

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

**AUGUST 17, 2021
7:00 PM**

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

Also: Jason Letts, Dave Brennan, Matthew Huntington, Kenneth and Carolyn Gallo, Mike Raymond, Assessor Christine Hayes, Rob Hill, Bobby Smith, Jim Steen, and ZA Matthew Magee.

Supervisor Smith opened the regular meeting at 7:00pm.

A Motion was made by Councilperson Hill, 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 7:00 PM.

Local Board of Health:

1) Public Hearing for a Septic variance request at 18 N. Sand Beach Way / Letts / tax map #55.10-1-5:

-Dave Brennan, attorney for Mr. Letts, spoke about the current proposed project. He noted this property is part of an approved subdivision from the 60's, and he went on to review the specifics of the current proposal. He said the original application was not satisfactory so Mr. Letts has now submitted an application for an incinerator. He noted that Cedarwood said the DOH does not believe this would be an approvable solution. Mr. Brennan said he disagrees and feels there is a path forward. Mr. Brennan said that because this is an approved lot the DOH has an obligation find a solution that is protective of public health and the environment. He spoke to Cedarwood and is in the process of trying to reach Mr. Kenyon with the DOH to see what the engineering solution would be.

-John Hall, neighboring property owner, said he has concerns about burning human waste and the potential smell of it. He said he looked on the Eco John website where it states the system does smell. He said to deal with this the company offers the option of purchasing a cover scent for the system so the neighbors smell the cover scent rather than waste. Mr. Hall said Cedarwood noted in their letter that based on the information the system is not compliant with Appendix 75A. He said the original plan some fifty plus years ago seems to imply that all the lots would hook into a central sewer system, however, over the years owners have put in their own septic systems. Mr. Hall said he does not support the approval of this system.

-Mike Raymond said his father made this subdivision in 1961 and the lots were approved as building lots at that time. He said his sister came before the Board in 1990 and was approved for a building and normal septic system. He feels the neighbor does not want anyone near him and feels this is why the neighbor is fighting it. He said there are a number of properties along the lake in that area that were approved for alternative systems which required some fairly severe variances. Mr. Raymond said he feels the proposed system is better than anything out there and supports the approval of the variance.

-Jim Steen said he would like to clarify Mr. Raymond's comment about the approval for his sister's application. Mr. Steen said the approval came from the Zoning Administrator, Curt Castner, not the Town Board. Mr. Steen said ZA Castner also issued a septic permit. Mr. Steen clarified that this application never came before the Local Board of Health as it should have.

-Mr. Brennan asked for clarification on what the normal process is and would the ZA approve the septic variance. Mr. Steen said the ZA can approve it if the system meets the regulations, if it does not meet regulations then it must go before the Local Board of Health. Mr. Brennan said it was approved by the ZA

previously. Mr. Steen said that it was approved by the ZA, but Mr. Raymond said the application came before the Local Board of Health which it did not.

-Jason Letts said he purchased the property to spend summers here. He said this system is the absolute best way to get what they want. He noted this is the only system that does not pump effluent into the ground. Mr. Letts said the smell is also a concern for him. He spoke to the company himself about the potential smell and was told about the fragrance they sell, and they also told him the smell is minimal, in fact, almost non-existent. Mr. Letts said he was satisfied with the company's comments on that. Mr. Letts said he also spoke to the Operations Manager at Whiteface and asked if the system smelled. He was told there is no smell, even though they only had the system in operation for a short time because it froze up. Mr. Letts said the Board's biggest concern is that a young, hard-working family is simply being put off and as elected officials the Board should be outraged at that prospect. He thanked everyone for working with him.

-Jake Gordon, engineer with CT Male Associates, said the smell is obviously a concern and the company did inform him about the scent injector, however, the company said very few customers purchase it because no one complains about the smell. Mr. Gordon said there are DOH regulations on incinerators which do have setback requirement of 500' for toilet incinerators. He wanted to clarify for the Board that this is different than a toilet incinerator as this system treats both the gray and black water.

-Dave Brennan said he would like to clarify Mr. Hall's comments, and he noted the original plan called for cesspools rather than a leech field. He also noted when the plan was approved it stated all of the homes would draw water from the lake for disinfection. He said it seems Mr. Letts is the only one that cannot have what he wants. He said he is not sure this is governed by DOH Article 75A which deals with septic systems that discharge effluent into the groundwater; this system does not do that. Mr. Brennan added that Mr. Letts paid a large amount of money for the property to be developed. He said there needs to be an engineering solution that everyone can deal with.

-Councilperson Hill asked Jim Steen if the system approved back in 1990 was for that particular lot; Mr. Steen said it was. He then asked Mr. Steen if the regulations were the same back then. Mr. Steen said whether or not the regulations were the same the system was never installed and the certificate expired after two years. Mr. Steen further noted that the regulations were the same back then.

-Councilperson Olson said he would like to see corner stakes on the lot to provide a visual of where the structure will be located. He also asked if there any systems like this one in Warren County that he could visit to see how it actually works. He said the one in Essex County is not applicable to residential building and that system also failed within the first year. He said he wants the specifics and technical data for Cedarwood to look at. Mr. Letts replied saying they have the owner's manual, an emissions readout, and a number of certifications and approvals from various state and local authorities. He said the lot has a terraced form and there is only one spot for the building. Councilperson Olson said he still wants stakes put in so there is a visual as to where everything will be placed.

-Mr. Steen said the system at Whiteface did freeze but it was the piping that froze not the system.

-Jake Gordon said they are flexible with the shed location. Mr. Steen suggested centering the shed to keep it farther away from Mr. Hall's property.

-Councilperson Palmer said they are proposing a three-bedroom house figuring six people, so that is 100 gallons per day per person for a total of 600 gallons per day. He said the wastewater system can only burn 300 gallons per day so if it is not burned where is the rest going to go. Mr. Letts said it is 300 gallons per bedroom per day. Mr. Steen said 75A said it is 110 gallons per bedroom per day which is a total of 330 gallons per day.

-Jake Gordon said they are providing a larger tank which will hold up to four days of storage. This would provide time for the owner to repair the system if it were to fail.

-Supervisor Smith said it is obvious there are a lot of questions and more information is needed. She suggested leaving the public hearing open to give all parties time to thoroughly review the information and to get answers to the questions.

Motion made by Councilperson Palmer, seconded by Councilperson Hill, to re-convene the public hearing at the September 16, 2021 Town Board meeting.

2) Septic Variance request for 41 Lakeview Dr. / Gallo / tax map #36.12-1-60:

-Matt Huntington, Studio A, explained that the existing gravity fed system which consists of a seepage pit is antiquated and needs to be upgraded. He said the owners want to put on an addition that will add one bedroom to the current two-bedroom home. He said regardless of the addition, the septic system needs to be updated. They are proposing to replace the existing system with a Presby system to mitigate the separation distance to the stream. He said the Presby system has a pump system with an alarm, automatic shut-off, and an additional one-day of storage before the water shuts off. They are requesting the following variances: 1) proposed septic tank to stream 12.6' where 50' is required which is a variance of 37.4'; 2) proposed pump station to stream 12' where 50' is required which is a variance of 38'; 3) proposed absorption field to stream 26' where 100' is required which is a variance of 74'; 4) proposed distribution box to stream 22.7' where 100' is required which is a variance of 77.3'. Mr. Huntington also noted this home is served by a community water system so there is no well on the property.

-Councilperson Palmer asked why the distribution box cannot be moved farther away from the stream. Mr. Huntington explained if they move it farther away then they will get into site slopes greater than 15% which would require another variance and would probably only move the system another 20' away. Councilperson Palmer said 40' is better than 26'.

-Councilperson Olson said he feels this is an extreme variance. Mr. Huntington said he feels this is the best option available to the Gallo's. Councilperson Olson asked Mr. Huntington to provide an alternative location for the system. Mr. Huntington explained, again, that the alternative would mean the system would be closer to the stream and they would be into existing slopes of greater than 15% which would require additional variances.

-Councilperson Palmer said he wants the separation distance for the distribution box to be 40' rather than 26'.

-Mr. Huntington said he will submit a revised plan with that change.

RESOLUTION #112-2021

Councilperson Geraci and Councilperson Olson introduced Res. No. 112 and moved its adoption:

RESOLUTION TO SET PUBLIC HEARING

RESOLVED, that the Town Board of the Town of Horicon, acting in its capacity as the Local Board of Health, considers the application made by Studio A for a septic variance at 41 Lakeview Drive (tax map #36.12-1-60) complete, and does hereby set a Public Hearing for Thursday, September 16, 2021 at 7:00 PM at the Horicon Community Center pending review by Cedarwood Engineering.

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

A Motion was made by Councilperson Olson, seconded by Councilperson Hill, to go back into regular session. The Board moved back into **regular session** at 7:58 PM.

Regular Session

Reports: Supervisor, Town Clerk, Zoning, Justice, Assessor

Approval of Minutes: Minutes of July 15, 2021 were approved by Motion of Councilperson Olson and Councilperson Geraci.

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

Approval of Vouchers and Abstracts:

RESOLUTION #113-2021

Councilperson Olson and Councilperson Palmer introduced Res. No. 113 and moved its adoption:

RESOLUTION TO AUTHORIZE PAYMENT OF AUGUST 2021 ABSTRACTS

RESOLVED, that the Town Board does hereby authorize the payment of the August 17, 2021 Vouchers and Abstracts as follows:

General Abstract	8	\$ 34,259.57
Highway Abstract	8	\$ 70,114.49

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

Correspondence to the Board...

- John Hall RE: Comments on septic variance request for 18 N. Sand Beach Way
- Scott Hayes, Chief RE: Opinion on fire danger of Septic John proposed by Jason Letts
- Neil Brandmaier RE: Starbuckville Dam and current flooding

Resolutions...

RESOLUTION #114-2021

Councilperson Geraci and Councilperson Olson introduced Res. No. 114 and moved its adoption:

RESOLUTION TO ENGAGE FIREFLY ADMIN INC. TO ADMINISTER LOSAP PROGRAM

RESOLVED, that the Town Board of the Town of Horicon does hereby authorize Supervisor Smith to sign the letter of engagement with Firefly Admin Inc. to handle administration of the LOSAP program for calendar year 2022.

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

RESOLUTION #115-2021

Councilperson Hill and Councilperson Geraci introduced Res. No. 115 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 Highway fund to account for FEMA aid money received:

Increase	DA3306 – Homeland Security Aid	\$ 13,846.49
Increase	DA5110.4 – General Repairs	\$ 13,846.49

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

RESOLUTION #116-2021

Councilperson Geraci and Councilperson Hill introduced Res. No. 116 and moved its adoption:

RESOLUTION TO UPGRADE FIRE ALARM SYSTEM AND SMOKE DETECTORS

RESOLVED, that the Town Board of the Town of Horicon does hereby authorize New York Fire & Security to upgrade the fire alarm system to a new Fire-Lite Five Zone Conventional Fire Panel and also replace sixteen smoke detectors at a cost of \$3,650.00.

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

RESOLUTION #117-2021

Councilperson Palmer and Councilperson Hill introduced Res. No. 117 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 Smith to sign the contract with Warren County for roadway maintenance for 2022 according to the 2022 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 (Palmer, Hill, Geraci, Olson, Smith) Nays: 0

RESOLUTION #118-2021

Councilperson Geraci and Councilperson Palmer introduced Res. No. 118 and moved its adoption:

RESOLUTION TO AUTHORIZE BOOKKEEPER TO CLOSE CM AND HM FUND ACCOUNTS

RESOLVED, that the Town Board of the Town of Horicon does hereby authorize the Bookkeeper to close the CM (Adirondack Schoolhouse) fund account and make an interfund transfer from CM9901.0 to General Fund A5031, and be it further

RESOLVED, that the Town Board authorizes the Bookkeeper to close the HM (Adirondack Church/Museum Project) fund account.

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

RESOLUTION #119-2021

Councilperson Hill and Councilperson Palmer introduced Res. No. 119 and moved its adoption:

RESOLUTION TO AUTHORIZE TRANSFER OF FUNDS

RESOLVED, that the Town Board of the Town of Horicon does hereby authorize the following fund transfer in the General Fund for the purchase of a new John Deere X350 mower understate contract:

<u>From:</u>	<u>To:</u>	<u>Amount:</u>
A8810.2	A8510.2	\$ 1,000.00
A8810.4	A8510.4	\$ 2,669.32
A7520.4	A7450.4	\$ 93.90

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

RESOLUTION #119-2021

Councilperson Geraci and Councilperson Olson introduced Res. No. 119 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 General fund to account for the JCAP grant:

Debit	A3021 – Receivables	\$ 275.00
Credit	A1110.4 – Justice Contr	\$ 275.00

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

Committee Reports...

Councilperson Mike Geraci reported on the following:

NWEMS: There was a total of 82 calls for July with 54 in Chestertown, 19 in Horicon, and 9 mutual aid calls. There were also an additional 10 calls which the Squad could not respond to because they were already committed on another call at the time. The contribution campaign is well under way. There were 8,000 letters mailed out and 400 responses have been received for a total of \$24,000.00 in contributions. The 2020 financial assessment was completed by CPA Allen Powers. The report was favorable and found that the squad is following all acceptable accounting principles. Supervisor Smith was provided with a copy for the Town's file.

Councilperson Frank Hill reported on the following:

Heintzelman: The monuments in front of the Heintzelman Library are leaning. He contacted Mike Gates to give a quote to repair them and to replace the concrete foundation.

Councilperson Peter Palmer reported on the following:

Landfill: Barb French said the Town Board had approved a concrete slab for the metal pile about three years ago and it has not been done yet. Supervisor Smith told Councilperson Palmer to get several quotes for the concrete work. He also requested a plow be put on the Beautification truck so the Landfill staff can plow in the winter. Councilperson Hill was not in favor of using the Beautification truck and said he would rather use one of the one ton dump trucks from the Highway Department.

Councilperson Bob Olson reported on the following:

Museums: He attended the museum openings in Brant Lake and Adirondack. He was very impressed with the quality of the items displayed. He said a beautiful job was done by a number of people to get the museums ready and it was a tremendous success.

Supervisor Smith reported on the following:

- Between the two museums the grand opening drew about 100 people. She said if you have not been to the museums you should really come and see them.
- Food Truck Fridays is continuing to be a success with average attendance between 1400-1500 people weekly. Many of the attendees that come through are different each week. The Covid vaccination clinic is doing very well and they have educated a lot of people as well. She told the County they can continue to come to the Town Hall every week if they would like.
- The census numbers are in and while most towns saw a decrease in population Horicon saw a 5% increase.
- The opening of the Swede Mountain trail and fire tower took place August 13th.
- The bridge at the head of the lake will be closed September 7th so the planned work on that can be done and it is expected to be completed by June 2022.
- There have been complaints about signage in town. Warren County and NYS DOT have both been contacted and due to their backlog it will take approximately four months before the town gets the signs.

-Barb French said they are working on getting things cleaned up at the Landfill and are making good progress. She said Robbie is working out very good. She asked the Board if she could order a few signs, and also asked if she has permission to send the copper to R. Cohen who will pay the Town \$3.00 per pound. The Board was in agreement that this would be fine.

Old Business...

Purchase of Tents: Supervisor Smith said the Board had approved the purchase of tents back in the spring, but none were available at that time. She has received quotes from four different companies and the lowest quote came from Erin's Way Tents at a cost of \$4,075 per tent. The quote was for three 20'x40' tents at a total cost of \$12,225. She noted the County has awarded the Town Occ Tax money which can be used towards the purchase of the tents. Supervisor Smith asked the Board if they would like to go ahead and order the tents.

RESOLUTION #120-2021

Councilperson Hill and Councilperson Olson introduced Res. No. 120 and moved its adoption:

RESOLUTION TO PURCHASE TENTS

RESOLVED, that the Town Board of the Town of Horicon does hereby authorize the purchase of three 20'x40' tents from Erin's Way Tents at a cost of \$12,225.00 to be paid for with Warren County Occupancy Tax.

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

New Business...

Zoning Administrator/Shared Services: Supervisor Smith said the Town of Hague is interested in having a Shared Service Agreement for the Zoning Administrator. She said it would be the same situation as we have for the Assessor with the Town of Bolton. Matthew Magee would be considered a Town of Horicon employee and both towns would share the salary and expenses equally. Supervisor Smith said ZA Matthew Magee would become a full-time employee and benefits would become available to him within 90 days of his original hire date.

RESOLUTION #121-2021

Councilperson Geraci and Councilperson Olson introduced Res. No. 121 and moved its adoption:
RESOLUTION TO AUTHORIZE SUPERVISOR TO SIGN SHARED SERVICE AGREEMENT FOR ZONING ADMINISTRATOR

RESOLVED, that the Zoning Administrator shall for all purposes be deemed a full-time employee of the Town of Horicon; and be it further
RESOLVED, that Matthew Magee shall be appointed Zoning Administrator for both Towns at an annual salary of \$51,125 which shall be prorated for the remainder of 2021. The Town of Horicon shall provide and pay the Zoning Administrator's salary and the Town of Hague shall reimburse the Town of Horicon for \$28,000 of the Zoning Administrator's annual salary on a monthly basis, which amount shall also be prorated for the remainder of 2021; and be it further
RESOLVED, that the Town of Horicon shall also make the employer's contributions for retirement, FICA, social security, health insurance, worker's compensation and other similar benefits and the cost of travel, tuition and other actual and necessary expenses incurred by the Zoning Administrator in attending courses of training and education related to his professional duties and responsibilities, and the Town of Hague shall reimburse the Town of Horicon for 50% of those costs incurred by the Town of Horicon; and be it further
RESOLVED, that the Town Board of the Town of Horicon does hereby authorize the Supervisor to sign the Intermunicipal Agreement for Shared Zoning Administrator Services with the Town of Hague effective September 1, 2021 which sets forth additional details of the shared services arrangement.
Ayes: 5 (Geraci, Olson, Hill, Palmer, Smith) Nays: 0

Rental of Office Space: Supervisor Smith said the construction company replacing the bridge at the head of the lake is looking to rent office space for the next 10-12 months while they work on the bridge. She said they have approached her about renting the space in the building out back. She said the outlets have been checked and they work; the only thing that needs to be done is the replacement of the electric heaters. Supervisor Smith said the construction company would pay rent monthly. She asked the Board if they were in favor of moving forward with this. The Board was in agreement to move forward with renting this space.

Privilege of the Floor...

-Jim Steen said he and Matthew Magee have visited properties they have received complaints on about junk on the property. He said one property in particular is very bad. Jim Steen noted it is hard to enforce cleanup of the property in these cases because the definition of "junk" is very vague in the Zoning Ordinance. He suggested amending the Zoning Ordinance to clarify what constitutes junk. He said his last day will be tomorrow and he said Matthew will do just fine. Supervisor Smith thanked Jim for all his help and effort in training Matthew.

-Councilperson Geraci said there will be a SLPD meeting August 19th to talk about the water level and dam operations. He also said Warren County DPW posted a 28-ton weight limit sign on the bridge over Mill Brook. He was told the bridge is scheduled for a re-design and reconstruction within the next two to three years. In the meantime, it is safe at or below the 28-ton limit.

Adjourn... There being no further business to attend to the meeting was adjourned at 8:44 PM by MOTION of Councilperson Palmer and Councilperson Olson, all in favor.

Respectfully Submitted:

Town Clerk

