperson
	Kenneth Higgins	Councilperson
	Sylvia Smith	Councilperson
Krista Wood	Town Clerk	
Mark Schachner	Town Counsel	

Also: Assessor Christine Hayes, ZA Jim Steen, Brett Winchip, Zach Monroe, Margaret Holmes, Bob Smith, Tom Williams, Dan Smith, Bill McGhie, Joan Johnson, Joyce Greenidge, Teri Schuerlein, Chris South, Sandy Smith, Debra Eves, Skip Ostrander, and others.

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

Local Board of Health...

A Motion was made by Councilperson Smith, seconded by Councilperson Olson, to go into session as the Local Board of Health. The Board moved into session as Local Board of Health at 7:01 PM.

Public Hearing - Septic Variance for 103 Palisades Rd / tax map #71.16-1-21 / Dwyer:

Supervisor Simpson opened the Public Hearing for the septic variance for 103 Palisades Road in Brant Lake.

Zack Monroe, Winchip Engineering, briefly reviewed the variances being requested. Mr. Monroe pointed out that the separation distances to the wetland and the lake are measured from the toe to fill slope which is down the hill from the actual system; the system is much further away. He said the required setbacks are measured to the toe to fill slope because just a very small portion of the bed is less than six inches into the ground, and that is where the requirements come from. Mr. Monroe noted if the entire system were six inches in the ground then they would measure to the edge of the system. However, because of the slight slope the system is sitting on, a portion of it is less than six inches in the grade so they measure from the edge of the toe to fill slope. He said they are placing a retaining wall at bottom of the hill to terminate the fill slope and keep it from going into the road. Mr. Monroe said to mitigate any issues they are proposing the placement of a membrane behind the retaining wall to force any remaining water into the ground. Lastly, he noted this is an NS40 approved enhanced treatment system.

ZA Steen said he visited the site and noted the extensive bedrock not only on the Dwyer's property, but also on the neighboring properties. He said moving the absorption bed to another location on this property, or obtaining an easement to move it onto a neighboring property, is just not an option. ZA Steen said this is the best that can be done on this lot. He added that his office has not received any comments.

There being no further comments, motion was made by Councilperson Hill, seconded by Councilperson Higgins, to close the public hearing at 7:03 pm.

Councilperson Olson noted this is much better than the existing system.

RESOLUTION #31-2018

Councilperson Olson and Councilperson Higgins introduced Res. No. 31 and moved its adoption:

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RESOLVED, that the Horicon Town Board acting as Local Board of Health, based on the receipt of a set of stamped plans from Winchip Engineering PC (project #17-078), and the \$100.00 variance fee, does hereby grant a variance for an alternative septic system at 103 Palisades Rd, Brant Lake, NY (Tax Map #71.16-1-21) because the strict application of the minimum setback requirements, or the minimum lot size requirement, would result in a specified practical difficulty to the applicant. Further, the alternative proposed would not be materially detrimental to the purpose of this regulation, or to the property or natural resources in the area in or near the site of the proposed individual sewage disposal system, or otherwise conflict with the description, purpose, or the objectives of any plan or policy of the Town, and that the alternative proposed is the minimum variance which would alleviate the specified practical difficulty as found by the Board to affect the applicant.

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

A Motion was made by Councilperson Olson, seconded by Councilperson Smith, to go back into regular session. The Board moved back into regular session at 7:06 PM.

Regular Meeting...

New Town Website...

Tom Williams, Paradox Consulting, previewed the new Town of Horicon website for the Board.

Approval of Minutes: Minutes of December 21 and December 28, 2017, and January 3, 2018, were approved by Motion of Councilperson Hill and Councilperson Smith, all Ayes.

Approval of January 18, 2018 Vouchers and Abstracts:

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RESOLUTION TO AUTHORIZE PAYMENT OF JANUARY ABSTRACTS

RESOLVED, that the Town Board does hereby authorize the payment of the January 18, 2018 Vouchers and Abstracts as follows:

General Abstract	1	\$ 60,926.99
Highway Abstract	1	\$ 100,718.30

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

Correspondence to the Board:

-Patricia Tunney, Sec'y	RE: Notification of re-election of Library Board of Trustees Officers
-Unified Court System	RE: Request for copy of audit of Court records for 2017
-Library Trustees	RE: 2017 Annual Report

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RESOLUTION TO APPOINT BOARD OF ETHICS CHAIRPERSON

RESOLVED, that the Town Board of the Town of Horicon does hereby appoint David Iasevoli as Chairperson of the Town of Horicon Board of Ethics for a term expiring on December 31, 2018.

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

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RESOLVED, that the Town Board of the Town of Horicon does hereby authorize the Bookkeeper to make the following transfer within the Budget:

From: A1430.1 (Pers. Floater) **To:** A1220.4 (Superv-Contr) **Amount:** \$ 13,948.00

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

RESOLUTION #40-2018

Councilperson Smith and Councilperson Olson introduced Res. No. 40 and moved its adoption:

RESOLUTION TO AUTHORIZE TRANSFER OF FUNDS

RESOLVED, that the Town Board of the Town of Horicon does hereby authorize the Bookkeeper to make the following fund transfers for 2017:

	<u>From:</u>	<u>To:</u>	<u>Amount:</u>
Highway...	D5110.4 (Gen Repair-Contr)	D5120.4 (Bridges-Contr)	\$ 678.33
	D5140.1 (Misc Brush-Pers Svc)	D5130.1 (Mach-Pers Svc)	\$ 936.55
	D5140.1 (Misc Brush-Pers Svc)	D5130.110 (Mach-Pers Svc-O/T)	\$ 633.31
	D5140.1 (Misc Brush-Pers Svc)	D5142.1 (SnowRem-Pers Svc)	\$ 6,462.97
	D5148.1 (SvcOthGov-Pers Svc)	D5142.110 (SnowRemPerSvcO/T)	\$ 9,905.02
General...	A1355.102 (Assess-Pers Svc)	A1355.1 (Assess-Pers Svc)	\$ 112.56
	A9060.8 (Health Insur)	A1310.1 (DirFin-Pers Svc)	\$ 1,028.16

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

RESOLUTION #41-2018

Councilperson Smith and Councilperson Olson introduced Res. No. 41 and moved its adoption:

RESOLUTION TO AUTHORIZE BUDGET AMENDMENT

RESOLVED, that the Town Board of the Town of Horicon does hereby authorize the Bookkeeper to make the following Budget Amendment in the 2017 Highway Fund to increase revenues and expenditures in the amount of \$50,792.54 due to an increase in CHIPS funding for PAVE NY and EWR:

Increase.....	D3501 - Consolidated Highway	\$50,792.54
Increase.....	D5112.4 – Improvement - CHIPS	\$50,792.54

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

Committee Reports...

-**NWEMS:** Dave Gross, Chestertown representative to the NWEMS, spoke to the Board about the urgent need for an alternate Horicon representative to the NWEMS. He said without an alternate to serve in Gary Frenz’s absence, the NWEMS Board of Directors is sometimes unable to make a quorum for their meetings, and therefore unable to conduct business. Supervisor Simpson said the Town has advertised for this position, and they will be following up on this as soon as they can. Mr. Gross reiterated how dire the need is to conduct business and urged the Board to appoint an alternate. Supervisor Simpson, again, noted the Board has advertised and will move through the process of selecting an alternate as expeditiously as possible.

-Councilperson Sylvia Smith said most of the final reports for the 2017 Occupancy Tax monies have been received, and the applications for 2018 are coming in. She noted the deadline for the 2018 Occupancy Tax applications is February 15th, and she suggested a workshop meeting to review the applications. She said the Board needs reports from the Historian and the Dog Control Officer for the

last quarter of 2017. Lastly, she reminded everyone about the Historical Society's Potluck Dinner being held on Saturday, January 27th.

- Councilperson Olson said he reviewed Counselor Schachner's comments on the proposed zoning amendment regarding travel trailers with ZA Steen, and they have sent it to the APA for suggestions on proper language.

-Supervisor Simpson said the APA has brought up various questions on the septic variances that have come before the Local Board of Health. He said because of this, Robyn Burgess of the APA, is going to try and put together some training for the Board on septic variances so they are better prepared to handle them.

Old Business:

Dan Smith – BTI: Dan Smith spoke to the Board about the BTI program the Town used to have. He explained how the program worked, what mapping was done, and what qualifications were needed for the program. He noted the maps may be on file with DEC, and if not, he still has copies of most of them. Mr. Smith said he did some research and found that about thirty towns have a BTI program, and seven of those have programs that have been in place for more than twenty years. He said, in his experience, there is not much effect seen in the first year after stopping a program, however, within the next two to three years the black fly populations will go back to original levels. Mr. Smith suggested the Town consider treating every other year, but noted this may make it difficult to find applicators.

Bond Resolution for 2019 Highway Truck:

RESOLUTION #42-2018

Councilperson Hill and Councilperson Olson introduced Res. No. 42 and moved its adoption:

RESOLUTION AUTHORIZING THE ISSUANCE OF UP TO \$200,100 IN SERIAL BONDS OF THE TOWN OF HORICON TO PAY THE COST OF ACQUISITION OF A NEW PLOW TRUCK; AND AUTHORIZING THE ISSUANCE OF UP TO \$200,100 IN BOND ANTICIPATION NOTES OF THE TOWN 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 the acquisition of a new Western Star 4700SF truck with dump body, wing plow, nose plow and rear sander, and related preliminary and incidental costs (the "Project"), and this specific object or purpose is hereby authorized at a maximum estimated cost of \$200,100.

Section 2. The plan for the financing of such maximum estimated cost of the Project is the issuance of up to \$200,100 in serial bonds and/or bond anticipation notes of said Town, hereby authorized to be issued pursuant to the Local Finance Law.

The proceeds of the bonds or bond anticipation notes may be used to reimburse expenditures paid by the Town from other funds or otherwise on or after the date of adoption of this Bond Resolution. Pursuant to Local Finance Law Section 107.00(d)(9), a down payment from current funds is not required.

Section 3. The Town Board anticipates that the Town may pay certain capital expenditures in connection with the Project prior to the receipt of the proceeds of the Bonds. The Town Board hereby declares its official intent to use Bond proceeds to reimburse the Town for such Project expenditures

occurring within sixty (60) days prior to adoption of this Resolution. This section of the Resolution is adopted solely for the purpose of establishing compliance with the requirements of Section 1.150-2 of the Treasury Regulations and does not bind the Town to make any expenditure, incur any indebtedness or proceed with the acquisition.

Section 4. 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 5. 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 6. For the purpose of paying the cost of the Project, there are hereby authorized to be issued serial bonds of the Town up to a maximum amount of \$200,100, the maximum maturity of which shall not exceed the period of probable usefulness set forth above (which is further limited by the five (5) year limitation detailed in Section 4 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 7. 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 \$200,100 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 8. 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 9. 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 10. 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 11. 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 12. 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 or declining annual debt service for the repayment of such Bonds if he believes it is in the best interests of the Town.

Section 13. If issued, the notes shall be in registered form and shall bear interest at the determined rate.

Section 14. 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 15. 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 16. Miller, Mannix, Schachner & Hafner, LLC, Glens Falls, New York, is hereby designated bond counsel.

Section 17. 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 18. This Resolution is not subject to permissive referendum pursuant to Article 7 of New York Town Law and Section 35.00 of New York Local Finance Law referendum.

Section 19. 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 20. 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 21. This Resolution shall take effect immediately.

Section 22. The question of the adoption of this Resolution was duly put to a vote on roll call which resulted as follows:

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

Privilege of the Floor...

-Debra Eves, North Warren Chamber of Commerce, updated the Board on the Chamber's upcoming projects.

-Supervisor Simpson advised the Board that AIM has dissolved as of the end of 2017, and new RFP's are going out for harvesting. Bill McGhie said they are hoping to see those in about a week.

Adjourn... There being no further business to attend to the meeting was adjourned at 8:05 PM by MOTION of Councilperson Olson and Councilperson Higgins, all in favor.

Respectfully Submitted:

Town Clerk

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RESOLVED, that the Town Board of the Town of Horicon does hereby authorize the Bookkeeper to make the following fund transfers for 2017:

	<u>From:</u>	<u>To:</u>	<u>Amount:</u>
Highway...	D5110.4 (Gen Repair-Contr)	D5120.4 (Bridges-Contr)	\$ 678.33
	D5140.1 (Misc Brush-Pers Svc)	D5130.1 (Mach-Pers Svc)	\$ 936.55
	D5140.1 (Misc Brush-Pers Svc)	D5130.110 (Mach-Pers Svc-O/T)	\$ 633.31
	D5140.1 (Misc Brush-Pers Svc)	D5142.1 (SnowRem-Pers Svc)	\$ 6,462.97
	D5148.1 (SvcOthGov-Pers Svc)	D5142.110 (SnowRemPerSvcO/T)	\$ 9,905.02
General...	A1355.102 (Assess-Pers Svc)	A1355.1 (Assess-Pers Svc)	\$ 112.56
	A9060.8 (Health Insur)	A1310.1 (DirFin-Pers Svc)	\$ 1,028.16

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

RESOLUTION #41-2018

Councilperson Smith and Councilperson Olson introduced Res. No. 41 and moved its adoption:

RESOLUTION TO AUTHORIZE BUDGET AMENDMENT

RESOLVED, that the Town Board of the Town of Horicon does hereby authorize the Bookkeeper to make the following Budget Amendment in the 2017 Highway Fund to increase revenues and expenditures in the amount of \$50,792.54 due to an increase in CHIPS funding for PAVE NY and EWR:

Increase.....	D3501 - Consolidated Highway	\$50,792.54
Increase.....	D5112.4 – Improvement - CHIPS	\$50,792.54

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

Committee Reports...

-*NWEMS*: Dave Gross, Chestertown representative to the *NWEMS*, spoke to the Board about the urgent need for an alternate Horicon representative to the *NWEMS*. He said without an alternate to serve in Gary Frenz's absence, the *NWEMS* Board of Directors is sometimes unable to make a quorum for their meetings, and therefore unable to conduct business. Supervisor Simpson said the Town has advertised for this position, and they will be following up on this as soon as they can. Mr. Gross reiterated how dire the need is to conduct business and urged the Board to appoint an alternate. Supervisor Simpson, again, noted the Board has advertised and will move through the process of selecting an alternate as expeditiously as possible.

-Councilperson Sylvia Smith said most of the final reports for the 2017 Occupancy Tax monies have been received, and the applications for 2018 are coming in. She noted the deadline for the 2018 Occupancy Tax applications is February 15th, and she suggested a workshop meeting to review the applications. She said the Board needs reports from the Historian and the Dog Control Officer for the

last quarter of 2017. Lastly, she reminded everyone about the Historical Society's Potluck Dinner being held on Saturday, January 27th.

- Councilperson Olson said he reviewed Counselor Schachner's comments on the proposed zoning amendment regarding travel trailers with ZA Steen, and they have sent it to the APA for suggestions on proper language.

-Supervisor Simpson said the APA has brought up various questions on the septic variances that have come before the Local Board of Health. He said because of this, Robyn Burgess of the APA, is going to try and put together some training for the Board on septic variances so they are better prepared to handle them.

Old Business:

Dan Smith – BTI: Dan Smith spoke to the Board about the BTI program the Town used to have. He explained how the program worked, what mapping was done, and what qualifications were needed for the program. He noted the maps may be on file with DEC, and if not, he still has copies of most of them. Mr. Smith said he did some research and found that about thirty towns have a BTI program, and seven of those have programs that have been in place for more than twenty years. He said, in his experience, there is not much effect seen in the first year after stopping a program, however, within the next two to three years the black fly populations will go back to original levels. Mr. Smith suggested the Town consider treating every other year, but noted this may make it difficult to find applicators.

Bond Resolution for 2019 Highway Truck:

RESOLUTION #42-2018

Councilperson Hill and Councilperson Olson introduced Res. No. 42 and moved its adoption:

RESOLUTION AUTHORIZING THE ISSUANCE OF UP TO \$200,100 IN SERIAL BONDS OF THE TOWN OF HORICON TO PAY THE COST OF ACQUISITION OF A NEW PLOW TRUCK; AND AUTHORIZING THE ISSUANCE OF UP TO \$200,100 IN BOND ANTICIPATION NOTES OF THE TOWN 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 the acquisition of a new Western Star 4700SF truck with dump body, wing plow, nose plow and rear sander, and related preliminary and incidental costs (the "Project"), and this specific object or purpose is hereby authorized at a maximum estimated cost of \$200,100.

Section 2. The plan for the financing of such maximum estimated cost of the Project is the issuance of up to \$200,100 in serial bonds and/or bond anticipation notes of said Town, hereby authorized to be issued pursuant to the Local Finance Law.

The proceeds of the bonds or bond anticipation notes may be used to reimburse expenditures paid by the Town from other funds or otherwise on or after the date of adoption of this Bond Resolution. Pursuant to Local Finance Law Section 107.00(d)(9), a down payment from current funds is not required.

Section 3. The Town Board anticipates that the Town may pay certain capital expenditures in connection with the Project prior to the receipt of the proceeds of the Bonds. The Town Board hereby declares its official intent to use Bond proceeds to reimburse the Town for such Project expenditures

occurring within sixty (60) days prior to adoption of this Resolution. This section of the Resolution is adopted solely for the purpose of establishing compliance with the requirements of Section 1.150-2 of the Treasury Regulations and does not bind the Town to make any expenditure, incur any indebtedness or proceed with the acquisition.

Section 4. 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 5. 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 6. For the purpose of paying the cost of the Project, there are hereby authorized to be issued serial bonds of the Town up to a maximum amount of \$200,100, the maximum maturity of which shall not exceed the period of probable usefulness set forth above (which is further limited by the five (5) year limitation detailed in Section 4 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 7. 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 \$200,100 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 8. 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 9. 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 10. 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 11. 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 12. 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 or declining annual debt service for the repayment of such Bonds if he believes it is in the best interests of the Town.

Section 13. If issued, the notes shall be in registered form and shall bear interest at the determined rate.

Section 14. 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 15. 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 16. Miller, Mannix, Schachner & Hafner, LLC, Glens Falls, New York, is hereby designated bond counsel.

Section 17. 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 18. This Resolution is not subject to permissive referendum pursuant to Article 7 of New York Town Law and Section 35.00 of New York Local Finance Law referendum.

Section 19. 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 20. 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 21. This Resolution shall take effect immediately.

Section 22. The question of the adoption of this Resolution was duly put to a vote on roll call which resulted as follows:

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

Privilege of the Floor...

-Debra Eves, North Warren Chamber of Commerce, updated the Board on the Chamber's upcoming projects.

-Supervisor Simpson advised the Board that AIM has dissolved as of the end of 2017, and new RFP's are going out for harvesting. Bill McGhie said they are hoping to see those in about a week.

Adjourn... There being no further business to attend to the meeting was adjourned at 8:05 PM by MOTION of Councilperson Olson and Councilperson Higgins, all in favor.

Respectfully Submitted:

Town Clerk

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

**JANUARY 18, 2018
7:00 PM**

Present at meeting:	Matthew Simpson	Supervisor
	Frank Hill	Councilperson
	Robert Olson	Councilperson
	Kenneth Higgins	Councilperson
	Sylvia Smith	Councilperson
Krista Wood	Town Clerk	
Mark Schachner	Town Counsel	

Also: Assessor Christine Hayes, ZA Jim Steen, Brett Winchip, Zach Monroe, Margaret Holmes, Bob Smith, Tom Williams, Dan Smith, Bill McGhie, Joan Johnson, Joyce Greenidge, Teri Schuerlein, Chris South, Sandy Smith, Debra Eves, Skip Ostrander, and others.

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

Local Board of Health...

A Motion was made by Councilperson Smith, seconded by Councilperson Olson, to go into session as the Local Board of Health. The Board moved into session as Local Board of Health at 7:01 PM.

Public Hearing - Septic Variance for 103 Palisades Rd / tax map #71.16-1-21 / Dwyer:

Supervisor Simpson opened the Public Hearing for the septic variance for 103 Palisades Road in Brant Lake.

Zack Monroe, Winchip Engineering, briefly reviewed the variances being requested. Mr. Monroe pointed out that the separation distances to the wetland and the lake are measured from the toe to fill slope which is down the hill from the actual system; the system is much further away. He said the required setbacks are measured to the toe to fill slope because just a very small portion of the bed is less than six inches into the ground, and that is where the requirements come from. Mr. Monroe noted if the entire system were six inches in the ground then they would measure to the edge of the system. However, because of the slight slope the system is sitting on, a portion of it is less than six inches in the grade so they measure from the edge of the toe to fill slope. He said they are placing a retaining wall at bottom of the hill to terminate the fill slope and keep it from going into the road. Mr. Monroe said to mitigate any issues they are proposing the placement of a membrane behind the retaining wall to force any remaining water into the ground. Lastly, he noted this is an NS40 approved enhanced treatment system.

ZA Steen said he visited the site and noted the extensive bedrock not only on the Dwyer's property, but also on the neighboring properties. He said moving the absorption bed to another location on this property, or obtaining an easement to move it onto a neighboring property, is just not an option. ZA Steen said this is the best that can be done on this lot. He added that his office has not received any comments.

There being no further comments, motion was made by Councilperson Hill, seconded by Councilperson Higgins, to close the public hearing at 7:03 pm.

Councilperson Olson noted this is much better than the existing system.

RESOLUTION #31-2018

Councilperson Olson and Councilperson Higgins introduced Res. No. 31 and moved its adoption:

RESOLUTION TO GRANT VARIANCE FOR AN ALTERNATIVE SEPTIC SYSTEM AT 103 PALISADES RD

RESOLVED, that the Horicon Town Board acting as Local Board of Health, based on the receipt of a set of stamped plans from Winchip Engineering PC (project #17-078), and the \$100.00 variance fee, does hereby grant a variance for an alternative septic system at 103 Palisades Rd, Brant Lake, NY (Tax Map #71.16-1-21) because the strict application of the minimum setback requirements, or the minimum lot size requirement, would result in a specified practical difficulty to the applicant. Further, the alternative proposed would not be materially detrimental to the purpose of this regulation, or to the property or natural resources in the area in or near the site of the proposed individual sewage disposal system, or otherwise conflict with the description, purpose, or the objectives of any plan or policy of the Town, and that the alternative proposed is the minimum variance which would alleviate the specified practical difficulty as found by the Board to affect the applicant.

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

A Motion was made by Councilperson Olson, seconded by Councilperson Smith, to go back into regular session. The Board moved back into regular session at 7:06 PM.

Regular Meeting...

New Town Website...

Tom Williams, Paradox Consulting, previewed the new Town of Horicon website for the Board.

Approval of Minutes: Minutes of December 21 and December 28, 2017, and January 3, 2018, were approved by Motion of Councilperson Hill and Councilperson Smith, all Ayes.

Approval of January 18, 2018 Vouchers and Abstracts:

RESOLUTION #32-2018

Councilperson Hill and Councilperson Olson introduced Res. No. 32 and moved its adoption:

RESOLUTION TO AUTHORIZE PAYMENT OF JANUARY ABSTRACTS

RESOLVED, that the Town Board does hereby authorize the payment of the January 18, 2018 Vouchers and Abstracts as follows:

General Abstract	1	\$ 60,926.99
Highway Abstract	1	\$ 100,718.30

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

Correspondence to the Board:

-Patricia Tunney, Sec'y	RE: Notification of re-election of Library Board of Trustees Officers
-Unified Court System	RE: Request for copy of audit of Court records for 2017
-Library Trustees	RE: 2017 Annual Report

Resolutions:

RESOLUTION #33-2018

Councilperson Smith and Councilperson Higgins introduced Res. No. 33 and moved its adoption:

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 2017 Town Clerk records was completed at the meeting of the Board on January 18, 2018 and the records were approved by all members of the Board.

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

RESOLUTION #34-2018

Councilperson Olson and Councilperson Higgins introduced Res. No. 34 and moved its adoption:

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 2017 Justice Court records was completed at the meeting of the Board on January 18, 2018 and the records were approved by all members of the Board.

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

RESOLUTION #35-2018

Councilperson Smith and Councilperson Olson introduced Res. No. 35 and moved its adoption:

RESOLUTION TO APPOINT BOARD OF ETHICS CHAIRPERSON

RESOLVED, that the Town Board of the Town of Horicon does hereby appoint David Iasevoli as Chairperson of the Town of Horicon Board of Ethics for a term expiring on December 31, 2018.

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

RESOLUTION #36-2018

Councilperson Hill and Councilperson Olson introduced Res. No. 36 and moved its adoption:

RESOLUTION AUTHORIZING SOLICITATION OF SAND BIDS

RESOLVED, that the Town Board of the Town of Horicon does hereby authorize the Town Clerk to solicit, by legal advertisement, bids for processed highway sand. Bids are to be opened at the regular Town Board meeting on February 15, 2018.

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

RESOLUTION #37-2018

Councilperson Olson and Councilperson Higgins introduced Res. No. 37 and moved its adoption:

RESOLUTION TO APPOINT DELEGATE TO CAST VOTE AT AOT MEETING

RESOLVED, that the Town Board of the Town of Horicon does hereby appoint Supervisor Matthew 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 21, 2018. Councilperson Robert Olson will be the alternate.

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

RESOLUTION #38-2018

Councilperson Olson and Councilperson Smith introduced Res. No. 38 and moved its adoption:

RESOLUTION AUTHORIZING BUDGET TRANSFER

RESOLVED, that the Town Board of the Town of Horicon does hereby authorize the Bookkeeper to make the following transfer within the Budget:

From: A1430.1 (Pers. Floater) **To:** A1220.4 (Superv-Contr) **Amount:** \$ 13,948.00

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

RESOLUTION #39-2018

Councilperson Olson and Councilperson Smith introduced Res. No. 39 and moved its adoption:

RESOLUTION TO AUTHORIZE INTERMUNICIPAL AGREEMENT FOR BOOKKEEPING SERVICES

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

**JANUARY 18, 2018
7:00 PM**

RESOLVED, that the Town Board of the Town of Horicon does hereby authorize the Supervisor to sign the amended Intermunicipal Agreement between the Towns of Warrensburg and Horicon for Bookkeeping services at a cost of \$13,947.14 annually payable to Town of Warrensburg. This agreement shall take effect January 1, 2018 and be in effect until terminated by either Town.

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

RESOLUTION #40-2018

Councilperson Smith and Councilperson Olson introduced Res. No. 40 and moved its adoption:

RESOLUTION TO AUTHORIZE TRANSFER OF FUNDS

RESOLVED, that the Town Board of the Town of Horicon does hereby authorize the Bookkeeper to make the following fund transfers for 2017:

	<u>From:</u>	<u>To:</u>	<u>Amount:</u>
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Ayes: 5 (Smith, Olson, Hill, Higgins, Simpson) Nays: 0

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RESOLUTION TO AUTHORIZE BUDGET AMENDMENT

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Increase.....	D3501 - Consolidated Highway	\$50,792.54
Increase.....	D5112.4 – Improvement - CHIPS	\$50,792.54

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

Committee Reports...

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last quarter of 2017. Lastly, she reminded everyone about the Historical Society's Potluck Dinner being held on Saturday, January 27th.

- Councilperson Olson said he reviewed Counselor Schachner's comments on the proposed zoning amendment regarding travel trailers with ZA Steen, and they have sent it to the APA for suggestions on proper language.

-Supervisor Simpson said the APA has brought up various questions on the septic variances that have come before the Local Board of Health. He said because of this, Robyn Burgess of the APA, is going to try and put together some training for the Board on septic variances so they are better prepared to handle them.

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Dan Smith – BTI: Dan Smith spoke to the Board about the BTI program the Town used to have. He explained how the program worked, what mapping was done, and what qualifications were needed for the program. He noted the maps may be on file with DEC, and if not, he still has copies of most of them. Mr. Smith said he did some research and found that about thirty towns have a BTI program, and seven of those have programs that have been in place for more than twenty years. He said, in his experience, there is not much effect seen in the first year after stopping a program, however, within the next two to three years the black fly populations will go back to original levels. Mr. Smith suggested the Town consider treating every other year, but noted this may make it difficult to find applicators.

Bond Resolution for 2019 Highway Truck:

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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 the acquisition of a new Western Star 4700SF truck with dump body, wing plow, nose plow and rear sander, and related preliminary and incidental costs (the "Project"), and this specific object or purpose is hereby authorized at a maximum estimated cost of \$200,100.

Section 2. The plan for the financing of such maximum estimated cost of the Project is the issuance of up to \$200,100 in serial bonds and/or bond anticipation notes of said Town, hereby authorized to be issued pursuant to the Local Finance Law.

The proceeds of the bonds or bond anticipation notes may be used to reimburse expenditures paid by the Town from other funds or otherwise on or after the date of adoption of this Bond Resolution. Pursuant to Local Finance Law Section 107.00(d)(9), a down payment from current funds is not required.

Section 3. The Town Board anticipates that the Town may pay certain capital expenditures in connection with the Project prior to the receipt of the proceeds of the Bonds. The Town Board hereby declares its official intent to use Bond proceeds to reimburse the Town for such Project expenditures

occurring within sixty (60) days prior to adoption of this Resolution. This section of the Resolution is adopted solely for the purpose of establishing compliance with the requirements of Section 1.150-2 of the Treasury Regulations and does not bind the Town to make any expenditure, incur any indebtedness or proceed with the acquisition.

Section 4. 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 5. 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 6. For the purpose of paying the cost of the Project, there are hereby authorized to be issued serial bonds of the Town up to a maximum amount of \$200,100, the maximum maturity of which shall not exceed the period of probable usefulness set forth above (which is further limited by the five (5) year limitation detailed in Section 4 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 7. 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 \$200,100 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 8. 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 9. 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 10. 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 11. 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 12. 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 or declining annual debt service for the repayment of such Bonds if he believes it is in the best interests of the Town.

Section 13. If issued, the notes shall be in registered form and shall bear interest at the determined rate.

Section 14. 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 15. 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 16. Miller, Mannix, Schachner & Hafner, LLC, Glens Falls, New York, is hereby designated bond counsel.

Section 17. 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 18. This Resolution is not subject to permissive referendum pursuant to Article 7 of New York Town Law and Section 35.00 of New York Local Finance Law referendum.

Section 19. 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 20. 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 21. This Resolution shall take effect immediately.

Section 22. The question of the adoption of this Resolution was duly put to a vote on roll call which resulted as follows:

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

Privilege of the Floor...

-Debra Eves, North Warren Chamber of Commerce, updated the Board on the Chamber's upcoming projects.

-Supervisor Simpson advised the Board that AIM has dissolved as of the end of 2017, and new RFP's are going out for harvesting. Bill McGhie said they are hoping to see those in about a week.

Adjourn... There being no further business to attend to the meeting was adjourned at 8:05 PM by MOTION of Councilperson Olson and Councilperson Higgins, all in favor.

Respectfully Submitted:

Town Clerk

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

**JANUARY 18, 2018
7:00 PM**

Present at meeting:	Matthew Simpson	Supervisor
	Frank Hill	Councilperson
	Robert Olson	Councilperson
	Kenneth Higgins	Councilperson
	Sylvia Smith	Councilperson
Krista Wood	Town Clerk	
Mark Schachner	Town Counsel	

Also: Assessor Christine Hayes, ZA Jim Steen, Brett Winchip, Zach Monroe, Margaret Holmes, Bob Smith, Tom Williams, Dan Smith, Bill McGhie, Joan Johnson, Joyce Greenidge, Teri Schuerlein, Chris South, Sandy Smith, Debra Eves, Skip Ostrander, and others.

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

Local Board of Health...

A Motion was made by Councilperson Smith, seconded by Councilperson Olson, to go into session as the Local Board of Health. The Board moved into session as Local Board of Health at 7:01 PM.

Public Hearing - Septic Variance for 103 Palisades Rd / tax map #71.16-1-21 / Dwyer:

Supervisor Simpson opened the Public Hearing for the septic variance for 103 Palisades Road in Brant Lake.

Zack Monroe, Winchip Engineering, briefly reviewed the variances being requested. Mr. Monroe pointed out that the separation distances to the wetland and the lake are measured from the toe to fill slope which is down the hill from the actual system; the system is much further away. He said the required setbacks are measured to the toe to fill slope because just a very small portion of the bed is less than six inches into the ground, and that is where the requirements come from. Mr. Monroe noted if the entire system were six inches in the ground then they would measure to the edge of the system. However, because of the slight slope the system is sitting on, a portion of it is less than six inches in the grade so they measure from the edge of the toe to fill slope. He said they are placing a retaining wall at bottom of the hill to terminate the fill slope and keep it from going into the road. Mr. Monroe said to mitigate any issues they are proposing the placement of a membrane behind the retaining wall to force any remaining water into the ground. Lastly, he noted this is an NS40 approved enhanced treatment system.

ZA Steen said he visited the site and noted the extensive bedrock not only on the Dwyer's property, but also on the neighboring properties. He said moving the absorption bed to another location on this property, or obtaining an easement to move it onto a neighboring property, is just not an option. ZA Steen said this is the best that can be done on this lot. He added that his office has not received any comments.

There being no further comments, motion was made by Councilperson Hill, seconded by Councilperson Higgins, to close the public hearing at 7:03 pm.

Councilperson Olson noted this is much better than the existing system.

RESOLUTION #31-2018

Councilperson Olson and Councilperson Higgins introduced Res. No. 31 and moved its adoption:

RESOLUTION TO GRANT VARIANCE FOR AN ALTERNATIVE SEPTIC SYSTEM AT 103 PALISADES RD

RESOLVED, that the Horicon Town Board acting as Local Board of Health, based on the receipt of a set of stamped plans from Winchip Engineering PC (project #17-078), and the \$100.00 variance fee, does hereby grant a variance for an alternative septic system at 103 Palisades Rd, Brant Lake, NY (Tax Map #71.16-1-21) because the strict application of the minimum setback requirements, or the minimum lot size requirement, would result in a specified practical difficulty to the applicant. Further, the alternative proposed would not be materially detrimental to the purpose of this regulation, or to the property or natural resources in the area in or near the site of the proposed individual sewage disposal system, or otherwise conflict with the description, purpose, or the objectives of any plan or policy of the Town, and that the alternative proposed is the minimum variance which would alleviate the specified practical difficulty as found by the Board to affect the applicant.

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

A Motion was made by Councilperson Olson, seconded by Councilperson Smith, to go back into regular session. The Board moved back into regular session at 7:06 PM.

Regular Meeting...

New Town Website...

Tom Williams, Paradox Consulting, previewed the new Town of Horicon website for the Board.

Approval of Minutes: Minutes of December 21 and December 28, 2017, and January 3, 2018, were approved by Motion of Councilperson Hill and Councilperson Smith, all Ayes.

Approval of January 18, 2018 Vouchers and Abstracts:

RESOLUTION #32-2018

Councilperson Hill and Councilperson Olson introduced Res. No. 32 and moved its adoption:

RESOLUTION TO AUTHORIZE PAYMENT OF JANUARY ABSTRACTS

RESOLVED, that the Town Board does hereby authorize the payment of the January 18, 2018 Vouchers and Abstracts as follows:

General Abstract	1	\$ 60,926.99
Highway Abstract	1	\$ 100,718.30

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

Correspondence to the Board:

-Patricia Tunney, Sec'y	RE: Notification of re-election of Library Board of Trustees Officers
-Unified Court System	RE: Request for copy of audit of Court records for 2017
-Library Trustees	RE: 2017 Annual Report

Resolutions:

RESOLUTION #33-2018

Councilperson Smith and Councilperson Higgins introduced Res. No. 33 and moved its adoption:

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 2017 Town Clerk records was completed at the meeting of the Board on January 18, 2018 and the records were approved by all members of the Board.

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

RESOLUTION #34-2018

Councilperson Olson and Councilperson Higgins introduced Res. No. 34 and moved its adoption:

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 2017 Justice Court records was completed at the meeting of the Board on January 18, 2018 and the records were approved by all members of the Board.

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

RESOLUTION #35-2018

Councilperson Smith and Councilperson Olson introduced Res. No. 35 and moved its adoption:

RESOLUTION TO APPOINT BOARD OF ETHICS CHAIRPERSON

RESOLVED, that the Town Board of the Town of Horicon does hereby appoint David Iasevoli as Chairperson of the Town of Horicon Board of Ethics for a term expiring on December 31, 2018.

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

RESOLUTION #36-2018

Councilperson Hill and Councilperson Olson introduced Res. No. 36 and moved its adoption:

RESOLUTION AUTHORIZING SOLICITATION OF SAND BIDS

RESOLVED, that the Town Board of the Town of Horicon does hereby authorize the Town Clerk to solicit, by legal advertisement, bids for processed highway sand. Bids are to be opened at the regular Town Board meeting on February 15, 2018.

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

RESOLUTION #37-2018

Councilperson Olson and Councilperson Higgins introduced Res. No. 37 and moved its adoption:

RESOLUTION TO APPOINT DELEGATE TO CAST VOTE AT AOT MEETING

RESOLVED, that the Town Board of the Town of Horicon does hereby appoint Supervisor Matthew 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 21, 2018. Councilperson Robert Olson will be the alternate.

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

RESOLUTION #38-2018

Councilperson Olson and Councilperson Smith introduced Res. No. 38 and moved its adoption:

RESOLUTION AUTHORIZING BUDGET TRANSFER

RESOLVED, that the Town Board of the Town of Horicon does hereby authorize the Bookkeeper to make the following transfer within the Budget:

From: A1430.1 (Pers. Floater) **To:** A1220.4 (Superv-Contr) **Amount:** \$ 13,948.00

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

RESOLUTION #39-2018

Councilperson Olson and Councilperson Smith introduced Res. No. 39 and moved its adoption:

RESOLUTION TO AUTHORIZE INTERMUNICIPAL AGREEMENT FOR BOOKKEEPING SERVICES

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

**JANUARY 18, 2018
7:00 PM**

RESOLVED, that the Town Board of the Town of Horicon does hereby authorize the Supervisor to sign the amended Intermunicipal Agreement between the Towns of Warrensburg and Horicon for Bookkeeping services at a cost of \$13,947.14 annually payable to Town of Warrensburg. This agreement shall take effect January 1, 2018 and be in effect until terminated by either Town.

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

RESOLUTION #40-2018

Councilperson Smith and Councilperson Olson introduced Res. No. 40 and moved its adoption:

RESOLUTION TO AUTHORIZE TRANSFER OF FUNDS

RESOLVED, that the Town Board of the Town of Horicon does hereby authorize the Bookkeeper to make the following fund transfers for 2017:

	<u>From:</u>	<u>To:</u>	<u>Amount:</u>
Highway...	D5110.4 (Gen Repair-Contr)	D5120.4 (Bridges-Contr)	\$ 678.33
	D5140.1 (Misc Brush-Pers Svc)	D5130.1 (Mach-Pers Svc)	\$ 936.55
	D5140.1 (Misc Brush-Pers Svc)	D5130.110 (Mach-Pers Svc-O/T)	\$ 633.31
	D5140.1 (Misc Brush-Pers Svc)	D5142.1 (SnowRem-Pers Svc)	\$ 6,462.97
	D5148.1 (SvcOthGov-Pers Svc)	D5142.110 (SnowRemPerSvcO/T)	\$ 9,905.02
General...	A1355.102 (Assess-Pers Svc)	A1355.1 (Assess-Pers Svc)	\$ 112.56
	A9060.8 (Health Insur)	A1310.1 (DirFin-Pers Svc)	\$ 1,028.16

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

RESOLUTION #41-2018

Councilperson Smith and Councilperson Olson introduced Res. No. 41 and moved its adoption:

RESOLUTION TO AUTHORIZE BUDGET AMENDMENT

RESOLVED, that the Town Board of the Town of Horicon does hereby authorize the Bookkeeper to make the following Budget Amendment in the 2017 Highway Fund to increase revenues and expenditures in the amount of \$50,792.54 due to an increase in CHIPS funding for PAVE NY and EWR:

Increase.....	D3501 - Consolidated Highway	\$50,792.54
Increase.....	D5112.4 – Improvement - CHIPS	\$50,792.54

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

Committee Reports...

-**NWEMS:** Dave Gross, Chestertown representative to the NWEMS, spoke to the Board about the urgent need for an alternate Horicon representative to the NWEMS. He said without an alternate to serve in Gary Frenz’s absence, the NWEMS Board of Directors is sometimes unable to make a quorum for their meetings, and therefore unable to conduct business. Supervisor Simpson said the Town has advertised for this position, and they will be following up on this as soon as they can. Mr. Gross reiterated how dire the need is to conduct business and urged the Board to appoint an alternate. Supervisor Simpson, again, noted the Board has advertised and will move through the process of selecting an alternate as expeditiously as possible.

-Councilperson Sylvia Smith said most of the final reports for the 2017 Occupancy Tax monies have been received, and the applications for 2018 are coming in. She noted the deadline for the 2018 Occupancy Tax applications is February 15th, and she suggested a workshop meeting to review the applications. She said the Board needs reports from the Historian and the Dog Control Officer for the

last quarter of 2017. Lastly, she reminded everyone about the Historical Society's Potluck Dinner being held on Saturday, January 27th.

- Councilperson Olson said he reviewed Counselor Schachner's comments on the proposed zoning amendment regarding travel trailers with ZA Steen, and they have sent it to the APA for suggestions on proper language.

-Supervisor Simpson said the APA has brought up various questions on the septic variances that have come before the Local Board of Health. He said because of this, Robyn Burgess of the APA, is going to try and put together some training for the Board on septic variances so they are better prepared to handle them.

Old Business:

Dan Smith – BTI: Dan Smith spoke to the Board about the BTI program the Town used to have. He explained how the program worked, what mapping was done, and what qualifications were needed for the program. He noted the maps may be on file with DEC, and if not, he still has copies of most of them. Mr. Smith said he did some research and found that about thirty towns have a BTI program, and seven of those have programs that have been in place for more than twenty years. He said, in his experience, there is not much effect seen in the first year after stopping a program, however, within the next two to three years the black fly populations will go back to original levels. Mr. Smith suggested the Town consider treating every other year, but noted this may make it difficult to find applicators.

Bond Resolution for 2019 Highway Truck:

RESOLUTION #42-2018

Councilperson Hill and Councilperson Olson introduced Res. No. 42 and moved its adoption:

RESOLUTION AUTHORIZING THE ISSUANCE OF UP TO \$200,100 IN SERIAL BONDS OF THE TOWN OF HORICON TO PAY THE COST OF ACQUISITION OF A NEW PLOW TRUCK; AND AUTHORIZING THE ISSUANCE OF UP TO \$200,100 IN BOND ANTICIPATION NOTES OF THE TOWN 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 the acquisition of a new Western Star 4700SF truck with dump body, wing plow, nose plow and rear sander, and related preliminary and incidental costs (the "Project"), and this specific object or purpose is hereby authorized at a maximum estimated cost of \$200,100.

Section 2. The plan for the financing of such maximum estimated cost of the Project is the issuance of up to \$200,100 in serial bonds and/or bond anticipation notes of said Town, hereby authorized to be issued pursuant to the Local Finance Law.

The proceeds of the bonds or bond anticipation notes may be used to reimburse expenditures paid by the Town from other funds or otherwise on or after the date of adoption of this Bond Resolution. Pursuant to Local Finance Law Section 107.00(d)(9), a down payment from current funds is not required.

Section 3. The Town Board anticipates that the Town may pay certain capital expenditures in connection with the Project prior to the receipt of the proceeds of the Bonds. The Town Board hereby declares its official intent to use Bond proceeds to reimburse the Town for such Project expenditures

occurring within sixty (60) days prior to adoption of this Resolution. This section of the Resolution is adopted solely for the purpose of establishing compliance with the requirements of Section 1.150-2 of the Treasury Regulations and does not bind the Town to make any expenditure, incur any indebtedness or proceed with the acquisition.

Section 4. 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 5. 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 6. For the purpose of paying the cost of the Project, there are hereby authorized to be issued serial bonds of the Town up to a maximum amount of \$200,100, the maximum maturity of which shall not exceed the period of probable usefulness set forth above (which is further limited by the five (5) year limitation detailed in Section 4 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 7. 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 \$200,100 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 8. 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 9. 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 10. 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 11. 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 12. 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 or declining annual debt service for the repayment of such Bonds if he believes it is in the best interests of the Town.

Section 13. If issued, the notes shall be in registered form and shall bear interest at the determined rate.

Section 14. 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 15. 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 16. Miller, Mannix, Schachner & Hafner, LLC, Glens Falls, New York, is hereby designated bond counsel.

Section 17. 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 18. This Resolution is not subject to permissive referendum pursuant to Article 7 of New York Town Law and Section 35.00 of New York Local Finance Law referendum.

Section 19. 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 20. 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 21. This Resolution shall take effect immediately.

Section 22. The question of the adoption of this Resolution was duly put to a vote on roll call which resulted as follows:

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

Privilege of the Floor...

-Debra Eves, North Warren Chamber of Commerce, updated the Board on the Chamber's upcoming projects.

-Supervisor Simpson advised the Board that AIM has dissolved as of the end of 2017, and new RFP's are going out for harvesting. Bill McGhie said they are hoping to see those in about a week.

Adjourn... There being no further business to attend to the meeting was adjourned at 8:05 PM by MOTION of Councilperson Olson and Councilperson Higgins, all in favor.

Respectfully Submitted:

Town Clerk

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

**JANUARY 18, 2018
7:00 PM**

Present at meeting:	Matthew Simpson	Supervisor
	Frank Hill	Councilperson
	Robert Olson	Councilperson
	Kenneth Higgins	Councilperson
	Sylvia Smith	Councilperson
Krista Wood	Town Clerk	
Mark Schachner	Town Counsel	

Also: Assessor Christine Hayes, ZA Jim Steen, Brett Winchip, Zach Monroe, Margaret Holmes, Bob Smith, Tom Williams, Dan Smith, Bill McGhie, Joan Johnson, Joyce Greenidge, Teri Schuerlein, Chris South, Sandy Smith, Debra Eves, Skip Ostrander, and others.

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

Local Board of Health...

A Motion was made by Councilperson Smith, seconded by Councilperson Olson, to go into session as the Local Board of Health. The Board moved into session as Local Board of Health at 7:01 PM.

Public Hearing - Septic Variance for 103 Palisades Rd / tax map #71.16-1-21 / Dwyer:

Supervisor Simpson opened the Public Hearing for the septic variance for 103 Palisades Road in Brant Lake.

Zack Monroe, Winchip Engineering, briefly reviewed the variances being requested. Mr. Monroe pointed out that the separation distances to the wetland and the lake are measured from the toe to fill slope which is down the hill from the actual system; the system is much further away. He said the required setbacks are measured to the toe to fill slope because just a very small portion of the bed is less than six inches into the ground, and that is where the requirements come from. Mr. Monroe noted if the entire system were six inches in the ground then they would measure to the edge of the system. However, because of the slight slope the system is sitting on, a portion of it is less than six inches in the grade so they measure from the edge of the toe to fill slope. He said they are placing a retaining wall at bottom of the hill to terminate the fill slope and keep it from going into the road. Mr. Monroe said to mitigate any issues they are proposing the placement of a membrane behind the retaining wall to force any remaining water into the ground. Lastly, he noted this is an NS40 approved enhanced treatment system.

ZA Steen said he visited the site and noted the extensive bedrock not only on the Dwyer's property, but also on the neighboring properties. He said moving the absorption bed to another location on this property, or obtaining an easement to move it onto a neighboring property, is just not an option. ZA Steen said this is the best that can be done on this lot. He added that his office has not received any comments.

There being no further comments, motion was made by Councilperson Hill, seconded by Councilperson Higgins, to close the public hearing at 7:03 pm.

Councilperson Olson noted this is much better than the existing system.

RESOLUTION #31-2018

Councilperson Olson and Councilperson Higgins introduced Res. No. 31 and moved its adoption:

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

**JANUARY 18, 2018
7:00 PM**

RESOLUTION TO GRANT VARIANCE FOR AN ALTERNATIVE SEPTIC SYSTEM AT 103 PALISADES RD

RESOLVED, that the Horicon Town Board acting as Local Board of Health, based on the receipt of a set of stamped plans from Winchip Engineering PC (project #17-078), and the \$100.00 variance fee, does hereby grant a variance for an alternative septic system at 103 Palisades Rd, Brant Lake, NY (Tax Map #71.16-1-21) because the strict application of the minimum setback requirements, or the minimum lot size requirement, would result in a specified practical difficulty to the applicant. Further, the alternative proposed would not be materially detrimental to the purpose of this regulation, or to the property or natural resources in the area in or near the site of the proposed individual sewage disposal system, or otherwise conflict with the description, purpose, or the objectives of any plan or policy of the Town, and that the alternative proposed is the minimum variance which would alleviate the specified practical difficulty as found by the Board to affect the applicant.

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

A Motion was made by Councilperson Olson, seconded by Councilperson Smith, to go back into regular session. The Board moved back into regular session at 7:06 PM.

Regular Meeting...

New Town Website...

Tom Williams, Paradox Consulting, previewed the new Town of Horicon website for the Board.

Approval of Minutes: Minutes of December 21 and December 28, 2017, and January 3, 2018, were approved by Motion of Councilperson Hill and Councilperson Smith, all Ayes.

Approval of January 18, 2018 Vouchers and Abstracts:

RESOLUTION #32-2018

Councilperson Hill and Councilperson Olson introduced Res. No. 32 and moved its adoption:

RESOLUTION TO AUTHORIZE PAYMENT OF JANUARY ABSTRACTS

RESOLVED, that the Town Board does hereby authorize the payment of the January 18, 2018 Vouchers and Abstracts as follows:

General Abstract	1	\$ 60,926.99
Highway Abstract	1	\$ 100,718.30

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

Correspondence to the Board:

-Patricia Tunney, Sec'y	RE: Notification of re-election of Library Board of Trustees Officers
-Unified Court System	RE: Request for copy of audit of Court records for 2017
-Library Trustees	RE: 2017 Annual Report

Resolutions:

RESOLUTION #33-2018

Councilperson Smith and Councilperson Higgins introduced Res. No. 33 and moved its adoption:

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 2017 Town Clerk records was completed at the meeting of the Board on January 18, 2018 and the records were approved by all members of the Board.

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

RESOLUTION #34-2018

Councilperson Olson and Councilperson Higgins introduced Res. No. 34 and moved its adoption:

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 2017 Justice Court records was completed at the meeting of the Board on January 18, 2018 and the records were approved by all members of the Board.

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

RESOLUTION #35-2018

Councilperson Smith and Councilperson Olson introduced Res. No. 35 and moved its adoption:

RESOLUTION TO APPOINT BOARD OF ETHICS CHAIRPERSON

RESOLVED, that the Town Board of the Town of Horicon does hereby appoint David Iasevoli as Chairperson of the Town of Horicon Board of Ethics for a term expiring on December 31, 2018.

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

RESOLUTION #36-2018

Councilperson Hill and Councilperson Olson introduced Res. No. 36 and moved its adoption:

RESOLUTION AUTHORIZING SOLICITATION OF SAND BIDS

RESOLVED, that the Town Board of the Town of Horicon does hereby authorize the Town Clerk to solicit, by legal advertisement, bids for processed highway sand. Bids are to be opened at the regular Town Board meeting on February 15, 2018.

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

RESOLUTION #37-2018

Councilperson Olson and Councilperson Higgins introduced Res. No. 37 and moved its adoption:

RESOLUTION TO APPOINT DELEGATE TO CAST VOTE AT AOT MEETING

RESOLVED, that the Town Board of the Town of Horicon does hereby appoint Supervisor Matthew 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 21, 2018. Councilperson Robert Olson will be the alternate.

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

RESOLUTION #38-2018

Councilperson Olson and Councilperson Smith introduced Res. No. 38 and moved its adoption:

RESOLUTION AUTHORIZING BUDGET TRANSFER

RESOLVED, that the Town Board of the Town of Horicon does hereby authorize the Bookkeeper to make the following transfer within the Budget:

From: A1430.1 (Pers. Floater) **To:** A1220.4 (Superv-Contr) **Amount:** \$ 13,948.00

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

RESOLUTION #39-2018

Councilperson Olson and Councilperson Smith introduced Res. No. 39 and moved its adoption:

RESOLUTION TO AUTHORIZE INTERMUNICIPAL AGREEMENT FOR BOOKKEEPING SERVICES

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

**JANUARY 18, 2018
7:00 PM**

RESOLVED, that the Town Board of the Town of Horicon does hereby authorize the Supervisor to sign the amended Intermunicipal Agreement between the Towns of Warrensburg and Horicon for Bookkeeping services at a cost of \$13,947.14 annually payable to Town of Warrensburg. This agreement shall take effect January 1, 2018 and be in effect until terminated by either Town.

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

RESOLUTION #40-2018

Councilperson Smith and Councilperson Olson introduced Res. No. 40 and moved its adoption:

RESOLUTION TO AUTHORIZE TRANSFER OF FUNDS

RESOLVED, that the Town Board of the Town of Horicon does hereby authorize the Bookkeeper to make the following fund transfers for 2017:

	<u>From:</u>	<u>To:</u>	<u>Amount:</u>
Highway...	D5110.4 (Gen Repair-Contr)	D5120.4 (Bridges-Contr)	\$ 678.33
	D5140.1 (Misc Brush-Pers Svc)	D5130.1 (Mach-Pers Svc)	\$ 936.55
	D5140.1 (Misc Brush-Pers Svc)	D5130.110 (Mach-Pers Svc-O/T)	\$ 633.31
	D5140.1 (Misc Brush-Pers Svc)	D5142.1 (SnowRem-Pers Svc)	\$ 6,462.97
	D5148.1 (SvcOthGov-Pers Svc)	D5142.110 (SnowRemPerSvcO/T)	\$ 9,905.02
General...	A1355.102 (Assess-Pers Svc)	A1355.1 (Assess-Pers Svc)	\$ 112.56
	A9060.8 (Health Insur)	A1310.1 (DirFin-Pers Svc)	\$ 1,028.16

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

RESOLUTION #41-2018

Councilperson Smith and Councilperson Olson introduced Res. No. 41 and moved its adoption:

RESOLUTION TO AUTHORIZE BUDGET AMENDMENT

RESOLVED, that the Town Board of the Town of Horicon does hereby authorize the Bookkeeper to make the following Budget Amendment in the 2017 Highway Fund to increase revenues and expenditures in the amount of \$50,792.54 due to an increase in CHIPS funding for PAVE NY and EWR:

Increase.....	D3501 - Consolidated Highway	\$50,792.54
Increase.....	D5112.4 – Improvement - CHIPS	\$50,792.54

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

Committee Reports...

-*NWEMS*: Dave Gross, Chestertown representative to the *NWEMS*, spoke to the Board about the urgent need for an alternate Horicon representative to the *NWEMS*. He said without an alternate to serve in Gary Frenz's absence, the *NWEMS* Board of Directors is sometimes unable to make a quorum for their meetings, and therefore unable to conduct business. Supervisor Simpson said the Town has advertised for this position, and they will be following up on this as soon as they can. Mr. Gross reiterated how dire the need is to conduct business and urged the Board to appoint an alternate. Supervisor Simpson, again, noted the Board has advertised and will move through the process of selecting an alternate as expeditiously as possible.

-Councilperson Sylvia Smith said most of the final reports for the 2017 Occupancy Tax monies have been received, and the applications for 2018 are coming in. She noted the deadline for the 2018 Occupancy Tax applications is February 15th, and she suggested a workshop meeting to review the applications. She said the Board needs reports from the Historian and the Dog Control Officer for the

last quarter of 2017. Lastly, she reminded everyone about the Historical Society's Potluck Dinner being held on Saturday, January 27th.

- Councilperson Olson said he reviewed Counselor Schachner's comments on the proposed zoning amendment regarding travel trailers with ZA Steen, and they have sent it to the APA for suggestions on proper language.

-Supervisor Simpson said the APA has brought up various questions on the septic variances that have come before the Local Board of Health. He said because of this, Robyn Burgess of the APA, is going to try and put together some training for the Board on septic variances so they are better prepared to handle them.

Old Business:

Dan Smith – BTI: Dan Smith spoke to the Board about the BTI program the Town used to have. He explained how the program worked, what mapping was done, and what qualifications were needed for the program. He noted the maps may be on file with DEC, and if not, he still has copies of most of them. Mr. Smith said he did some research and found that about thirty towns have a BTI program, and seven of those have programs that have been in place for more than twenty years. He said, in his experience, there is not much effect seen in the first year after stopping a program, however, within the next two to three years the black fly populations will go back to original levels. Mr. Smith suggested the Town consider treating every other year, but noted this may make it difficult to find applicators.

Bond Resolution for 2019 Highway Truck:

RESOLUTION #42-2018

Councilperson Hill and Councilperson Olson introduced Res. No. 42 and moved its adoption:

RESOLUTION AUTHORIZING THE ISSUANCE OF UP TO \$200,100 IN SERIAL BONDS OF THE TOWN OF HORICON TO PAY THE COST OF ACQUISITION OF A NEW PLOW TRUCK; AND AUTHORIZING THE ISSUANCE OF UP TO \$200,100 IN BOND ANTICIPATION NOTES OF THE TOWN 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 the acquisition of a new Western Star 4700SF truck with dump body, wing plow, nose plow and rear sander, and related preliminary and incidental costs (the "Project"), and this specific object or purpose is hereby authorized at a maximum estimated cost of \$200,100.

Section 2. The plan for the financing of such maximum estimated cost of the Project is the issuance of up to \$200,100 in serial bonds and/or bond anticipation notes of said Town, hereby authorized to be issued pursuant to the Local Finance Law.

The proceeds of the bonds or bond anticipation notes may be used to reimburse expenditures paid by the Town from other funds or otherwise on or after the date of adoption of this Bond Resolution. Pursuant to Local Finance Law Section 107.00(d)(9), a down payment from current funds is not required.

Section 3. The Town Board anticipates that the Town may pay certain capital expenditures in connection with the Project prior to the receipt of the proceeds of the Bonds. The Town Board hereby declares its official intent to use Bond proceeds to reimburse the Town for such Project expenditures

occurring within sixty (60) days prior to adoption of this Resolution. This section of the Resolution is adopted solely for the purpose of establishing compliance with the requirements of Section 1.150-2 of the Treasury Regulations and does not bind the Town to make any expenditure, incur any indebtedness or proceed with the acquisition.

Section 4. 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 5. 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 6. For the purpose of paying the cost of the Project, there are hereby authorized to be issued serial bonds of the Town up to a maximum amount of \$200,100, the maximum maturity of which shall not exceed the period of probable usefulness set forth above (which is further limited by the five (5) year limitation detailed in Section 4 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 7. 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 \$200,100 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 8. 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 9. 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 10. 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 11. 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 12. 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 or declining annual debt service for the repayment of such Bonds if he believes it is in the best interests of the Town.

Section 13. If issued, the notes shall be in registered form and shall bear interest at the determined rate.

Section 14. 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 15. 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 16. Miller, Mannix, Schachner & Hafner, LLC, Glens Falls, New York, is hereby designated bond counsel.

Section 17. 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 18. This Resolution is not subject to permissive referendum pursuant to Article 7 of New York Town Law and Section 35.00 of New York Local Finance Law referendum.

Section 19. 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 20. 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 21. This Resolution shall take effect immediately.

Section 22. The question of the adoption of this Resolution was duly put to a vote on roll call which resulted as follows:

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

Privilege of the Floor...

-Debra Eves, North Warren Chamber of Commerce, updated the Board on the Chamber's upcoming projects.

-Supervisor Simpson advised the Board that AIM has dissolved as of the end of 2017, and new RFP's are going out for harvesting. Bill McGhie said they are hoping to see those in about a week.

Adjourn... There being no further business to attend to the meeting was adjourned at 8:05 PM by MOTION of Councilperson Olson and Councilperson Higgins, all in favor.

Respectfully Submitted:

Town Clerk