

**HORICON TOWN BOARD  
SPECIAL INFORMATIONAL MEETING – DE-ICERS**

**JUNE 29, 2022  
7:00 PM**

Present at meeting:	Mike Geraci	Supervisor
	Rob Hill	Councilperson
	Robert Olson	Councilperson
	Peter Palmer	Councilperson
Krista Wood	Town Clerk	
Mark Schachner	Town Counsel	
Absent from meeting:	Frank Hill	Councilperson

Also: Cindy Mead, Bill Bernhard, Angie Mead, ZA Matthew Magee, Assessor Christine Hayes, Joseph Gensheimer, Art Dembrowski, Dave Smith, Jean Olson, Scott Olson, Priscilla Remington, Jim Ventura, and others.

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

**Discussion on De-Icers on Brant Lake:**

Supervisor Geraci gave an overview of the circumstances leading up to this meeting. He said the collective goal of this meeting is to hear from anyone that would like to speak, and to come to a decision on how everyone can improve public safety in the future. He asked for a motion to open privilege of the floor.

A Motion was made by Councilperson Olson, seconded by Councilperson R. Hill, to open privilege of the floor. The Board opened privilege of the floor at 7:01 PM.

-Cindy Mead addressed the Board noting not only has she has disliked bubblers for a long time, but this has been a problem on the lake for years. She clarified she does not want to ban bubblers. She had a petition that had over 1,000 signatures, 130 of which were from people that live in Brant Lake and Adirondack, in support of regulating the waters of the Town. Ms. Mead said many people take their docks out for the winter because they understand the danger of bubblers, but many do not and instead use bubblers or ice eaters which creates a hazard on the lake. She said she would like to see bubblers addressed in the Shoreline regulations. Ms. Mead said there is a huge difference between dock bubblers and de-icers and she explained how much they open up the water. She suggested measures be taken to protect people such as marking the areas near open water with beacon lights, putting up warning signs, putting the bubblers or de-icers on timers, or putting a life ring on the dock. Ms. Mead said she feels there should be safety measures taken on the lake summer or winter to make people aware of the dangers.

-Bill Bernhard said he has two docks which he cannot take out. He said he feels it is his right to protect his docks but at the same time protecting his docks must be done in a safe way. He chose to put in a bubbler with a 75-watt motor as compared to a 750-watt propeller driven device. He further explained that a true bubbler only opens up about an 18" swath as opposed to a massive hole when it is unregulated. He said it is best to put the bubbler on a timer and make sure it is monitored. He then demonstrated how the bubbler works. Mr. Bernhard stressed how important it is to monitor the device, and also noted it is the responsibility of the homeowner to monitor them.

-Dave Smith said he is in the middle of the debate. He said people need to be aware of the risks. Mr. Smith said advisory regulations may be best as regulation enforcement comes at a cost the Town and can be difficult. This way there can be advisory regulations, notification to those necessary, and reasonable guidelines to follow. He said he uses a bubbler with a timer which he monitors regularly, and feels it is the responsibility of the homeowner to monitor their device. In addition, he said he uses a beacon and signage to warn people of open water due to his bubbler. He has also yet to find any data on a negative environmental impact from these devices.

-Joe Gensheimer said he pulls his dock so this is not an issue, however he said it needs to be made very clear the differences between a bubbler and a de-icer. He said de-icers cause a lot of problems, but bubblers are low cost and are environmentally friendly. Mr. Gensheimer said if there are some rules then he feels most people would follow them.

-Jean Olson asked how many people put their ice eaters in and do not monitor them. Cindy Mead said she is not sure but feels either way there is just too much open water.

-Scott Olson said he is familiar with both bubblers and de-icers. He explained that the decision to use one over the other is based on the application and explained how they work. Mr. Olson said it simply is not the case that ice eaters always open up a large area. He explained that ice eaters can be adjusted with depth and placement which are key to minimizing the amount of open water while still protecting the dock. He further added it is incumbent on people unfamiliar with the lake to be careful.

-Priscilla Remington said she has an ice-eater because they lost their whole beach a few years ago. She asked what will happen now, will regulations be put in place to do away with these? She said it is difficult to hear there will be regulations.

-Art Dembrowski said he came to this meeting with an open mind and it is clear there are very different opinions and points of view. He pointed out that no one can control the environment, and many of these different scenarios can change daily based on the environment. He said he feels the best approach is to make the public aware of the issues and feels advisory regulations would be best.

-Jim Ventura said he pulls his dock out, but his neighbor had put in a bubbler which was encroaching on his property where snowmobiles access Lily Pond Rd. He said that his neighbor does monitor the ice eater now to keep the open water at or below a certain diameter. He said it is the responsibility of the owners to monitor their ice eater and added that some are just reluctant to switch to a bubbler. Mr. Ventura said he feels an advisory would be best and should mention a limit on the diameter of the open water.

**There being no further comments, motion made by Councilperson Olson, seconded by Councilperson R. Hill, to close privilege of the floor. Privilege of the floor closed at 7:47.**

Supervisor Geraci thanked Cindy Mead and Bill Bernhard for their presentations. He said there have been many discussions about this over the last several months. He noted the meeting was advertised twice and has been on the website for months. He expressed appreciation to those that attended this meeting and offered their comments. Supervisor Geraci said the Town Board would not recommend either system but, in his opinion, feels the advisory regulations seem reasonable. He said there will be discussion by the Town Board in terms of what is reasonable and enforceable a make a decision.

Supervisor Geraci then asked the Board for their thoughts and comments.

Councilperson R. Hill said he has been researching this by reaching out to DEC regarding environmental impacts, and also to local first responders regarding ice related rescues. He said as far as he knows right now none of the calls were related to bubblers or ice eaters. He said he feels education is key.

Councilperson Palmer said there are a lot of bubblers and ice eaters on the lake where the people are gone for the winter. They use them because they are trying to save their docks so you cannot tell them they are not allowed to have them. He said he feels anyone that puts a bubbler in should be responsible for it. He feels the Town should advise and not regulate because enforcement would be difficult.

Councilperson Olson said he has heard a lot of ideas and the Board can review this and come up with something reasonable.

Counselor Schachner said there was an exceptionally informative exchange of ideas tonight, and there are very different opinions on this topic. He added, in his opinion, it is very difficult to write, and or implement, and or enforce any type of regulation that is not subject to objectively verifiable factual data. He said that nature changes every day and based on this scientific fact, in his legal opinion as Town Counsel, it would be very challenging to write objectively verifiable criteria based enforceable legal requirements. He feels the educational, informational, or public relation approach seem like outstanding ideas. If asked, he can do something more formal, but from his standpoint it would be very difficult to do write legally binding regulations.

Supervisor Geraci said there is a commitment from the Town Board to research best practices that are in existence and to decide what is best for Brant Lake. The Board will discuss and let everyone know.

**Adjourn...** There being no further business to attend to the meeting was adjourned at 8:00 PM by MOTION of Councilperson Olson and Councilperson R. Hill, all in favor.

Respectfully Submitted:

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Town Clerk