

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

**JUNE 15, 2023
6:00 PM**

Present at meeting:	Michael Geraci	Supervisor
	Robert Olson	Councilman
	Peter Palmer	Councilman
	Krista Wood	Town Clerk
	Mark Schachner	Town Counsel
Absent:	Rob Hill	Councilman

Also: HS Darian Granger, Tom Donahue, Assessor Christine Hayes, ZA Kristena Williams, Barb French, Bob and Sylvia Smith, Bernie Bolton, Matt Wood, Jim Lieberum, Dean and Peg Munson, George Hill, Bill Bernhard, John Johnson, John Caruso, John Donovan, and others.

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

Approval of Minutes: Minutes of the May 18, 2023, meeting were approved by Motion of Councilman Olson and Councilman Palmer.

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

Public Hearing – Proposed Zoning Amendment:

Supervisor Geraci, with a motion from Councilman Olson and seconded by Councilman Palmer, opened the public hearing at 6:05 pm.

-Bernie Bolton spoke against the proposed travel trailer regulations. He said a lot of people have campers on cannot always afford to build a home so the Town should take this into consideration and be reasonable.

-Peggie Munson read her statement regarding the proposed travel trailer regulations for inclusion in the official record of the public hearing as follows:

Statement submitted at Town of Horicon Public Hearings on June 15, 2023
(for inclusion in Official Record of said Public Hearings)

For public health and safety reasons — and to provide for reasonable use and maintenance standards on both publically-owned and privately-owned properties within municipalities, municipalities have the right to enact reasonable laws, rules and regulations relating thereto.

The Town of Horicon's proposed new Zoning Law Revisions regarding travel trailers and property maintenance, each the subject of public hearing at the Town Board meeting of June 15, 2023, are attempts to address reasonable standards regarding property use as to travel trailers and as to property maintenance.

We do not question the rights and efforts by the Town of Horicon to address such issues but we do have specific issues with the proposed periods of time in any given year during which a property owner, on its own property, may make use of a travel trailer [as defined in the proposed Zoning Law Revision] on property owner's own property.

Specifically, the proposed new trailer regulations would impose a limit of a maximum of 30 consecutive days in a calendar year — or a maximum of .* total days in a calendar year during which the property owner could use and occupy owner's travel trailer on owner's own property.

[Notice: there is a defect in the proposed trailer zoning regulations as published since 26 total aggregate days in one year is less than the 30 consecutive days as stated in the trailer zoning regulations.]

Many property owners wish to utilize their own properties for use of travel trailer occupancy during a season that, in northern New York State including in Town of Horicon, can reasonably cover the period June through October for a 5-months period or approximately 150 days.

Yet, the proposed travel trailer regulation limits such trailer property occupancy to 30 days before which the trailer must be removed from the owner's property — presumably by removing and then returning the trailer to the owner's property for some corrected aggregate total number of days.

[For travel trailer campers, as defined in the proposed regulations, the limit is 120 days.]

We submit that no justification exists nor is any such justification provided in Horicon's trailer zoning regulations - including in the proposed revision to said trailer regulations - as to why a reasonable maximum temporary use of 150 days is not permitted but use of 30 days for private property owners or 120 days for travel trailer camps is permitted.

We respectfully submit that the proposed new trailer regulations be changed to permit
1- a maximum consecutive total temporary trailer use of owner's property of 150 days and
2- that trailers whose permanent placement has existed - by Town Permit - for multiple years - be deemed and accepted for continuance of said Permit use at said location.

Failure to do so, in effect, amounts to the taking of owner's property as established in law as: a regulatory taking, which means that the government restricts the owner's rights so much that the governmental action becomes the functional equivalent of a physical property seizure.

Of course, standards of health, public safety and maintenance would apply to such travel trailer property use on a fair and equal basis as is applied to all property uses in Horicon.

Establishing a maximum of 150 days temporary use will reduce or eliminate likely filing of court actions regarding the proposed unreasonable 30-days use of owner's property.

-George Hill said he has had, and has been allowed to have, a camper on his property on Beaver Pond since 1974. He said he is concerned that the proposed travel trailer regulation will require him to move it which he cannot do. He said he and his wife spend a lot of time here in the summer and it is not fair that he will have to move it because it is used more than 30 days. Mr. Hill said he is opposed to the proposed travel trailer regulations.

-Bill Bernhard asked how the travel trailer regulations would be enforced. He asked if the Adirondack experience is only for the wealthy; he said these regulations are squeezing out the little guy. Mr. Bernhard said people have RV's because they enjoy them, or because that is all they can afford at the time and may plan on building in the future as Mr. Bolton said. He said people should not be pushed out.

-Dean Munson said the 30-day limit does not always work if the owner is out of town. He asked if this means they have to come back for a day to move the trailer and then put it back the next day? He said he feels it will be very difficult to enforce and said theoretically Zoning would have to check every RV every day? Mr. Munson said there are a lot of things that need to be considered.

-John Johnson said he agrees with Mr. Munson that enforcement of the proposed travel trailer regulations would be a logistical nightmare. He asked who decides who gets moved and who does not? Mr. Johnson asked if those people that have been allowed to have travel trailers for a long time will be grandfathered in or if they will be made to move their trailer? He said he does not feel it is fair or just to now tell people that have been allowed to be here for a long period of time to have to move their travel trailers now.

-Peg Munson said they received a letter back in December from Zoning telling them they were only allowed to live in their RV for 30 days and said they had to let the Town know by March 2023 what 30 days in 2023 they would stay in their RV. Bill Bernhard asked who received these letters. Christine Hayes said they sent letters to people they knew had RV's. Dean Munson said everyone should have gotten the letter.

-Dean Munson said he called Zoning and was told the purpose of the law is to clean up the Town. He said there are some several million dollar RV's out there and he does not feel these qualify as junk or trash.

There being no further comments motion made by Councilman Olson, seconded by Councilman Palmer, to close the public hearing. The public hearing was closed at 6:18 pm.

Supervisor Geraci then asked Town Counselor Mark Schachner to perform the SEQRA review. Town Counselor Mark Schachner explained the purpose of the State Environmental Quality Review Act (SEQRA) is to decide whether the adoption of the proposed amendment to the Zoning and Project Review Law requires an environmental impact statement. He said this review process is required. Mr. Schachner then guided the Town Board through the eighteen questions of the SEQRA review, and no significant negative environmental impacts were identified.

RESOLUTION #84-2023

Councilman Palmer and Councilman Olson introduced Res. No. 84 and moved its adoption:

RESOLUTION TO AUTHORIZE ISSUANCE OF SEQRA NEGATIVE DECLARATION FOR PROPOSED AMENDMENTS TO THE TOWN OF HORICON ZONING AND PROJECT REVIEW LOCAL LAW

WHEREAS, the Town Board of the Town of Horicon has served as Lead Agency for the proposed amendments to the Town of Horicon Zoning and Project Review Local Law, and

WHEREAS, the Town Board has reviewed and fully considered the proposed amendments to the Zoning Project Review Law and Part 1 of the Full Environmental Assessment form (FEAF) and has completed Part 2 of the FEAF; NOW, THEREFORE, BE IT

RESOLVED, that the Horicon Town Board does hereby determine that adoption of the proposed amendments to the Town of Horicon Zoning and Project Review Local Law will not result in any significant adverse environmental impacts and therefore authorizes issuance of a SEQRA Negative Declaration, and BE IT FURTHER RESOLVED, that the Town Supervisor and Town Clerk are hereby authorized and directed to take any and all further action as necessary to effectuate the intent of this Resolution.

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

RESOLUTION #85-2023

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

RESOLUTION TO SET A PUBLIC HEARING FOR PROPOSED LOCAL LAW AMENDING THE HORICON ZONING LAW

RESOLVED, that the Horicon Town Board does hereby set a public hearing for a proposed Local Law amending the Horicon Zoning Law regarding travel trailers and property maintenance for Thursday, August 17th at 6:00 pm at the Horicon Community Center.

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

Jim Lieberum – Warren County Soil and Water: Mr. Lieberum gave an in-depth presentation on Warren County’s Hazard Mitigation Plan and the importance of it.

Monthly Abstract:

RESOLUTION #86-2023

Councilman Olson and Councilman Palmer introduced Res. No. 86 and moved its adoption:

RESOLUTION TO AUTHORIZE PAYMENT OF JUNE 2023 ABSTRACTS

RESOLVED, that the Horicon Town Board does hereby authorize the payment of the June 15, 2023 Vouchers and Abstracts as follows:

General Vouchers	#6	\$ 98,057.39
Highway Vouchers	#6	\$ 77,178.32

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

Correspondence to the Board:

-APA	RE: No further APA review required for Lebowitz septic variance
-Insurance Services Office	RE: Fire Protection Classification
-NYS Dept of Tax & Finance	RE: Certificate of Final State Equalization Rate for 2023
-Dan Freebern	RE: Letter of resignation from Planning Board
-Bill Siegle	RE: Letter of resignation from Planning Board
-Councilman Eugene Cook	RE: Legislation regarding a voter identification process

Reports: Town Clerk, Justice, Zoning, Assessor, NWEMS, Transfer Station, Library, Historian, Historical Society,

Supervisor’s Report – see copy attached.

Town Board Committee Reports – see copies attached.

Additional comments:

Councilman Palmer said the bathrooms in Adirondack are done; Robbie just needs to paint them.

Resolutions:

Councilman Olson and Councilman Palmer introduced Resolutions #87 to #95 and moved their adoption:

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

RESOLUTION TO AUTHORIZE SUPERVISOR TO SIGN AGREEMENT WITH WARREN COUNTY YOUTH BUREAU

RESOLVED, that the Horicon Town Board does hereby authorize the Supervisor to sign the agreement with Warren County Youth Bureau for the youth recreation program reimbursement for 2023 in the amount of \$1,906.00.

RESOLUTION TO AUTHORIZE PAYMENT FOR FOOD TRUCK FRIDAYS ENTERTAINMENT

RESOLVED, that the Horicon Town Board does hereby authorize payment from A6410.4 to the following vendors for entertainment at Food Truck Fridays to be issued on the date of performance as follows:

June 30, July 14th and 28th and Aug 11th and 25th - Jim Snack (magician) - \$250.00 per date

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June 30, 2023 –\$350 each for Curt Cleveland and Tim Ellifritz
July 7, 2023 – \$200 each for Steve Barmash, Joe Adee, and Phillip Lanz
July 14, 2023 – \$400 - Bone Bayse
July 21, 2023 – \$700 – Tim Dailey
July 21, 2023 – \$360 – Curt Cleveland
July 28, 2023 – \$600 - Pickle Pie Productions LLC
Aug. 4, 2023 – \$250 - Michelle Howland
Aug. 11, 2023 – \$650 -Diane Jones
Aug. 11, 2023 – \$300 - Sarah Babushkin
Aug. 18, 2023 – \$500 - Rich Ortiz
Aug. 25, 2023 – \$550 - David Rhodes
Aug. 25, 2023 – \$300 - Andy Smith
September 1, 2023 - \$1,750.00 - Prydien

RESOLUTION TO AUTHORIZE SUPERVISOR TO SIGN INTERMUNICIPAL AGREEMENT FOR BOOKKEEPER

RESOLVED, that the Horicon Town Board does hereby authorize the Supervisor to sign the Intermunicipal Agreement with the Town of Warrensburg for shared Bookkeeper services effective January 1, 2023; Horicon will reimburse Warrensburg each year forty percent (40%) of the total salary and benefits for the Bookkeeper.

RESOLUTION TO HIRE LIFEGUARD

RESOLVED, that the Horicon Town Board does hereby hire Willow Browne as Lifeguard for the 2023 season at a pay rate of \$16.00 per hour pending receipt of all necessary certifications.

RESOLUTION TO AUTHORIZE ROOF REPAIR ON ADIRONDACK MUSEUM ANNEX

RESOLVED, that the Horicon Town Board does hereby authorize Mike Hill General Contracting Inc. to perform necessary roof repairs on the Adirondack Museum Annex building at a cost not to exceed \$3,000.00.

RESOLUTION TO AUTHORIZE SUBMITTAL OF APPLICATION FOR BRANT LAKE WATERSHED MANAGEMENT PLAN

WHEREAS, the Town of Horicon (“Town”) recognizes the benefits of developing a Watershed Management Plan for Brant Lake, and

WHEREAS, the New York State Department of State (“NYS DOS”) has announced the availability of funding to communities wishing to develop watershed management plans through the New York State Department of States Local Waterfront Revitalization Program (“Grant Program”), and

WHEREAS, through the Grant Program eligible communities may submit applications for projects with a 25% match requirement, and

WHEREAS, the Lake Champlain – Lake George Regional Planning Board (“LCLGRP”) will prepare an application for the Town and if awarded the LCLGRP will assist the Town with grant administration and development of the Watershed Management Plan, and, now therefore be it

RESOLVED, that the Town of Horicon authorizes the LCLGRP to submit an application to the NYSDOS Local Waterfront Revitalization Program to allow for the development of a Watershed Management Plan for Brant Lake.

RESOLUTION TO AUTHORIZE SUPERVISOR TO SIGN MOU FOR INVASIVE SPECIES PROGRAM

RESOLVED, that the Horicon Town Board does hereby authorize Supervisor Geraci to sign the Agreement between Town of Horicon, Brant Lake Association, and Warren County Soil and Water Conservation District for the 2023-2024 Brant Lake Aquatic Invasive Species Control Program, and further authorizes payment to the Brant Lake Association in the amount of \$32,616.08 as per said agreement.

RESOLUTION TO AUTHORIZE SUPERVISOR TO SOLICIT FOR ENGINEERING STUDY

RESOLVED, that the Horicon Town Board does hereby authorize the Supervisor to solicit for an engineering study to evaluate a property the Town is contemplating purchasing. The study shall include, but not be limited to an assessment of the structural integrity, mechanical systems, existing and required septic system upgrades and required building code modifications. The requested work and resulting report shall not exceed \$1,499.00.

RESOLUTION TO AUTHORIZE BUDGET AMENDMENT

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

General:

<u>Account</u>	<u>Description</u>	<u>Debit</u>	<u>Credit</u>
A1990.4	Contingent	\$ 1,000.00	
A7510.2	Historian – Equipment		\$ 750.00
A8810.4	Cemeteries – Contractual		\$ 250.00

Highway:

<u>Account</u>	<u>Description</u>	<u>Debit</u>	<u>Credit</u>
DA5148.4	Services Other Gov't – Contractual	\$ 12,000.00	
DA5142.410	Snow Removal – Salt Contractual		\$ 12,000.00

Old Business:

Old Highway truck bid: The Clerk noted one bid was received and then opened the bid.

RESOLUTION #96-2023

Councilman Olson and Councilman Palmer introduced Res. No. 96 and moved its adoption:

RESOLUTION TO ACCEPT BID FOR HIGHWAY TRUCK

WHEREAS the 1974 International Fire Truck highway truck was declared surplus, and the Clerk has advertised for bids, and one bid was received, now, therefore be it

RESOLVED, that the Town Board of the Town of Horicon does hereby award the bid for the 1974 International Fire Truck, sold “as is”, to Eric Granger for \$400.00.

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

New Business: None

Privilege of the Floor: No comments

Announcements:

- The Horicon Historical Society is having a “Don’t Get Ticked” program on July 11th.
- Please sign up for Warren County’s Emergency App.
- Reminder to keep property and belongings out of the Town’s right-of-way on the roads.

Adjourn... There being no further business to attend to the meeting was adjourned at 7:10 PM by MOTION of Councilman Olson and Councilman Palmer, all in favor.

Respectfully Submitted:

Town Clerk