

**HORICON TOWN BOARD
REGULAR MEETING**

**APRIL 20, 2023
6:00 PM**

Present at meeting:	Michael Geraci	Supervisor
	Rob Hill	Councilman
	Robert Olson	Councilman
	Peter Palmer	Councilman
	Becky Ross	Deputy Town Clerk

Also: Joyce Greenidge, Debra Eves, Barb French, ZA Kristena Williams, Teri Schuerlein, Margaret and Paul Holmes, Scott Hayes, John Dunn, Kayla Carlozzi, Craig House, Kelly Marcantonio, Justin Beaulieu, Janet Early, Jim Ventura, and others.

Supervisor Geraci opened the regular meeting at 6:00pm.

A Motion was made by Councilperson Olson, seconded by Councilperson Hill, to go into session as the Local Board of Health. The Board moved into session as Local Board of Health at 6:00 PM.

Local Board of Health...

Septic Variance request for 6957 State Rt 8 / Lebowitz / tax map #72.13-1-35:

Tom Hutchins, Hutchins Engineering, explained the property owner, Howard Lebowitz, is proposing to remove the existing aging camp and replace it with a new three-bedroom residence. Mr. Hutchins noted the new residence would not require zoning variances, however, due to space constraints it is not feasible to install a fully compliant wastewater disposal system on the property. He is proposing to install an NSF-40 rated Enhanced Treatment Unit (Norweco Singular Green) which will provide enhanced pre-treatment prior to discharge to the absorption bed. Mr. Hutchins said they are requesting the following variances:

- 1) proposed absorption bed to the southern property line where 10' is required, 3' is proposed, with a requested variance of 7'.
- 2) proposed absorption bed to garage foundation where 20' is required, 3' is proposed, with a requested variance of 17'.

RESOLUTION #63-2023

Councilperson Olson and Councilperson Palmer introduced Res. No. 63 and moved its adoption:

RESOLUTION TO SET PUBLIC HEARING

RESOLVED, that the Horicon Town Board, acting in its capacity as the Local Board of Health, considers the application made by Hutchins Engineering for a septic variance at 6957 State Route 8 (tax map #72.13-1-35) complete, and does hereby set a Public Hearing for Thursday, May 18, 2023 at 6:00 PM at the Horicon Community Center.

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

A Motion was made by Councilperson Hill, seconded by Councilperson Palmer, to go back into regular session. The Board moved back into **regular session** at 6:05 PM.

Approval of Minutes: Minutes of the March 16, 2023, meeting were approved by Motion of Councilman Hill and Councilman Palmer.

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

Josh Dranoff – Capital District Regional Planning Commission...

Mr. Dranoff discussed the different ways the CDRPC can help the Town become a "Clean Energy Community" through grants that promote the use of solar power, electric vehicles, etc. He said they are currently working with both the Towns of Bolton and Chester on this. There were several questions from those in attendance regarding individual involvement.

Financial Report – April 2023 Vouchers and Abstracts...

RESOLUTION #64-2023

Councilman Olson and Councilman Palmer introduced Res. No. 64 and moved its adoption:

RESOLUTION TO AUTHORIZE PAYMENT OF APRIL 2023 ABSTRACTS

RESOLVED, that the Horicon Town Board does hereby authorize the payment of the April 20, 2023 Vouchers and Abstracts as follows:

General Vouchers	#4	\$ 35,240.22
Highway Vouchers	#4	\$ 98,345.71
SP	#4	\$ 6,135.00

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

Correspondence to the Board...

- Craig & Cozanne Marsh RE: Comments on Mill Pond Improvement Plan
- Brian & Debra Hardy RE: Comments on Mill Pond Improvement Plan
- Drew Cappabianca RE: Comments on Mill Pond Improvement Plan
- Anthony Fedor RE: Comments on Mill Pond Improvement Plan
- Firefly RE: LOSAP Annual Report
- Nolan, Heller, Kauffman LLP RE: Letter on behalf of Neil Brandmaier re: SLPD / Open Meetings Law

Discussion on Correspondence...

Mill Pond Improvement Plan: Supervisor Geraci explained that, in response to the mailing sent to the seventeen property owners around the Mill Pond, four comments have been received. He reiterated that no action is being taken at this point; the Town is simply gathering information.

LOSAP Annual Report: This report details credits earned by the Horicon Fire Dept members and is available for public review.

Nolan, Heller, Kauffman LLP letter: This letter is in regard to Neil Brandmaier's request for SLPD to be more transparent with its meetings. Supervisor Geraci noted there is nothing for the Town to do on this matter.

Reports... Town Clerk, Justice, Assessor, Tax Collector, NWEMS, Landfill, Historian, Library

Supervisor's Report – see copy attached.

Town Board Committee Reports – see copies attached.

Additional comments not included in reports:

Councilman Hill said the notice of cemetery cleanup has been posted to give people a chance to remove wanted items from gravesites before spring cleanup. He has given the other Board members a proposal packet for new bathrooms; he noted there is still a lot to review. He is also looking into repairing the buildings at the Brant Lake and Mill Pond cemeteries.

Councilman Olson said the Memorial Day parade will be held in Horicon on Monday, May 29th with step-off at 11:00 am. He said the training session for the ZBA and Planning Board members is scheduled for Wed, April 26th at 6:00 pm at the Town Hall.

Councilman Palmer said he is looking into the Town purchasing the Catholic church next door to use for bathrooms and as a Community Center annex. He said the owner is currently asking \$220,000. He said the building will need to be checked to see if it is in good enough condition for the planned use. Mr. Palmer noted the bathrooms at the Adirondack Little League field will be ready for use June 1.

Resolutions...

Councilman Olson and Councilman Palmer introduced Resolutions #65 to #72 and moved their adoption:

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

RESOLUTION TO HIRE HARLEE BRADWAY AS PART-TIME LANDFILL HELPER

RESOLVED, that the Horicon Town Board does hereby hire Harlee Bradway as part-time Landfill Helper effective May 13 through Labor Day weekend at a pay rate of \$15.43 per hour.

RESOLUTION TO HIRE LIFEGUARD

RESOLVED, that the Horicon Town Board does hereby hire Paige Sylvia as a full-time Lifeguard for the 2023 season at a pay rate of \$16.00 per hour.

RESOLUTION TO AMEND CEMETERY REGULATIONS

RESOLVED, that the Horicon Town Board, due to a price increase from the vendor, does hereby amend the Cemetery Regulations to increase the cost of one set of corner markers from \$235.00 per set to \$260.00 per set effective immediately.

RESOLUTION TO AUTHORIZE SUPERVISOR TO SIGN INTERMUNICIPAL AGREEMENT WITH WARREN COUNTY

RESOLVED, that the Horicon Town Board does hereby authorize Supervisor Geraci to sign the Intermunicipal Agreement with Warren County, acting for and on behalf of Warren-Hamilton Counties' Office for the Aging, for services to be provided for the aging at a cost of \$1,280.00. This agreement will be in effect from April 1, 2023 to March 31, 2024.

RESOLUTION TO AUTHORIZE SUPERVISOR TO SIGN THE WARREN COUNTY TOURIST & CONVENTION DEVELOPMENT AGREEMENT

RESOLVED, that the Horicon Town Board does hereby authorize the Supervisor to sign the Warren County Tourist & Convention Development Agreement for their sponsorship of Food Truck Fridays in the amount of \$25,065.00.

RESOLUTION TO AUTHORIZE EXPENDITURES FOR THE FISHING DERBY AND POSTING OF THE MILL POND

RESOLVED, that the Horicon Town Board does hereby authorize radio coverage to advertise the annual fishing derby at the Mill Pond in Brant Lake at a cost not to exceed \$450.00. The Board further authorizes payment in the amount of \$350.00 to the Chestertown Conservation Club to be used for prizes for the fishing derby, and BE IT FURTHER

RESOLVED, that the Town Board does hereby authorize the posting of "NO FISHING" signs from the time the Mill Pond is stocked until the day of the derby which will be Saturday, May 20, 2023. Expenditures to come from A6410.4.

RESOLUTION TO AUTHORIZE BUDGET AMENDMENTS

RESOLVED, that the Horicon Town Board does hereby authorize the Bookkeeper to make the following budget adjustments in the General and Highway Funds:

<u>Account</u>	<u>Description</u>	<u>Debit</u>	<u>Credit</u>
A1620.400	Bldgs & Grounds Contractual	\$ 3,000.00	
A1620.401	Bldgs & Grounds Electric		\$ 3,000.00
A1990.400	Contingency	\$ 1,000.00	
A7110.402	Parks – Fuel		\$ 1,000.00
A8010.100	Zoning Personnel	\$ 6,130.00	
A8010.400	Zoning Contractual		\$ 6,130.00
A8510.400	Beautification Contractual	\$ 1,500.00	
A7110.400	Parks & Rec Contractual		\$ 1,500.00

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A5142.400	Snow Removal Contractual	\$ 9,000.00	
A5142.410	Snow Removal Salt		\$ 9,000.00

RESOLUTION TO AUTHORIZE NEW PHONE SYSTEM

RESOLVED, that the Horicon Town Board does hereby authorize the Supervisor to sign the agreement with Spectrum for a new phone system to replace the current system.

Old Business...

Bids - fuel / propane / HVAC maintenance agreements:

The Town Clerk advertised for bids for an annual HVAC maintenance agreement for all Town buildings and one bid was received from BPI Mechanical Services.

RESOLUTION #73-2023

Councilman Olson and Councilman Palmer introduced Res. No. 73 and moved its adoption:

RESOLUTION TO AWARD HVAC MAINTENANCE AGREEMENT

WHEREAS, the Town Board legally advertised for bids for an annual HVAC maintenance agreement, and one bid was received and publicly opened on April 20th at 1:00 PM, NOW, THEREFORE BE IT

RESOLVED, that the Horicon Town Board does hereby award the annual HVAC maintenance agreement to BPI Mechanical Services for the bid price of \$3,480.00 per year.

Ayes: 3 (Olson, Palmer, Hill) Nays: 0 Abstain: 1 (Geraci)

Brant Lake Association - update on control of invasive species:

John Dunn, President of the Brant Lake Association, gave an update on the proposal to use ProcellaCOR as part of the milfoil control in Brant Lake. He said there is a pause right now on the use of ProcellaCOR to give the community the opportunity to participate in the informational meetings being scheduled this summer; the dates will be announced soon. Mr. Dunn stressed the issue of milfoil is very serious and needs immediate attention especially with the recent NYSDEC downgrade of Brant Lake's water quality to "impaired waterway" status. He encouraged people to visit the BLA website for more information and updates.

Adirondack Foundation – Heintzelman preservation grant:

Supervisor Geraci explained that the Town had applied for a \$20,000 grant from the Adirondack Foundation for work at the Heintzelman Library, but it was unfortunately denied. Mr. Geraci said the Town will pursue other options.

New Business...

Warren County Occupancy Tax report - short-term rental:

Supervisor Geraci explained the need for short-term rental property owners to register with the County. In doing this the County, and thereby the Town, will receive the appropriate Occupancy Tax which comes from County sales tax. Supervisor Geraci said in 2022 Warren County collected about \$1.5 million in occupancy tax from short-term rentals. He noted the Town benefits from the tax generated from short-term rentals.

Craig House – request to purchase property:

Supervisor Geraci explained that Craig House requested consideration to buy approximately four acres of Town land (part of the Landfill property) that adjoins his property. He said if the Board is interested then Mr. House can go forward with an engineering study. Councilman Palmer said the Town should check with DEC just to make sure the Town can sell it because it abuts the Landfill and to make sure he can use it if he buys it. Supervisor Geraci said the Town will follow up with DEC.

Privilege of the Floor...

-Debra Eves, Chestertown Rotary, explained what the Rotary is about. She said they are looking for projects they can do in both Horicon and Chestertown such as cleaning up the cemeteries, working on the Heintzelman or the

Museum in Adirondack, etc. Ms. Eves said they would also like to change the name to the North Warren Rotary to be inclusive of both towns.

-Kelly Marcantonio, owner of Red Wagon BBQ, said she operated her food truck along the road in front of the Lazy Moose last summer. She said this past Monday, Teri Schuerlein, owner of the Lazy Moose whose property she operates her food truck on, received a phone call from the Town and was told her food truck is "ugly" and is not allowed. Kelly said she went to Zoning to see what options she had so she could open and provide food to the community but was told there were no options unless she wanted to park in the back of the Lazy Moose's upper parking lot hidden from the road. Ms. Marcantonio said she offered several suggestions but was unable to work anything out. She said she is looking for options and for support.

-Paul Holmes complimented John Dunn on his great leadership of the Brant Lake Association. He spoke about the proposed Zoning amendments currently being worked on pertaining to "junk" and "travel trailers" and cited the need for the Town to have an Aesthetics Committee.

-Teri Schuerlein, owner of the Lazy Moose, said she was taken aback when she got the phone call on Kelly's food truck on Monday morning. She said Kelly was given permission last year by the previous Zoning Administrator to put her trailer there as it is commercial property. Teri said Kelly serves a need in the community and there are many local workers that patronize her food truck. She said she does not understand, based on what Kelly did last year, why she is now being told she cannot operate. She said Kelly invested in a new trailer to expand her business, and to be told her trailer is "ugly" and food trucks are not allowed in Town is not true as everyone knows. Teri noted Kelly is a founding member of Food Truck Fridays and she is a resident of this Town. She said the Supervisor in Chestertown heard about this, met with Kelly, and told her she is more than welcome to set up in Chestertown. Teri said it is upsetting to her that a resident of Horicon is not being welcomed in her own Town. She said that she and Kelly are trying to think of some suggestions to appease everyone but that is up to Zoning.

-Margaret Holmes, Food Truck Friday committee member, said it is scary to her that Zoning and the Town would be against a food truck when we have invested so wholeheartedly in what has been done with Food Truck Friday. She said if they think Kelly's truck is ugly then what are they going to think when they drive by the Town Hall on a Friday night when there are twelve to fifteen food trucks that all look different. Margaret said if Kelly cannot set up where she was allowed to last year then what does that mean for what we are investing in Food Truck Friday; she feels it is very contradictory.

-Scott Hayes asked how the Town of Horicon decides what is ugly and what is not ugly. He added that if someone in the Town made that comment then it needs to be addressed because that is wrong.

-Councilman Hill said he does not know where this came from, but he is upset about this and feels it sends the wrong message. He said it has been discussed by the Board and Zoning; he further expressed to Kelly that something will come from this whether it is a permitting process or something else. He expressed to her that he does not want her to feel like she is not going to get anything out of this. Mr. Hill said he feels very strongly about this because we are constantly saying we need to encourage young people to stay in the community, we need more businesses, etc., and this is a prime example of what the Town should not be doing. He told Kelly he does not have an answer for her right now, but he promised her they are working to come up with a solution. He said he has expressed his feelings on this to the other Board members.

-Scott Hayes asked why Kelly cannot open next week while the Board comes up with a solution.

-Craig House asked who made the determination that this is not allowed. Councilman Palmer said no food trucks are allowed in the Town of Horicon or the Town of Chester or anywhere else. Craig asked why they are allowed

for Food Truck Fridays. Councilman Palmer said the only reason they are allowed for that is because town property is exempt, but he is not sure exactly how it works and said Craig would need to talk to Christine. He said the issue is, if they let Kelly park there and open her food truck then ten others can come in and do it.

-Supervisor Geraci said Privilege of the Floor is not a time for debate on issues. He said he will talk with the previous Zoning Administrator to see what Kelly was told last year about setting up her food truck. He said, to be fair, the Town does want to do what they can to help Kelly. He said the current Zoning Law does not address food trucks; therefore, they are prohibited. He said they need to look at what is fair and reasonable for those that may want to have a food truck in the Town. Mr. Geraci explained that to change the Zoning Law there needs to be a public hearing with a proposed amendment, and it appears to him that this is the best thing to do and what makes the most sense for everyone.

-Teri Schuerlein said she is in favor of the public hearing, and asked if, in the meantime, Kelly could open as she was allowed to do last year.

-Councilman Hill said he is in favor of looking into this, and noted there are not currently multiple food trucks lined up along the roads in the Town. He said he feels Kelly should be allowed to go ahead and open her business, and, in the meantime, the Board can start working on how best to address this. He noted Kelly was given permission last year to open. Councilman Palmer said he does not think it would be a problem if she came in, opened, and pulled out each day. Councilman Hill asked why Kelly would have to move each day when, contractors, for example, can leave their trailers at a job site for weeks without having to leave each night. There was no reply.

-Craig House spoke in favor of Kelly being able to open as this is her business and only source of revenue; not allowing her to open is taking away her revenue.

-John Dunn suggested creating a stay for the existing use while researching how to address this going forward. He said he feels the permitting process would be a reasonable way to handle as it would give the Town control to mitigate the concern that random people will start showing up.

-Kristena Williams, the Town's new Zoning Administrator, introduced herself and said she is intent on cleaning up the Town and keeping safety concerns at the forefront of Zoning decisions. That being said, she explained her main concern with Kelly's trailer is the safety issue because the trailer is on the edge of the road. She told Kelly to come into her office and they can start the paperwork and move forward. She said the Board can look at addressing food trucks in the Zoning Law because it is such a big area.

-Supervisor Geraci said to be safe the Board should set a public hearing for the May meeting, it may not be necessary, but, if it is, then the Board can come to a decision on how to move forward. He then asked, if there is agreement from the Board, for a motion to set a public hearing for the May meeting.

Motion made by Councilman Palmer to set a public hearing for May 18th. Councilman Hill asked if Kelly would be allowed to operate in the meantime; Councilman Olson said that is not part of the resolution. Councilman Palmer said it is up to the Zoning Administrator to decide if Kelly can operate; he said the Board should wait and see what can be done before the Board gets into a public hearing. Supervisor Geraci said the Board should at least set the public hearing for May in case it is needed; he said it can easily be cancelled, but if it is necessary and one has not been set then the public hearing would not be held until June. Councilman Olson seconded the motion.

RESOLUTION #74-2023

Councilman Palmer and Councilman Olson introduced Res. No. 74 and moved its adoption:

RESOLUTION TO SET A PUBLIC HEARING

RESOLVED, that the Horicon Town Board does hereby set a public hearing for Thursday, May 18, 2023, at 6:00 pm to discuss food trucks in the Town.

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

*****Note: On April 25th the upcoming public hearing on food trucks was cancelled*****

-Supervisor Geraci said the Town has a responsibility to look at this for the future and the Board must address this as quickly as possible.

Announcements...

-Tuesday, May 23rd from 4:00 – 8:00 pm is Grievance Day for Horicon and will be held at the Town Hall.

-Warren County has released the new emergency notification app and everyone is encouraged to use it.

Adjourn... There being no further business to attend to the meeting was adjourned at 7:30 PM by MOTION of Councilman Olson and Councilman Palmer, all in favor.

Respectfully Submitted:

Town Clerk

Supervisor's Significant Meetings / Activities Report

March 17 – April 20, 2023

March 17	Warren County Board of Supervisors
March 21	Special Warren County Board of Supervisors meeting ref CDTA / GF Transportation
March 21	Employee Policy and Practices manual work session
March 22	Warren County Board of Supervisors Committee meetings
March 23	Warren County Board of Supervisors Committee meetings
March 24	Meeting with Rotary leadership
March 27	Meeting with Spectrum technical reps ref new telephone system
March 28	Work session on Employee Policies and Practices Manual
March 29	Warren County Hazard Mitigation Plan work session
March 29	North Warren Chamber of Commerce
March 30	Warren County Sheriff's Office Motorcycle Safety Program
March 30	Warren County Board of Supervisors Committee meetings
March 31	Lake Champlain Lake George Planning Board
April 5	Work session on Employee Policies and Practices Manual
April 5	Warren County Traffic Safety Board Chair ref crash data
April 6	NYS World Traffic Safety Symposium
April 10	Meeting with WC Sheriff's and NYS Police ref Horicon special events
April 10	Horicon Historical Society

Town Board Member Robert Hill
Activity Report 18MAR-20APR 2023

DATE

ACTIVITY

20MAR2023	Interviewed Bobby Marr for Landfill position.
22MAR2023	Verified Harlee Brachway is still interested in landfill position. Still interested and willing to work as needed.
30MAR2023	Met with American Legion and TOH leadership to go over the specifics of memorial day parade in Horicon. (11am Monday the 29 th)
3APR2023	Assisted with the installation of handicap doors on the front entrance to the town hall.
14APR2023	Councilman Palmer and I went to Millbrook cemetery to see condition of storage building. Also inspected boat launch and looked over possible sites for public bathrooms.
17APR2023	Created proposal documents for public bathrooms project and Mill Brook storage project. Will be available for review at this coming board meeting.

TOWN BOARD MEMBER ROBERT E. OLSON

ACTIVITY REPORT

March 17, 2023– April 20, 2023

DATE

ACTIVITY

3/28	Attended ZBA Meeting
4/06	Attended Memorial Day Parade Meeting
4/10	Met with Zoning Administrator on Land Use Issues
4/18	Attend Woof Stock on the Pond Meeting
4/19	Audit Highway and General Fund Bills
4/20	Attended Town Board Meeting

Town Board Member – Peter Palmer

Activity Report 3/16-4/20

DATE	ACTIVITY
3/20	TOWN HALL ZONING REGULATIONS
3/28	LANDFILL NEW HIRE AND PRICES
;4/3	DAM INSPECTION
4/11	TOWN HALL AGENDA REVIEW
4/17	MET WITH ANGIE MEAD GALLO REALTY PURCHASE CHURCH