

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

**JANUARY 17, 2019
7:00 PM**

Present at meeting:	Matthew Simpson	Supervisor
	Frank Hill	Councilperson
	Robert Olson	Councilperson
	Kenneth Higgins	Councilperson
	Sylvia Smith	Councilperson
Krista Wood	Town Clerk	

Also: Kathy Corso, Brett Winchip, Zack Monroe, Bill McGhie, Tom Johansen, Denise Mahlstedt, Greta Heilman, Peter Palmer, Teri Schuerlein, HS Darian Granger, ZA Jim Steen, Assessor Christine Hayes, Joyce Greenidge, Bob Smith, Joan and Bryce Johnson, and Gregory Teresi.

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

LOCAL BOARD OF HEALTH...

A Motion was made by Councilperson Olson, seconded by Councilperson Smith, to go into session as the Local Board of Health. The Board moved into session as Local Board of Health at 7:00 PM.

1) Public Hearing - Septic Variance for State Rt. 8 / tax map #55.8-1-1 / Singer:

Supervisor Simpson opened the Public Hearing for the septic variance on State Rt 8 (lot located between 7697 State Rt 8 and 7711 State Rt 8) in Brant Lake.

-Zack Monroe, Winchip Engineering, briefly reviewed the variance being requested.

-Kathy Corso, a neighboring property owner, said the stream in reference is not intermittent, rather it runs all the time. She said she is not in favor of the variance being granted, adding the property is wooded with beautiful vegetation and she and her family want it kept that way.

-Gregory Teresi, an attorney representing Jon Gensheimer (an adjacent property owner who could not attend the public hearing), addressed Mr. Gensheimer's concerns with this variance request (which Mr. Gensheimer also expressed in great detail in an email to the Supervisor). Mr. Teresi said the Board must address the concerns of Mr. Gensheimer and give consideration to the environmental impact this septic could have on the stream, the vegetation, Brant Lake, and on surrounding properties. Mr. Teresi, based on their estimation of the resulting devastating impact of this project, asked the Board to deny the application and request that Mr. Singer seek an alternative location for the septic.

-Zack Monroe, Winchip Engineering, addressed several issues presented by Mr. Teresi. He said the regulations are the same concerning the stream whether it is constantly flowing or intermittent, and noted they marked it as intermittent because that is what they were told, however, it is irrelevant to the regulations. He said they can remove the word "intermittent" from the application if the Board wishes them to do so. Mr. Monroe said that while Mr. Singer does own the parcel across the road, this particular lot (55.8-1-1) exists in and of itself as a pre-existing building lot that was approved the Health Department in 1955 as a building lot. He noted if this parcel were sold tomorrow, for example, they would still be in the same situation with the need for a variance but with a different owner across the road. He further noted the setbacks to the neighboring wells are within the required limit.

-Councilperson Olson asked if the proposed system required a variance to meet the separation distance to either neighbor's well. Mr. Monroe said a variance for that was not required as the distance to either well is greater than the required separation distance.

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-Councilperson Higgins asked if the well is downhill from the septic is it required that the separation distance be increased to 200'. Mr. Monroe said there is reference in the Health Department code that if it is in the direct flow path you would have to increase the separation distance, but in reference to elevation alone that would not apply.

-Mr. Teresi again urged the Board to require the applicant to address the concerns regarding the impact on his client's property, the neighboring properties, and on the lake, and to deny the application.

-Supervisor Simpson asked that Mr. Gensheimer and Mr. Teresi submit their questions and concerns in writing so they can be addressed by the Board and by Winchip Engineering. Councilperson Olson said Cedarwood Engineering should review this as well.

The Board will leave the public hearing open and re-convene the public hearing at the next Town Board meeting on Thursday, February 21, 2019.

2) Septic Variance request for 18 Sand Beach Way, Brant Lake / Tax Map #55.10-1-12 / Henshaw:

Bret Winchip, Winchip Engineering, explained that the Henshaw's are planning to tear down an existing home and build a new one on their property. He said the proposal is to replace an existing single drywell cesspool system, which is close to the lake, with an NSF 40 approved aerobic treatment unit. Mr. Winchip explained that the proposed system is designed in the smallest footprint possible to maximize the separation distance to Brant Lake. Additionally, they are proposing to move the drilled well that serves the neighboring Speshock property northeast to increase the separation distance to the well. Mr. Winchip said they are requesting the following variances: proposed pump tank to mean high water of lake – 50' required, 44.4' proposed, variance of 5.6'; proposed absorption bed to northeast property line – 10' required, 3' proposed, variance of 7' ; proposed absorption bed toe of fill slope to drilled well – 100' required, 45.7' proposed, variance of 54.3' (well will be equipped with ultraviolet disinfection as an extra precaution); proposed absorption bed toe of fill slope to proposed Speshock drilled well relocation – 100' required, 71' proposed, variance of 29' (well will be equipped with ultraviolet disinfection as an extra precaution); proposed Speshock drilled well relocation to neighboring wastewater seepage pits – 150' required, 73' proposed, variance of 77'; proposed absorption bed toe of fill slope to mean high water – 100' required, 55' proposed, variance of 45'; proposed absorption bed toe of fill slope to building – 20' required, 0' proposed, variance of 20'; proposed absorption bed toe of fill slope to south property line – 10' required, 0.6' proposed, variance of 9.4'; proposed absorption bed toe of fill slope to neighboring shallow well – 150' required, 128.7' proposed, variance of 21.3'. Mr. Winchip further explained that there is a tentative agreement in the works to relocate Ms. Speshock's well onto the Henshaw's property. He noted there is a letter in the Board packets from Ms. Spechock's attorney indicating her support of this proposal. Mr. Winchip said the relocation of Ms. Speshock's well removes two non-conformities to the existing well, reduces one, and slightly increases the non-conformity to a downhill well. He noted, however, that the agreement between the property owners is in the works but has not been finalized.

Supervisor Simpson said Town Counselor Mark Schachner advised waiting until the finalized agreement is in place before scheduling the public hearing.

RESOLUTION #29-2019

Councilperson Olson and Councilperson Higgins introduced Res. No. 29 and moved its adoption:

RESOLUTION TO DEEM APPLICATION COMPLETE

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 Winchip Engineering for a septic variance at 18 Sand Beach Way (Tax Map #55.10-1-12) in Brant Lake complete. A public hearing will be scheduled upon receipt of the finalized agreement between the property owners involved.

Ayes: 5 (Olson, Higgins, Hill, Smith, Simpson) Nays: 0

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A Motion was made by Councilperson Olson, seconded by Councilperson Higgins, to go back into regular session. The Board moved back into regular session at 7:26 PM.

REGULAR MEETING...

Reports: Supervisor, Town Clerk, Zoning, Justice, Assessor, Tax Collector, Historian

Approval of Minutes: Councilperson Smith asked that the January 3rd Town Board minutes be amended to change her vote on Resolution #17-2019 to abstain; she explained that she had originally intended to abstain on that Resolution, but Motion was made to adopt the Resolutions as a group. The Board agreed the January 3rd minutes would be amended to reflect the change.

Minutes of December 20, 2018 and January 3, 2019 were then approved, as amended, by Motion of Councilperson Higgins and Councilperson Hill, all Ayes.

Approval of Vouchers and Abstracts:

RESOLUTION #30-2019

Councilperson Smith and Councilperson Hill introduced Res. No. 30 and moved its adoption:

RESOLUTION TO AUTHORIZE PAYMENT OF JANUARY ABSTRACTS

RESOLVED, that the Town Board does hereby authorize the payment of the December 31, 2018 and January 17, 2019 Vouchers and Abstracts as follows:

General Abstract	13 (2018)	\$ 13,133.90
Highway Abstract	13 (2018)	\$ 13,763.20
General Abstract	1 (2019)	\$ 100,107.06
Highway Abstract	1 (2019)	\$ 92,641.20
HM-Union Church	1 (2019)	\$ 32,487.50

Ayes: 5 (Hill, Olson, Smith, Higgins, Simpson) Nays: 0

Correspondence to the Board:

- Patricia Tunney, Sec'y RE: Notification of re-election of Library Board of Trustees Officers
- Unified Court System RE: Request for copy of audit of Court records for 2018
- Library Trustees RE: 2018 Annual Report
- Joe Gensheimer RE: Request for Singer septic variance to be denied
- Justin Grassi, Miller Mannix RE: Letter of support from Carrie Speshock for Henshaw septic variance

Resolutions:

RESOLUTION #31-2019

Councilperson Olson and Councilperson Smith introduced Res. No. 31 and moved its adoption:

RESOLUTION TO ACKNOWLEDGE COMPLETION OF AUDIT OF THE TOWN CLERK RECORDS

RESOLVED, that the Town Board of the Town of Horicon does hereby state that the examination of the 2018 Town Clerk records was completed at the meeting of the Board on January 17, 2019 and the records were approved by all members of the Board.

Ayes: 5 (Olson, Smith, Hill, Higgins, Simpson) Nays: 0

RESOLUTION #32-2019

Councilperson Smith and Councilperson Hill introduced Res. No. 32 and moved its adoption:

RESOLUTION TO ACKNOWLEDGE COMPLETION OF AUDIT OF THE JUSTICE COURT RECORDS

RESOLVED, that the Town Board of the Town of Horicon does hereby state that the examination of the 2018 Justice Court records was completed at the meeting of the Board on January 17, 2019 and the records were approved by all members of the Board.

Ayes: 5 (Smith, Hill, Higgins, Olson, Simpson) Nays: 0

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RESOLUTION #33-2019

Councilperson Higgins and Councilperson Olson introduced Res. No. 33 and moved its adoption:

RESOLUTION TO RE-APPOINT LIBRARY BOARD OF TRUSTEE MEMBER

RESOLVED, that the Town Board does hereby re-appoint Mert Paton to a five-year term on the Board of Trustees of the Horicon Free Public Library to commence January 1, 2019 and expire on December 31, 2023.

Ayes: 5 (Higgins, Olson, Smith, Hill, Simpson) Nays: 0

RESOLUTION #34-2019

Councilperson Smith and Councilperson Olson introduced Res. No. 34 and moved its adoption:

RESOLUTION TO APPOINT BOARD OF ETHICS CHAIRPERSON

RESOLVED, that the Town Board of the Town of Horicon does hereby appoint David Iasevoli as Chairperson of the Town of Horicon Board of Ethics for a term expiring on December 31, 2019.

Ayes: 5 (Smith, Olson, Hill, Higgins, Simpson) Nays: 0

RESOLUTION #35-2019

Councilperson Olson and Councilperson Higgins introduced Res. No. 35 and moved its adoption:

RESOLUTION AUTHORIZING SOLICITATION OF SAND BIDS

RESOLVED, that the Town Board of the Town of Horicon does hereby authorize the Town Clerk to solicit, by legal advertisement, bids for processed highway sand. Bids are to be opened at the regular Town Board meeting on February 21, 2019.

Ayes: 5 (Olson, Higgins, Smith, Hill, Simpson) Nays: 0

RESOLUTION #36-2019

Councilperson Smith and Councilperson Hill introduced Res. No. 36 and moved its adoption:

RESOLUTION TO AUTHORIZE TRANSFER OF FUNDS

RESOLVED, that the Horicon Town Board does hereby authorize the Bookkeeper to make the following Highway fund transfers:

<u>From:</u>	<u>To:</u>	<u>Amount:</u>
D9055.8 (Disab. Insur.)	D9010.8 (Retirement)	\$ 930.00
D9060.8 (Health Insur.)	D9010.8 (Retirement)	\$ 282.00

Ayes: 5 (Smith, Hill, Olson, Higgins, Simpson) Nays: 0

RESOLUTION #37-2019

Councilperson Higgins and Councilperson Hill introduced Res. No. 37 and moved its adoption:

RESOLUTION TO AUTHORIZE CONTRACT WITH GLENS FALLS ANIMAL HOSPITAL

RESOLVED, that the Town Board of the Town of Horicon does hereby authorize Supervisor Simpson to sign the contract with Glens Falls Animal Hospital for the handling of unidentified dogs. This agreement will be effective January 1, 2019 for the 2019 calendar year and will be renewed annually thereafter unless either party notifies the other of their desire not to renew.

Ayes: 5 (Higgins, Hill, Olson, Smith, Simpson) Nays: 0

Committee Reports:

-Councilwoman Sylvia Smith reported on the following:

-A decision is needed on the application from Tri-Lakes for the Brant Lake Winter Carnival on February 16th; they have requested Occupancy Tax funds in the amount of \$5,000.00.

RESOLUTION #38-2019

Councilperson Olson and Councilperson Smith introduced Res. No. 38 and moved its adoption:

RESOLUTION TO AUTHORIZE OCCUPANCY TAX FUNDS

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RESOLVED, that the Town Board of the Town of Horicon does hereby authorize \$5,000.00 in Occupancy Tax funds, code A6412.4 - Special Publicity, be awarded to the Tri-Lakes Business Alliance for the 2019 Brant Lake Winter Carnival.

Ayes: 5 (Olson, Smith, Higgins, Hill, Simpson) Nays: 0

-Reminder that Occupancy Tax Grant applications are due by February 15th.

-Requested the Highway to shovel the walkway at the Heintzelman Library when the Community Center is done as the building is now open year-round.

-There is an estimate coming from Bill Millington to finish repairs at the Horicon Museum, of which the cost will be split 50/50 with the town. The Historical Society will follow-up with Mike Gibson to have the Museum painted in the spring once the repairs are complete.

-The final report will be due to the CFGMR on the grant for the Adirondack Playground project which must be completed in the spring. She asked Councilpersons Hill and Olson to work with the Highway Department to get the work scheduled.

-Contact has been made with Tom Vandernoot to remove the remaining trees in the Brant Lake Cemetery and he will be submitting a quote at prevailing wage.

-She and Councilperson Olson will be interviewing an applicant for the Planning Board Alternate.

-Letters will be going out to the PB, ZBA, BOE Board members with their attendance records as well as what the Town Board's expectations are for them.

-Suggested the Board think about Chromebooks or tablets for themselves to reduce the amount of paper being used.

-Councilman Frank Hill reported on the following:

-He has three more quotes for the tree removal in the Brant Lake Cemetery.

-The Cemetery tractor broke down and has been repaired.

-Supervisor Simpson reported on the following:

-He said there was a very detailed informational meeting held on January 16th explaining how the sales tax distribution came to be and how it is currently calculated. He is hopeful that headway can be made for a better solution, but, unfortunately, the way it is structured the weighted votes are all with Queensbury and Glens Falls so they will ultimately decide what happens. If the sales tax re-distribution goes through as it is being proposed it will double the town tax in Horicon; it will take sales tax from Horicon and re-distribute to other towns thereby lowering their tax rate and increasing ours. He argued no town tax rate should be compared to another town tax rate because each town is different. He further explained that the proposal is based on 50% assessed value/50% population, so because two-thirds of Horicon's population is second homeowners, according to Warren County, they do not count because they were not included in the 2010 Census even though they own homes here. Mr. Simpson noted, it is pretty apparent that Horicon does actually have quite a few people, almost as many as Warrensburg, in fact, because Horicon has within 100 dwellings of Warrensburg, even though the 2010 census showed a population of 4,089 for Warrensburg and only 1,389 for Horicon. The proposal would base the sales tax distribution rate on these population numbers, and it is obvious there is conflicting information that needs to be corrected. He then asked the Board if they would like him to have the County Administrator and Chairman of the Board give a presentation at North Warren Central School for the general public. The Board felt this would be an excellent idea. He feels this is important because the issue is that taxes are high enough, and the proposed re-distribution would create a tax increase in those towns that are losing their sales tax, so the end result is that Warren County taxes paid would be increased.

-Governor Cuomo has set up a cell phone task force to try and get funding for better cell coverage. Supervisor Simpson, along with another Supervisor from Warren County, will be meeting with Chuck Schumer in Washington, D.C. on March 5th to discuss this. There is going to be a summit with all the providers and the people that can get funding.

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Old Business:

-ZBA & PB Member & NWEMS Rep Vacancies: Supervisor Simpson told the Board that Gary Frenz does not want to be the NWEMS Rep alternate. The Board will reach out to people to see if they can find anyone that is interested in serving on these Boards.

-1881 Union Church: The construction on the Union Church is moving along on schedule. The architect is donating 50% of his fee so his bill will only be \$7,962.50.

-Community Center plumbing project: Supervisor Simpson said the plumbing repair project in the Community Center came in well below what was expected with a final cost of about \$6,900.

New Business:

-Supervisor Simpson thanked the Highway Department for all their hard work recently.

-Councilperson Hill said a lady recently fell on the ice behind the Community Center where the water runs off the eaves and freezes on the sidewalk. He said this has been an on-going issue and it needs to be addressed this summer.

Privilege of the Floor...

-Teri Schuerlein noted Supervisor Simpson did a great job representing the Town at the informational meeting held at Warren County regarding the sales tax distribution. Teri then explained that a meeting was recently held with twelve Brant Lake business owners to share ideas on how best to promote the Town using Occupancy Tax funds; she noted the meeting was very positive. She said the group will be holding another meeting at the Community Center on Wednesday, January 30th at 6:00pm and invited the Board to attend if they wished.

Adjourn... There being no further business to attend to the meeting was adjourned at 8:01 PM by MOTION of Councilperson Higgins and Councilperson Hill, all in favor.

Respectfully Submitted:

Town Clerk