

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

**MAY 20, 2021  
7:00 PM**

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

Also Present: Assessor Christine Hayes, ZA Jim Steen, Bob Smith, Mike Geraci, Kelli Dougan, Margaret Holmes, Teri Schuerlein, Drew Cappabianca, Joan Johnson, Neil Brandmaier, Joe Koch, Bill McGhie, Tom Luciano, Scott Chadbourne, Adam Horowitz, Angie Mead, Barb French, John Donovan, John Hall, Rob Hill, Kelly Marcantonio, and David D'Amore via Zoom.

**Local Board of Health:**

A Motion was made by Councilperson Olson, seconded by Councilperson Palmer, to go into session as the Local Board of Health. The Board moved into session as Local Board of Health at 7:00 PM.

Supervisor Smith re-convened the public hearing for the septic variance request for 18 North Sand Beach Way / Letts / #55.10-1-5.

John Hall, a neighboring property owner, spoke against granting the variance request. He said Cedarwood Engineering stated in their report that they would not recommend granting this variance. Mr. Hall said this proposal raises grave concerns and puts not only himself and the other neighbor's health at risk but Mr. Letts as well. Mr. Hall encouraged the Board to pass a resolution stating this system violates NYS law, it is too close to neighboring wells, and it is too close to Mr. Letts's own well. He noted the Town did their due diligence by referring this to Cedarwood Engineering. Mr. Hall said this is a health hazard and he opposes the variance.

There being no further comments Motion was made by Councilperson Hill, seconded by Councilperson Olson, to move back into regular session. The Board moved back into regular session at 7:08 PM.

The Board will review the application, the public comments, and the report from Cedarwood Engineering and make a decision at the June meeting.

**Regular Meeting:**

**Public Hearing for Proposed Local Law #1-2021:**

Supervisor Smith opened the Public Hearing for the proposed Local Law to eliminate the residency requirement for Zoning Administrator.

John Hall spoke in favor of the Local Law. He said Jim Steen has done a great job, but sometimes it can be very difficult to be objective because everybody knows everybody. This may help avoid conflict.

**There being no further comments Supervisor Smith closed the public hearing at 7:11pm.**

**Reports...** Supervisor, Town Clerk, Justice, Assessor, Zoning, and Historian

**Approval of Minutes:** Minutes of April 15, 2021 were approved by Motion of Councilperson Olson and Councilperson Hill, all Ayes.

**Approval of May 2021 Vouchers and Abstracts:**

**RESOLUTION #77-2021**

Councilperson Olson and Councilperson Hill introduced Res. No. 77 and moved its adoption:

**RESOLUTION TO AUTHORIZE PAYMENT OF MAY ABSTRACTS**

RESOLVED, that the Town Board does hereby authorize the payment of the May 20, 2021 Vouchers and Abstracts as follows:

General Abstract	5	\$ 33,804.90
Highway Abstract	5	\$ 52,815.09

Ayes: 4 (Olson, Hill, Palmer, Smith) Nays: 0

**Correspondence to the Board:**

- Brian Bearor, YMCA RE: Letter of appreciation to Town for support
- Evelyn Lucas RE: Letter stating she is not in favor of the septic variance for Mr. Letts/#55.10-1-5

**Resolutions:**

**RESOLUTION #78-2021**

Councilperson Olson and Councilperson Hill introduced Res. No. 78 and moved its adoption:

**RESOLUTION TO ADOPT LOCAL #1-2021 ELIMINATING RESIDENCY REQUIREMENT FOR ZONING ADMINISTRATOR**

WHEREAS, the Town Board held a public hearing regarding the proposal to eliminate the residency requirement for the appointed office of Zoning Administrator, and

WHEREAS, the Town Board has heard all interested parties who attended the public hearings, now, therefore be it RESOLVED, that the Town Board of the Town of Horicon does hereby adopt the Local Law Eliminating Residency Requirement for Zoning Administrator, being Local Law #1 of 2021, and a copy of said Local Law will be on file in the Office of the Town Clerk. The Board further authorizes the Clerk to file Local Law #1 of 2021 with the Secretary of State.

Ayes: 4 (Olson, Hill, Palmer, Smith) Nays: 0

**RESOLUTION #79-2021**

Councilperson Olson and Councilperson Hill introduced Res. No. 79 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:

**Highway:**

<u>From:</u>	<u>To:</u>	<u>Amount:</u>
DA5148.4 Svcs Other Gov't Contr.	DA5142.4 Snow Rem Contr	\$ 12,767.71

Ayes: 4 (Olson, Hill, Palmer, Smith) Nays: 0

**RESOLUTION #80-2021**

Councilperson Olson and Councilperson Palmer introduced Res. No. 80 and moved its adoption:

**RESOLUTION TO AUTHORIZE PAYMENT TO SANTORE WORLD FAMOUS FIREWORKS**

RESOLVED, that the Town Board of the Town of Horicon does hereby authorize Supervisor Smith to sign the contract with, and authorize payment to, Santore's World Famous Fireworks, LLC for the fireworks display on August 27<sup>th</sup> at a cost of \$5,000.00. Funding for this will be taken from Special Publicity Fund (A6412.4).

Ayes: 4 (Olson, Palmer, Hill, Smith) Nays: 0

**RESOLUTION #81-2021**

Councilperson Palmer and Councilperson Hill introduced Res. No. 81 and moved its adoption:

**RESOLUTION TO ELIMINATE SLPD ALTERNATE MEMBER**

RESOLVED, the Town Board of the Town of Horicon does hereby eliminate the alternate Schroon Lake Park District seat effective immediately as it is unnecessary.

Ayes: 4 (Palmer, Hill, Olson, Smith) Nays: 0

**RESOLUTION #82-2021**

Councilperson Palmer and Councilperson Olson introduced Res. No. 82 and moved its adoption:

**RESOLUTION TO AUTHORIZE COMPETITIVE BID AND AWARD OF CONTRACT FOR ADA RAILINGS**

WHEREAS, the Horicon Town Board authorized the Horicon Historical Society to rehabilitate the 1881 Union Church in Adirondack for use as a Historical Museum Annex under Charter of the Historical Society; AND

WHEREAS, the Warren County Code Enforcement Officer has determined that exterior ADA railings are required for the Adirondack Museum Annex for issuance of a Certificate of Occupancy; AND,

WHEREAS, with assistance at no cost by Project Architect Ethan Hall, New York State-compliant competitive bidding documents have been prepared for issuance on May 21, 2021 with receipt of bids on June 4, 2021 in time for ADA railings installation at the Adirondack Museum Annex in June to enable opening of said museum facility commencing on July 2, 2021; and, now, therefore be it

RESOLVED, that the Town Board of the Town of Horicon does hereby authorize and direct the Supervisor to proceed with NYS compliant competitive bidding for the ADA railings work and, subject to Attorney review, award a contract for the ADA railings work to the lowest responsible bidder on the basis of bids to be received on June 4, 2021.

Ayes: 4 (Palmer, Olson, Hill, Smith) Nays: 0

**Committee Reports...**

*NWEMS Rep Mike Geraci reported on the following:*

- There were 52 calls for service in April with 34 being in Chestertown, 6 in Horicon, and 12 mutual aid calls.
- They are starting work on the annual fund drive and expect to mail letters to all residents in June or July.
- During the Board of Directors meeting on May 13<sup>th</sup> a briefing was given to Horicon Supervisor Smith and Chestertown Supervisor Leggett regarding the patient billing process. There are a few situations that will require further review and follow-up. There will be further discussions over the next few weeks to develop a strategy moving forward with non-compliant payments.

*Councilperson Frank Hill reported on the following:*

- The boat launches are open and the stewards will start May 21st.

*Supervisor Sylvia Smith reported on the following:*

- The boat launches have not yet been cleaned up so she called DEC and they said they will do this asap.
- Lynn Keil will be planting all the flowers in Brant Lake and Adirondack. She will get some locally and some through a family connection at a reduced rate.
- Youth Commission committee held a meeting to decide how best to move forward. Horicon and Chester both contribute money to support it and they are working on making it one group.
- Word of Life volunteers have offered to do a day of work in town so the Board should think of projects to utilize this assistance. This is a very nice offer.

**Old Business...**

*Tent for Food Truck Fridays:* Supervisor Smith said the Board has several quotes for tents in their packets. There are prices for purchasing and for renting, however, the estimated delivery of a new tent has now pushed into mid to late August. She noted that in order to get a tent before July 2<sup>nd</sup> it looks like the Town will need to rent. She said they did submit an Occ Tax app to Warren County in hopes of getting some monies for either a tent or music but the decision on those applications has not been made yet; this is something to keep in mind. In the meantime, in order to have a tent the only option is to rent for this year. The Board agreed to rent for this summer.

**RESOLUTION #83-2021**

Councilperson Palmer and Councilperson Hill introduced Res. No. 83 and moved its adoption:

**RESOLUTION TO RESCIND RES #76-2021 AND AUTHORIZE RENTAL OF TENTS FOR SUMMER**

WHEREAS, the Horicon Town Board does hereby rescind Resolution #76-2021 authorizing the purchase of a used tent, and now, therefore be it

RESOLVED, that the Town Board does hereby authorize the rental of two 20x40 tents for the summer from Erin's Way Tents for the price of \$1,900.00 which includes installation and removal.

Ayes: 4 (Palmer, Hill, Olson, Smith) Nays: 0

Tom Luciano / SLPD update: Tom Lucian, SLPD Commissioner, gave an update on dam operations. He said it can be confusing as to what the SLPD actually does. He said their job is to control the water level in Schroon Lake. Mr. Luciano explained that per the NYS Legislative Committee they are directed to service and open the gates October 15<sup>th</sup>, and then service and close the gates each year May 15<sup>th</sup>. They also perform quarterly dam inspections and set the gates. He said rather than putting the dam on automatic and depleting the lake, they have been regulating it using their discretion in recent years based on observance of a good cross-section of the lake. He said this has helped them keep the lake at a good level over the past three years. The lake is currently at 806.34 which is a good level for this time of year. He explained that Blue Mountain Engineering should be doing a study every other year, however, it has not been done. The reason the Commissioners are still waiting for the emergency plan from the engineering firm for the County and the State is because the engineering firm is behind. Tom said he calls the engineering firm repeatedly and also stays in constant contact with both the County and the State so they are well aware of what is going on. He said it was brought to their attention that they required to abide by the Open Meetings Law and asked if they could have their meetings posted on the Town's website. The Board said that is fine. Mr. Luciano said people are always wondering what the water level is so the SLPD is going to put up a measuring rod on the wall by the gates so people will know what the lake level is. A surveyor will check to make sure the measuring gauges are exact, and ESSLA and SLA have agreed to share in the cost for this so there will be no cost to the Towns.

**New Business...**

Amend Landfill fee schedule: Councilperson Palmer said he has done a lot of research on the landfill. He said it is a service, but it is also a business and there has not been a price increase in six years. He said in order to be in line with Chestertown and Warrensburg the fee needs to be raised to \$0.25/lb, however, it cannot be raised that much at once. He said it should be raised to \$0.20/lb and then raise it next year to \$0.25/lb. Barb French said with the increase to \$0.20/lb it would generate an additional \$800 each time garbage is picked up which happens approximately thirty times a year.

**RESOLUTION #84-2021**

Councilperson Palmer and Councilperson Hill introduced Res. No. 84 and moved its adoption:

**RESOLUTION TO AMEND HORICON LANDFILL FEE SCHEDULE**

RESOLVED, that the Town Board of the Town of Horicon does hereby make the following amendments to the Horicon Landfill fee schedule effective immediately: Trash – \$0.20 cents per lb, carpet – \$0.10 per sq. ft or weighed at \$0.20 cents per lb, coffee table – \$0.20 cents per lb, wooden chair - \$0.20 cents per lb, tires - \$0.20 per lb. All other fees not specifically listed remain the same.

Ayes: 4 (Palmer, Hill, Olson, Smith) Nays: 0

Vacant Town Board seat: Supervisor Smith asked the Board if they would consider appointing Mike Geraci to the current open Town Board seat for the remainder of the year. She pointed out that with Mr. Geraci running for Supervisor, seemingly unopposed, it would be very beneficial for him to participate as an official member of the Board before he takes over as Supervisor; adding how beneficial it was for her to have been involved prior to becoming Supervisor. She noted there are things coming up such as CSEA contract negotiations, the 2022 Budget preparation, executive sessions, etc. that Mr. Geraci would benefit from participating in, with the ultimate goal being to ensure a smooth transition to Supervisor in January.

Councilperson Hill said he had spoken to Mr. Geraci and thought it was a good idea but has now changed his mind. He said that Rob Hill is running for the vacant Town Board seat and he does not feel it would be right to appoint Mike over Rob.

Supervisor Smith said she has spoken with Rob Hill because of Councilperson Hill's concerns, and Rob told her he has no issue with it. She also pointed out this will not have any effect on Rob's election to the Town Board.

Councilperson Olson said he feels efforts to make the transition smooth is important and believes Mike Geraci deserves the opportunity to serve on the Board prior to becoming Supervisor and feels it would be beneficial. He said this will not affect Rob's election to the Town Board January 1<sup>st</sup> as he is running un-opposed. He said he believes it will ultimately help move towards a smooth transition.

Councilperson Palmer said he does not feel it is right to put Mike on the Board when Rob is running for Town Board.

Rob Hill addressed the Board and said he appreciates what Councilpersons Hill and Palmer have said, however, he would not be upset by this at all. He said he feels appointing Mr. Geraci makes sense and he fully supports the idea.

**RESOLUTION #85-2021**

Councilperson Olson and Councilperson Palmer introduced Res. No. 85 and moved its adoption:

**RESOLUTION TO APPOINT MICHAEL GERACI TO TOWN BOARD**

WHEREAS, Sylvia Smith vacated her seat on the Horicon Town Board effective December 31, 2020 in light of her appointment as Town Supervisor, now, therefore be it

RESOLVED, that the Town Board of the Town of Horicon does hereby appoint Michael Geraci, Sr. to fill the vacant seat on the Town Board through December 31, 2021 effective immediately.

Ayes: 4 (Olson, Palmer, Hill, Smith) Nays: 0

**Privilege of the Floor...**

- Joe Koch explained that back in 1998 two of the three SLPD Commissioners passed away leaving him as the sole Commissioner. He is the one that suggested there be an alternate Commissioner, but now realizes that this is not permissible under NYS law. He noted how difficult it is to get people involved with the SLPD and expressed how important it is to pass on the information with the SLPD. He said it would be good if they could at least get people to help that could then step in and keep things going when a Commissioner steps down.

- Neil Brandmaier thanked the Town Board for appointing him as alternate SLPD Commissioner. He said he thought serving as alternate SLPD Commissioner would be a good opportunity to apply his forty years of experience running critical infrastructure. He said he has concerns over several things he saw with the SLPD, he feels there are a lot of issues with how the dam is being operated, and he feels there are public safety issues due to lack of communication. He said the Board has now removed the most qualified person on the SLPD by eliminating the alternate position. He asked if the alternate commissioner positions were being removed from the other towns as well. Mr. Chadbourne and Mr. Horowitz responded that neither Chestertown nor Schroon Lake have ever had alternate SLPD commissioner positions. Mr. Brandmaier also said the SLPD must abide by the Open Meetings Law but until he pushed the issue they did not abide by the Open Meetings Law. He said this feels retaliatory.

- Bill McGhie addressed the Board and said the SLPD meetings are open to the public and he knows this because he and his neighbor have attended several of the meetings.

- Teri Schuerlein updated the Board on the planning for Food Truck Fridays. She explained the concern from the volunteers that opening night is July 2<sup>nd</sup> which is expected to be very busy. She asked if they could have a "soft opening" on June 25<sup>th</sup> to try and work out any issues with layout, etc. Supervisor Smith noted that it seems as though everything is being pushed to the July 1<sup>st</sup> date for openings and that is why they changed the FTF start date to July 2<sup>nd</sup>. Angie Mead spoke and said the Farmer's Market in Chestertown was given the ok from the NYS Farm Bureau to open June 16<sup>th</sup> at full capacity, and the Chestertown Town Board approved it also. Supervisor Smith said she would ask the County for direction. Teri continued her update noting the pontoon boat will be on a week-to-

week basis, they are starting to get responses for the business banner, Drew has agreed to let people use his parking lot, and Justin has filled all the entertainment spots.

- Tom Luciano addressed the Board and said the SLPD was created by the NYS Legislative Committee and the Commissioners are responsible for dam operations. He said the dam opening and closing dates are set by NYS DEC. He also addressed the comment made about the failure of the SLPD Commissioners to notify residents downstream of possible flooding. Mr. Luciano noted that the notification process is not the responsibility of the SLPD Commissioners it is the responsibility of the County Office of Emergency Services. All of these processes are dictated by the NYS Legislative Committee.

- John Hall said he appreciates what a great job the Highway did maintaining the roads.

**Executive Session...**

Councilperson Olson made a motion, seconded by Councilperson Hill, to go into Executive Session to discuss matters regarding the performance of a particular employee. The Board moved to Executive Session at 8:12 PM.

The Board returned from Executive Session at 8:30 PM and Councilperson Olson made a motion, seconded by Councilperson Palmer, to return to Regular Session, Ayes: 4 (Olson, Palmer, Hill, and Smith). Supervisor Smith stated no action was taken.

**RESOLUTION #86-2021**

Councilperson Olson and Councilperson Hill introduced Res. No. 86 and moved its adoption:

**RESOLUTION TO AMEND MUSEUM STAFF PAY RATE**

RESOLVED, that the Town Board of the Town of Horicon does hereby amend the hourly rate for Museum staff to \$11.10 per hour not to exceed thirty hours per week total between the Horicon Museum and the Adirondack Museum.

**Adjourn...** There being no further business to attend to the meeting was adjourned at 8:35 PM by MOTION of Councilperson Palmer and Councilperson Olson, all in favor.

Respectfully Submitted:

\_\_\_\_\_

Town Clerk