

HORICON TOWN BOARD
REGULAR MEETING & PUBLIC HEARING

MAY 18, 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: ZA Kristena Williams, Assessor Chris Hayes, HS Darian Granger, Mary Lou Carstensen, Kayla Carlozzi, Sylvia Smith, Bernie Bolton, Janet Early and Jim Ventura, and Wayne Butler.

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

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 6:00 PM.

Local Board of Health...

Public Hearing - septic variance request for 6957 State Rt 8 / Lebowitz / tax map #72.13-1-35:

Supervisor Geraci opened the public hearing at 6:00 pm.

Tom Hutchins, Hutchins Engineering, said the owner plans to remove the existing camp and replace it with a new three-bedroom home. He said they are 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 this will require 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'.

Councilman Olson asked if this is the same Norweco system the Town has used in the past. Mr. Hutchins replied that it is, but it is an updated version.

Councilman Hill said he has no issue with this as it is an upgrade.

There being no further comments Supervisor Geraci took a motion from Councilman Palmer, seconded by Councilman Olson, to close the public hearing. The public hearing was closed at 6:05 pm.

RESOLUTION #75-2023

Councilperson Palmer and Councilperson Olson introduced Res. No. 75 and moved its adoption:

RESOLUTION TO GRANT VARIANCE FOR A REPLACEMENT WASTEWATER DISPOSAL SYSTEM
AT 6957 STATE ROUTE 8

RESOLVED, that the Horicon Town Board acting as Local Board of Health, based on the receipt of a set of stamped plans from Hutchins Engineering, and the \$100.00 variance fee, does hereby grant a variance to install a wastewater disposal system (Norweco Singluar Green) at 6957 State Route 8 in Brant Lake (Tax Map #72.13-1-35) because the strict application of the minimum setback requirements, or the minimum lot size requirement, would result in a specified practical difficulty to the applicant. Further, the alternative proposed would not be materially detrimental to the purpose of this regulation, or to the property or natural resources in the area in or near the site of the proposed individual sewage disposal system, or otherwise conflict with the description, purpose, or the objectives of any plan or policy of the Town, and that the alternative proposed is the minimum variance which would alleviate the specified practical difficulty as found by the Board to affect the applicant.

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

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A Motion was made by Councilperson Palmer, seconded by Councilperson Olson, to go back into regular session. The Board moved back into **regular session** at 6:08 PM.

Approval of Minutes: Minutes of the April 20, 2023, meeting were approved by Motion of Councilman Olson and Councilman Hill.

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

RESOLUTION #76-2023

Councilman Olson and Councilman Palmer introduced Res. No. 76 and moved its adoption:

RESOLUTION TO AUTHORIZE PAYMENT OF MAY 2023 ABSTRACTS

RESOLVED, that the Horicon Town Board does hereby authorize the payment of the May 18, 2023 Vouchers and Abstracts as follows:

General Vouchers	#5	\$ 66,707.26
Highway Vouchers	#5	\$ 68,234.17

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

Correspondence to the Board:

APA RE: Acknowledgement of Town's intent to be Lead Agency for SEQR review regarding amendments to the Town's Zoning Law.

Joe Brand RE: Payment update

Reports: Town Clerk, Justice, Zoning, Assessor, NWEMS, Transfer Station, Library, Historian, Historical Society, Chester-Horicon Youth Commission

Additional comment: Supervisor Geraci noted the Transfer Station is down about \$6,100 year-to-date. He suggested, again, that the Board may want to think about charging for recyclables.

Supervisor's Report – see copy attached.

Town Board Committee Reports – see copies attached.

Additional comments:

Councilman Hill thanked Parks and Rec and the Highway Department for the work they have done at the cemeteries and the ball fields. He said work is being done to put a plow on the Parks and Rec truck, and there are plans for an outlet to be installed on the outside of the garage. Mr. Hill said he is working to confirm the date that the sidewalk work will start. He is also working with DEC regarding maintenance of the boat launches.

Councilman Olson said he is receptive to a proposal from Craig House to buy part of the landfill property that adjoins Mr. House's property. Supervisor Geraci noted that he has contacted DEC about this but has not heard back.

Councilman Palmer said they are looking into possibly purchasing the Catholic Church to be used for bathrooms, an activity center, or just for the waterfront. He said they are looking into how much it would cost to re-do it or to tear it down. Mr. Palmer said the bathrooms in Adirondack will be done by June 1st.

Resolutions...

Councilman Hill and Councilman Olson introduced Resolutions #77 to #80 and moved their adoption:

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

RESOLUTION TO DECLARE HIGHWAY TRUCK AS SURPLUS

RESOLVED, that the Town Board of the Town of Horicon does hereby declare the old 1974 International Fire Truck as surplus equipment and authorizes that it may be advertised for bid and sold "as is".

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>
A599	Appropriated Fund Balance	\$ 118,847.00	
A1620.4	Buildings – Contractual		\$ 37,347.00
A5132.4	Garage - Contractual		\$ 76,000.00
A7510.2	Historian – Equipment		\$ 1,000.00
A8510.4	Beautification – Contractual		\$ 4,500.00
A4089	General Government Aid	\$ 6,110.48	
A1620.2	Buildings – Equipment		\$ 6,110.48
A1990.4	Contingent – Contractual	\$ 2,350.00	
A1220.103	Supervisor – Bookkeeper Temp		\$ 850.00
A7110.4	Parks – Contractual		\$ 1,500.00
DA2665	Sale of Equipment	\$ 1,501.00	
DA5130.2	Machinery – Equipment		\$ 1,501.00

RESOLUTION TO HIRE BOAT STEWARD

RESOLVED, that the Horicon Town Board does hereby hire Barbara Ohm as a part-time Boat Steward for the 2023 season at a pay rate of \$15.50 per hour.

RESOLUTION TO AUTHORIZE SUPERVISOR TO SEND LETTER OF SUPPORT FOR ADIRONDACK MARATHON

RESOLVED, that the Horicon Town Board authorizes the Supervisor to send a letter to NYS DOT in support of the Adirondack Marathon to be held Sunday, Oct. 1, 2023.

Supervisor Geraci asked Assessor Christine Hayes to explain the proposed resolution requesting the Governor to support legislation that will allow towns to assess newly constructed condominiums at the most current market value. Assessor Hayes said this assessment approach would be beneficial to the Towns because it would increase the tax base and homeowners would be assessed equally. She said condos have only been assessed at 60% of the market value. (Ms. Hayes noted that there are currently no condos in the Horicon).

RESOLUTION #81-2023

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

RESOLUTION OF THE TOWN OF HORICON REQUESTING THAT GOVERNOR HOCHUL SUPPORT LEGISLATION THAT WILL ALLOW TOWNS THE OPTION TO ASSESS ALL NEWLY CONSTRUCTED CONDOMINIUMS IN A MANNER THAT REFLECTS THE MOST CURRENT MARKET VALUE

WHEREAS, in 1975, section 306 of the State Real Property Tax Law directed that, “All real property in each assessing unit shall be assessed at the full value thereof”, and

WHEREAS, residential condominium units in some municipalities incur less taxes than those of comparably priced homes under conventional forms of property ownership pursuant to the provisions of § 581.1(a) of the Real Property Tax Law (“RPTL”) which governs how condominium units are assessed for tax purposes; and

WHEREAS, pursuant to the provisions of § 581.1(c) of the RPTL, § 581.1(a) does not apply to a “converted condominium” unit in a municipal corporation which has adopted, prior to the taxable status date of the assessment roll upon which its taxes will be levied, a local law providing that the provisions of § 581.1(a) shall not apply to converted condominium units; and

WHEREAS, the Horicon Town Board believes that it is in the best interest of its municipality to have the option to exempt “newly constructed” condominiums from the provisions of § 581.1(a) of the

RPTL in the same manner that § 581.1(c) of the RPTL provides an exemption for converted condominiums; and

WHEREAS, because of its attractive location, many towns are popular destinations for those seeking second homes, most of which would be characterized as expensive, and are intentionally condominimized by developers seeking preferential tax treatment, which shifts the tax burden to other residential property owners, often those who can least afford it, and

WHEREAS, New York State Assessors Association supports legislation that will allow municipalities to assess newly constructed condominiums to reflect the most current market values; and

WHEREAS, the New York State Assessor's Association has a longstanding voice expressing support for a change in the methodology for condominium valuation for the purposes of taxation to reflect current market values, similarly to that of residential properties; and

WHEREAS, currently, condominiums are valued based on a restricted methodology that has no resemblance to market value; and

WHEREAS, The Town of Horicon now seeks an amendment to § 581.1(a) of the RPTL or legislation authorizing a Home Rule request or any other NYS legislation that would permit municipalities to opt for the ability to exempt "newly constructed" condominiums from the provisions of § 581.1(a) of the RPTL, and

WHEREAS, as the New York State's Attorney General's Office states, a condominium (condo) is a single real estate unit in a multi-unit development in which an owner has both of the following: Separate (individual) ownership of a unit and undivided interest in the common elements of the building, and

WHEREAS, Syracuse.com reported that, "One condo in Skaneateles sold for \$2.2 million. It was assessed and taxed as if it were worth just \$464,000", and

WHEREAS, legislation introduced and passed in both houses to amend the real property tax law (Assembly bill A3491B and Senate bill S5946), in relation to the taxation of property owned by a cooperative corporation, and

WHEREAS, that legislation, passed by both houses of the New York State legislature, amended section 581 of the real property tax law allowing municipalities, if they choose, to treat future residential condominiums assessment based on market value, the same as for single family residential assessments, and

WHEREAS, in December 2022, Governor Hochul vetoed legislation that would have brought greater equity in the assessment of residential housing and would generate more revenue, and

WHEREAS, Governor Hochul signed a law that enabled the Town of Greenburgh to tax future condominium construction as residential properties, and

WHEREAS, there are many towns in New York, like Greenburgh, that have spent considerable time and money to assess properties at 100% equalization levels, and

WHEREAS, the Town of Horicon wishes to assure real property tax equity for all forms of housing in its Town, and

WHEREAS, the Town of Horicon supports legislation that would close the door on homebuilders who wish to seek unfair market advantages for their expensive homes, classified as condominiums, and giving big tax breaks to owners of big suburban homes classified as condominiums, and

WHEREAS, the current law enables significant tax breaks for the owners of condominiums, often very expensive condominiums, and are tax breaks that all other property owners must burden, making single family homes, for example, more expensive to own, and school and local government tax burdens greater for single family homeowners, and

WHEREAS, the Town of Horicon also wishes to deter Town residential developers from abusing the current law and give significant tax breaks to expensive homeowners at the expense of the creation of more affordable homeowners, and

WHEREAS, the original bill, that was vetoed by the current governor, would have allowed municipalities to decide for themselves if they wish to maintain the current condominium loophole or opt out, thus maintaining New York's long tradition of Home Rule, and

WHEREAS, the choice of the municipality to abandon the Condominium loophole law would be in accord with New York State's Section 10 of the Municipal Home Rule law, and

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WHEREAS, according to the Lake George Mirror, "It is estimated that under current law, condo owners' county, town and school tax bills are 30 to 40% less than what they ought to be – leaving other property owners to make up the difference", and

RESOLVED, that the Town of Horicon, like the Town of Greenburgh, wish to have the same ability to have the **OPTION** of assessing condominiums and cooperatives the same as single family housing, based on market values, which would provide more equity in taxation and fairness in assessment.

BE IT FURTHER RESOLVED, that copies of this Resolution be forwarded to Governor Kathy Hochul, Senator Stec, Assemblywoman Carrie Woerner and Assemblyman Simpson.

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

Old Business

Update on proposed Zoning Law amendment:

RESOLUTION #82-2023

Councilman Palmer and Councilman Hill introduced Res. No. 82 and moved its adoption:

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

WHEREAS, the Horicon Town Board has drafted revisions to the Town of Horicon Zoning Law regarding travel trailers and property maintenance, and

WHEREAS, the Town Board has prepared Part 1 of the State Environmental Quality Review Act ("SEQRA") Full Environmental Assessment Form ("EAF"), and the APA has consented to designation of the Town Board as lead agency for review of the amended Zoning Law under SEQRA, and now, therefore be it

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, June 15th at 6:00 pm at the Horicon Community Center.

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

New Business

Agreement to Expend Highway Funds: HS Granger said they are going to do a mile on Dorset Road, and, depending on prices, if there is money left over he will try to do another 3-4 tenths of a mile somewhere else.

RESOLUTION #83-2023

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

RESOLUTION TO APPROVE AGREEMENT TO EXPEND HIGHWAY MONIES

RESOLVED, that the Town Board of the Town of Horicon does hereby approve the 2023 Agreement to Expend Highway Monies, submitted by the Highway Superintendent, in the amount of \$365,553.00 for reconstruction of a 1-mile section between 194 Dorset Road and the intersection of Dorset Road and Pease Hill Road.

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

Use of Brant Lake ball field: The Central Adirondack Coed Softball League has requested the use of the Brant Lake ball field on Monday evenings beginning June 26th through Aug. 28th.

Motion made by Councilman Hill, seconded by Councilman Palmer, to allow the Central Adirondack Coed Softball League use the Brant Lake ball field. All Ayes.

Privilege of the Floor

-Mary Lou Carstensen asked, in response to Councilman Palmer's comment last month, if Town property is exempt from the Zoning Law. Christine Hayes said yes, the Town is exempt. Mrs. Carstensen asked if there was any movement on fixing the area by the lower dam bridge. Councilman Hill said he spoke with Courtney Greco about the possibility of obtaining her portion of that area, but there is some confusion because Warren County actually owns the property by right-of-way. He said the Town will follow up with the County. Supervisor Geraci told Mrs. Carstensen that the County Highway Superintendent said he has reached out to her to set up a meeting to go over their concerns, but he has not heard back. Mr. Geraci advised Mrs. Carstensen that she

needs to reach out to the County Highway Superintendent to voice her concerns as he is the one that can address the issues.

-Wayne Butler said he will give an update on the state of the lake at the next meeting. He said there is now a new invasive called Hydrilla that is three times more prolific than milfoil. Mr. Butler asked that the Boat Stewards be made aware of this and asked if coverage of the launch could start at 6:00 am. Sylvia Smith, who is involved with the Steward program, said AWI cannot provide coverage that early. It was suggested that volunteers could cover that time frame. Sylvia said she and Rich Nawrot, coordinators of the lake steward program, could set up training for the volunteers. Mr. Butler said he would check to see if he could find some volunteers.

Executive Session

Motion made by Councilperson Olson, seconded by Councilperson Palmer, to move to Executive Session for discussion on the proposed acquisition, sale, or lease of real property but only when the publicity would affect the value thereof, all in favor. The Board moved to Executive Session at 6:47 PM.

The Board returned from Executive Session at 7:34 PM and Councilperson Hill made a motion, seconded by Councilperson Olson, to return to Regular Session, all in favor. Supervisor Geraci said there was discussion on the proposed acquisition, sale, or lease of real property but only when the publicity would affect the value thereof and no action was taken.

Adjourn... There being no further business to attend to the meeting was adjourned at 7:35 PM by MOTION of Councilman Hill and Councilman Olson, all in favor.

Respectfully Submitted:

Town Clerk

Supervisor's Significant Meetings / Activities Report

April 21 – May 18, 2023

April 21	Warren County Board of Supervisors monthly meeting
April 25	Warren County Board of Supervisors Committee meetings
April 28	Warren County Board of Supervisors Committee meetings
May 2	Employee Policy Manual work session
May 2	Tri-Lakes Community Alliance ref special events planning
May 3	Meeting ref Lake Stewards for 2023
May 4-5	Out of the office
May 8	Horicon Historical Society
May 12	Warren County Planning meeting ref funding for lake steward program
May 12	Interview candidates for Warren County Assigned Counsel
May 15	Employee Practices and Policies Manual work session
May 17	North Warren Chamber Board Meeting
May 17	Monthly staff meeting
May 17	North Warren Chamber General Membership Annual Meeting
May 18	Meeting with YWCA Board and Administrative Staff members
May 18	Brant Lake Canoe Race Planning Meeting
May 18	Town Board Meeting

TOWN BOARD MEMBER ROBERT E. OLSON

ACTIVITY REPORT

April 21, 2023– May 18, 2023

DATE	ACTIVITY
4/25	Attended emergency Executive Board Mtg. Personnel
4/25	Attended ZBA Mtg.
4/26	Participate in Land Use Training session
5/02	Attend Woof Stock Revisited Mtg.
5/15	Attend Library Board Mtg.
5/16	Meet with Craig House on Land Transfer
5/17	Attend Staff Mtg. Audit Bills
5/18	Attend Monthly Town Board Mtg.

Town Board Member – Peter Palmer

Activity Report 4/20-5/18

DATE	ACTIVITY
4/20	WORKED AT ADIRONDACK BATH HOUSE ELECTRICAL
4/22	ADIRONDACK BATH HOUSE FINISH ELECTRICAL
4/25	MEETING TOWN HALL
4/26	MET WITH DARREN GRANGER AND SUPERVISOR
5/1	MET WTH ANGIE MEAD AND BOB OLSON CATHOLIC CHURCH
5/15	TALKED WITH BRIAN JOHNSON/BATH HOUSE