

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

**SEPTEMBER 17, 2020
7:00 PM**

Present at meeting:	Matthew Simpson	Supervisor
	Frank Hill	Councilperson
	Robert Olson	Councilperson
	Peter Palmer	Councilperson
	Sylvia Smith	Councilperson
Krista Wood	Town Clerk	

Also: Assessor Christine Hayes, HS Darian Granger, ZA Scott Olson, Brett Winchip, Zack Monroe, Ben Driscoll, Bill McGhie, Bobby Smith, John Donovan, Don and Fern Robilotta, Susan Durgin, John Fenoli, and Ron Halvorsen.

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

Ben Driscoll – SNAP Program...

Ben Driscoll, of Catholic Charities, gave a brief presentation regarding the Supplemental Nutrition Assistance Program that is available to the community.

Local Board of Health...

A Motion was made by Councilperson Olson, seconded by Councilperson Smith, to go into session as the Local Board of Health. The Board moved into session as Local Board of Health at 7:10 PM.

Public Hearing #1 -Soderman septic variance request / tax map #71.12-1-28:

-Supervisor Simpson opened the public hearing for the septic variance request at 241 Palisades Road.

-Zack Monroe, Winchip Engineering, reviewed the proposal to install a replacement system at 241 Palisades Road which will require the following variances: 1) Proposed absorption bed to mean high water mark of lake where 100' is required and 69' is being proposed, which is a variance of 31'; 2) Proposed absorption bed to drilled well where 100' setback is required and 56.4' is being proposed, which is a variance of 43.6'; 3) Proposed absorption bed to proposed house where 20' is required and 3.9' is being proposed which is a variance of 16.1'.

-ZA Scott Olson said the neighbor came in and reviewed the proposed plan but did not express concern. Other than that, he has not received any feedback.

-Don Robilotta said the proposed system is close to the lake that is used by many people and asked if that had been taken into consideration.

-Fern Robilotta asked if the new system is sufficient to compensate for the distance to the lake.

-Councilperson Olson asked Mr. Monroe what type of system is currently on the site. Mr. Monroe said there is a septic tank, and they believe it is either a leech field or a seepage pit which is 72' from the lake. He explained the proposed system, which is an enhanced treatment unit (a Norweco), meets today's standards and is far better than the existing system. Mr. Monroe noted that Town code says a system can be as close as 50' to the lake, however, the proposed system is 69' from the lake.

- Mrs. Robilotta asked what happens if there is a power outage. Mr. Monroe explained that if there is no power then there is virtually no water, and what minimal water would be in the system would be recirculated and treated when the power came back on.

There being no further comments Supervisor Simpson closed public hearing #1 at 7:17 pm.

-Councilman Olson said he visited the site and it is a very tight location. He said there is property out behind the house, but it is very steep. He feels the Norweco is the best possible solution in this case, it is substantially better than what is there, and the proposal has the least possible variances available.

-Supervisor Simpson agreed, noting he does not feel there is any other location on the site for placement of the proposed system.

RESOLUTION #87-2020

Councilperson Olson and Councilperson Smith introduced Res. No. 87 and moved its adoption:

**RESOLUTION TO GRANT VARIANCE FOR A REPLACEMENT WASTEWATER DISPOSAL SYSTEM
AT 241 PALISADES ROAD**

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 (project #19-126), and the \$100.00 variance fee, does hereby grant a variance for a replacement septic system at 241 Palisades Road, Brant Lake (Tax Map #71.12-1-28) 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, Smith, Hill, Palmer, Simpson) Nays: 0

Public Hearing #2 -Halvorsen septic variance request / tax map #36.12-1-36:

-Supervisor Simpson opened the public hearing for the septic variance request on Lakeview Drive at 7:24 pm.

-Zack Monroe, Winchip Engineering, reviewed the proposal to install a raised wastewater disposal system on Lakeview Drive which will serve a proposed four-bedroom home and require the following variances: 1) Proposed absorption field toe of fill slope to stream where 100' is required and 12.5' is being proposed, which is a variance of 87.5'; 2) Proposed absorption field toe of fill slope to property line where 10' is required and 0.0' is being proposed, which is a variance of 10.0'; 3) Proposed absorption field toe of fill slope to house where 20' is required and 0.0' is being proposed, which is a variance of 20.0'.

-Fern Robilotta asked if the proposed system called for any leech fields, holding tanks, or pump-out tanks; how does this proposed system work. Mr. Monroe explained the proposed system is an aerobic treatment unit which gravity feeds the leech field. Mrs. Robilotta asked how many linear feet of absorption field is required for this size system. Mr. Monroe said it is the same size; they are allowed a slight reduction in the size of the field because it is an enhanced treatment unit. Mrs. Robilotta expressed concern over the proximity of the system to the stream that runs through the property as well as the slope of the property because it is a watershed area. She asked if there is anyway to ensure that the wastewater will be clean before it runs onto the properties below it. Mr. Monroe said he cannot guarantee anything, but they are proposing the enhanced treatment unit which reduces the potential impact as much as possible to provide the best possible solution. He added this is an NSF 40 approved system.

-Don Robilotta, an adjoining property owner, asked on the rate of failure, rate of efficiency, is pump-out better or worse or not applicable. Mr. Monroe said holding tanks are not allowed for new construction. Supervisor Simpson said that would be a different variance.

-John Fenoli and Susan Durgin, said they share the same concerns as Don and Fern Robilotta. Mr. Fenoli also stressed it is important to consider the property configuration and exactly how it grades and slopes. He said the

property is divided by a stream that runs year-round, and they all have issues with the constant flow of ground water. He said they feel it would be inappropriate and irresponsible for the Board to grant this variance.

-Roy Halvorsen said he lives just below his brother's property. He explained that there was actually a reservoir on the property years ago to pump water downhill as this area is a wet spot. He encouraged the Board to deny this variance because he does not want effluent running down to his property. He implored the Board to deny this variance as it is too detrimental to the area, the stream, and the lake.

There being no further comments Supervisor Simpson closed public hearing #2 at 7:39 pm

-Councilman Olson said he has visited the site and all of the concerns raised are accurate. He said he sees no way to grant a 100% variance and asked if this is approved why does the Town bother with a code. He said, in his opinion, this variance almost guarantees effluent will flow to the neighboring properties, the stream, and into the lake. He would make a motion to deny this variance.

-Councilperson Hill said he would second the motion; he is familiar with the property and does not feel it is acceptable to grant a variance.

-Councilperson Palmer said the Town cannot be setting precedence with things like this.

RESOLUTION #88-2020

Councilperson Olson and Councilperson Hill introduced Res. No. 88 and moved its adoption:

RESOLUTION TO DENY VARIANCE FOR A WASTEWATER DISPOSAL SYSTEM AT LAKEVIEW ROAD IN BLUE SKY ESTATES (TAX MAP #36.12-1-36)

RESOLVED, that the Horicon Town Board acting as Local Board of Health, does hereby deny a variance for a wastewater disposal system at Lakeview Road in Blue Sky Estates due to the extreme variances proposed.

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

A Motion was made by Councilperson Olson, seconded by Councilperson Smith, to move back into regular session. The Board moved back into regular session at 7:42 PM.

Regular Meeting...

Reports: Supervisor, Town Clerk, Zoning, Justice, Assessor, and Dog Control

Approval of Minutes: Minutes of August 20, 2020 were approved by Motion of Councilperson Hill and Councilperson Olson.

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

Approval of Vouchers and Abstracts:

RESOLUTION #89-2020

Councilperson Olson and Councilperson Hill introduced Res. No. 89 and moved its adoption:

RESOLUTION TO AUTHORIZE PAYMENT OF SEPTEMBER 2020 ABSTRACTS

RESOLVED, that the Town Board does hereby authorize the payment of the September 17, 2020 Vouchers and Abstracts as follows:

General Abstract	9	\$ 43,856.94
Highway Abstract	9	\$ 107,155.03

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

Correspondence to the Board...

- Jason Garney RE: Preliminary review and estimation for Horicon black fly program
- Sara Colman/Beadnell: RE: Request to recognize and name private road
- Mike Geraci RE: Letter of interest to serve as Horicon representative to NWEMS

Resolutions...

RESOLUTION #90-2020

Councilperson Olson and Councilperson Palmer introduced Res. No. 90 and moved its adoption:

RESOLUTION TO AUTHORIZE AGREEMENT WITH WARREN COUNTY FOR ROADWAY MAINTENANCE

RESOLVED, that the Town Board of the Town of Horicon does hereby authorize Supervisor Simpson to sign the contract with Warren County for roadway maintenance for 2021 according to the 2021 Schedule A Highway Payment Rate. Compensation to the Town of Horicon from Warren County will be in the amount of \$249,391.72 for snow and ice removal.

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

RESOLUTION #91-2020

Councilperson Hill and Councilperson Smith introduced Res. No. 91 and moved its adoption:

RESOLUTION TO RE-APPOINT NANCY FREEBERN TO THE BOARD OF ASSESSMENT REVIEW

RESOLVED, that the Town Board of the Town of Horicon does hereby re-appoint Nancy Freebern to a new term on the Horicon Board of Assessment Review. The new term is to run from October 1, 2020 through September 30, 2025.

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

RESOLUTION #92-2020

Councilperson Olson and Councilperson Palmer introduced Res. No. 92 and moved its adoption:

RESOLUTION TO SET BUDGET WORKSHOP MEETING

RESOLVED, that the Town Board of the Town of Horicon does hereby set a Budget Workshop Meeting for Tuesday, October 6, 2020 at 7:00 pm to discuss the 2020 Preliminary Budget.

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

RESOLUTION #93-2020

Councilperson Smith and Councilperson Palmer introduced Res. No. 93 and moved its adoption:

RESOLUTION TO RECOGNIZE AND NAME PRIVATE ROAD

RESOLVED, that the Town Board of the Town of Horicon does hereby recognize and name a private road in the Town of Horicon which will provide access to the new Verizon Wireless cell tower on the Riding High Ranch property. The private road, which will be off of Riding High Ranch Rd, has been named **Old Ranch Road**.

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

Committee Reports...

-Councilperson Sylvia Smith reported on the following:

-She and Councilperson Olson recommend Neil Brandmaier for the ZBA alternate and Phillip Smith for the PB alternate. She said they also interviewed for a landfill sub but that has been tabled for now. She and Justice Geraci will be interviewing applicants for the court clerk position in the next two weeks and hope to have a recommendation by the next Board meeting.

-The Youth Commission will be having a soccer program this fall and the Supervisor has given permission for them to use the Town's fields for the program.

-The YMCA Wellness Center will re-open Monday from 7am to 12:30 by appointment only.

-The Museum attic windows are rotten and need to be replaced. She is waiting for a quote.

-She will be getting an estimate to replace two windows at the Heintzelman Library.

-She read a thank you card to the Highway Department for the recent work on Beaver Pond Road.

-The North Country Ministry and the YMCA are working together to provide a food service on Wednesday's at the YMCA, and they are averaging about 58 people per week.

RESOLUTION #94-2020

Councilperson Smith and Councilperson Olson introduced Res. No. 94 and moved its adoption:

RESOLUTION TO APPOINT NEIL BRANDMAIER AS ZBA ALTERNATE MEMBER

RESOLVED, that the Town Board of the Town of Horicon does hereby appoint Neil Brandmaier to fill the vacant seat of Zoning Board of Appeals second alternate member to complete that term which will expire December 31, 2020.

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

RESOLUTION #95-2020

Councilperson Smith and Councilperson Olson introduced Res. No. 95 and moved its adoption:

RESOLUTION TO APPOINT PHILLIP SMITH AS PLANNING BOARD ALTERNATE MEMBER

RESOLVED, that the Town Board of the Town of Horicon does hereby appoint Phillip Smith to fill the vacant seat of Planning Board second alternate member to complete that term which will expire December 31, 2020.

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

-Councilperson Frank Hill reported on the following:

-He spoke to Kevin Kilcullen and Darian Granger and they feel they can work on taking the bathroom building down in Adirondack next week.

Old Business..

RE-VAL: Supervisor Simpson asked Assessor Hayes to explain the possible revaluation. Assessor Hayes said she reached out for quotes and received one from Mike Maxwell, Maxwell Appraisers, for \$75,000, and she estimates an additional \$5,000 for the extra work for herself and Becky. Assessor Hayes said the numbers would be out in 2022 and noted the last one that was done was in 2008 so the Town is well overdue. Councilperson Olson asked Supervisor Simpson if the Town has the financial ability to do this. Supervisor Simpson said yes, and also said he thinks the Town has a responsibility to do this to keep things assessed correctly. Supervisor Simpson asked the Board members individually if they were in agreement with doing a revaluation. The Board responded as follows: Olson – yes, Palmer – yes, Smith – yes, Hill – yes, Simpson – yes.

NWEMS Rep:

RESOLUTION #96-2020

Councilperson Smith and Councilperson Olson introduced Res. No. 96 and moved its adoption:

RESOLUTION TO APPOINT MIKE GERACI AS HORICON REP TO NWEMS

RESOLVED, that the Town Board of the Town of Horicon does hereby appoint Mike Geraci as Horicon representative to the North Warren EMS Board of Directors to complete that term which will expire December 31, 2024.

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

New Business..

Septic Regulations: Supervisor Simpson explained that the County is working on a plan for septic inspections at the time of sale of a piece of property. He said some towns are pushing back and choosing to pass their own regulations. Supervisor Simpson asked if the Board would like to pass a Town code on septic inspections or wait for a County plan. He noted this would take time and a lot of thought and discussion, but they could at least start the process. The Board was in agreement that they should have regulations administered by the Town and not allow the County to regulate.

Compactor Repair: Supervisor Simpson said the compactor at the landfill is going to need some major repairs and it would be down for about a week. He is waiting on the estimate for the repairs but expects it to be under \$10,000. He noted that Town of Chester has offered to let Horicon residents use the Chester landfill while the compactor is down. The Board was fine with this.

Privilege of the Floor...

-Assessor Hayes said when the time comes she will have Mike Maxell come and meet with the Board to go over the reval response plan.

-Bill McGhie thanked the Board for moving forward with a septic inspection plan.

Executive Session... Councilperson Smith made a motion, seconded by Councilperson Hill, to move to Executive Session to discuss the performance history of a particular employee and contract negotiations. The Board moved to Executive Session at 8:22 PM.

The Board returned from Executive Session at 9:05 PM and Councilperson Smith made a motion, seconded by Councilperson Olson, to return to Regular Session, all in favor. Supervisor Simpson said the performance history of particular employee were discussed as well as contract negotiations; he stated no action was taken.

RESOLUTION #97-2020

Councilperson Olson and Councilperson Hill introduced Res. No. 97 and moved its adoption:

RESOLUTION TO ACCEPT THE PROPOSED CSEA CONTRACT

RESOLVED, that the Town Board of the Town of Horicon does hereby accept the proposed CSEA contract terms which include a 2.5% raise for all job titles, new hires will start at \$1.00 per hour below contract amount and increase \$1.00 per hour plus the negotiated contract amount after one year, the highway crew will work change work hours from Memorial Day to Labor Day and work 6:00 am to 2:00 pm Monday through Friday during that time, and this will be a one-year contract to take effect January 1, 2021.

Adjourn... There being no further business to attend to the meeting was adjourned at 9:06 PM by MOTION of Councilperson Smith and Councilperson Hill, all in favor.

Respectfully Submitted:

Town Clerk