

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

**JULY 15, 2019  
7:00 PM**

Present at meeting:	Matthew Simpson	Supervisor
	Frank Hill	Councilperson
	Robert Olson	Councilperson
	Sylvia Smith	Councilperson
Absent:	Kenneth Higgins	Councilperson

Krista Wood                      Town Clerk  
Mark Schachner                Town Counsel

Also: ZA Jim Steen, HS Darian Granger, Brett Winchip, Zack Monroe, Jeff Meyer, Andy and Harriet Singer, Joe and Cynthia Gensheimer, Bill McGhie, Matt Wood, Bob Smith, Pat Farrell, Pete Palmer, Bob and Jane Lewit, Ed Taylor, Tom Johansen, John Donovan, and Gerard and Paulette Contois, and others.

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

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 7:01 PM.

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***Local Board of Health...***

*Septic Variance Request on State Rt. 8 / tax map #55.8-1-1 / Singer*

Supervisor Simpson said the first item for discussion is the septic variance request on the Singer property on State Route 8. He noted the public hearing was closed at last month's meeting, and now it is time for the Board to discuss this and come to a decision.

Councilperson Smith said she feels it is time to move forward with this. She said the property is an approved building lot, and although there are challenges, a plan has been proposed by Winchip Engineering, it has been reviewed by Cedarwood Engineering, and Winchip Engineering has revised the plans to include recommendations made by Cedarwood Engineering. Councilperson Smith said it is time to make a decision and noted this will also be reviewed by the APA.

Supervisor Simpson said the alternative proposed, which was to put the septic on a separate parcel across the road, was not a viable option because that location would have required more variances and would have even tighter setbacks. He also said the water drainage is not an issue because neither the owner's well nor the neighbor's well are in the direct flow path of the system. Supervisor Simpson noted Cedarwood Engineering has reviewed this, this proposal is the minimum variance possible on this property, and it maximizes the separation distances.

Councilperson Olson noted that after reviewing the initial proposal, Cedarwood Engineering made a couple of minor recommendations, which were to raise the level of the driveway and to make a runoff area, and Winchip Engineering revised the proposal to incorporate these changes.

Supervisor Simpson said Cedarwood has stated they will be on site to verify the perc test when it is performed. He said the issues raised have been minimized to the greatest extent possible.

Councilperson Smith asked Counselor Schachner what specifics should be included in the Resolution.

Counselor Schachner said the typical Resolution tracks the findings that are required by our Town of Horicon Local Laws in order to grant the variance. He suggested, because this is a contentious matter, whomever makes the Motion should take the standard language and add specifics in terms of "because" and "why" the Board is making the findings that are required. He said, for example, to state what the practical difficulty specifically is, state why this is not materially detrimental, state why this is the minimum variance possible; things of this nature.

**RESOLUTION #89-2019**

Councilperson Smith and Councilperson Olson introduced Res. No. 89 and moved its adoption:

**RESOLUTION TO GRANT VARIANCE FOR A SEPTIC SYSTEM AT STATE ROUTE 8 / TAX MAP#55.8-1-1 (SINGER)**

RESOLVED, that the Horicon Town Board acting as Local Board of Health, based on the receipt of a set of stamped plans from Winchip Engineering (project #18-011A), and the \$100.00 variance fee, after careful and thorough review, does hereby grant a variance for the installation of a septic system at State Route 8, Brant Lake (Tax Map #55.8-1-1) 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. The practical difficulty is that there is no alternative location that would lessen the variance and maximize the separation distance. Further, the 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, because the proposed was reviewed by Town of Horicon engineer, Cedarwood Engineering, and neither well is in the direct flow path from the proposed system. The alternative proposed is the minimum variance which would alleviate the specified practical difficulty as found by the Board to affect the applicant, because the alternative proposed would require additional variances, and be it further

RESOLVED, that as a condition for granting this variance, Cedarwood Engineering, town engineer, must be present on-site when the perc test is performed to see that it meets all requirements as stated in the plan.

Ayes: 4 (Smith, Olson, Hill, Simpson) Nays: 0 Absent: 1 (Higgins)

Supervisor Simpson said this will now go to the APA for review.

*Public Hearing #1 - Septic Variance at 7888 State Route 8 / tax map #39.17-1-33 / Tunney*

Supervisor Simpson opened Public Hearing #1 regarding the septic variance request at 7888 State Rt. 8 in Brant Lake.

Zack Monroe, Winchip Engineering, explained the proposal is for a replacement system that requires one variance of 18.2 feet from the wetlands. He explained that the proposed system is better than what is there and is also farther away from the wetlands than the current system.

Supervisor Simpson asked if this is a failed system, Mr. Monroe said yes.

Councilperson Olson asked what is currently there; Mr. Monroe replied they are not entirely sure but have been told it is either a seepage pit or a leech field; he added that is it definitely failing. Councilperson Olson asked if there were any other variances needed; Mr. Monroe replied no. Councilperson Olson asked if there was any other location on the lot to place the septic; Mr. Monroe said this is the best location as there are no other viable options.

ZA Jim Steen let the Board know that because there are wetlands this project may require a permit from the APA as a condition of the approval of the variance. Bret Winchip said they have sent a jurisdictional inquiry to the APA, and he is still waiting to hear back from the APA. He noted the APA flagged the wetlands and when that happened the biologist suggested they file the jurisdictional inquiry. Mr. Winchip said they have moved the proposed system farther back from the wetlands, so the APA will likely consider it non-jurisdictional, but he does not yet have confirmation on that.

Councilperson Olson said this seems to be the best that can be done, and it is better than the existing.

Supervisor Simpson agreed noting it is an improvement over the failed existing system, it is the least possible variance, and there is no alternative.

Supervisor Simpson closed Public Hearing #1.

**RESOLUTION #90-2019**

Councilperson Olson and Councilperson Smith introduced Res. No. 90 and moved its adoption:

**RESOLUTION TO GRANT VARIANCE FOR A REPLACEMENT SEPTIC SYSTEM AT 7888 STATE RT. 8**

RESOLVED, that the Horicon Town Board acting as Local Board of Health, based on the receipt of a set of stamped plans from Winchip Engineering (project #19-034), and the \$100.00 variance fee, after careful and thorough review, does hereby grant a variance for a replacement septic system at 7888 State Route 8, Brant Lake (Tax Map #39.17-1-33) 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 (Olson, Smith, Hill, Simpson) Nays: 0 Absent: 1 (Higgins)

**Public Hearing #2 - Septic Variance at 1236 Palisades Rd / tax map #39.9-1-1 / Contois**

Supervisor Simpson opened Public Hearing#2 regarding the septic variance request at 1236 Palisades Rd in Brant Lake.

Zack Monroe, Winchip Engineering, provided revised plans to the Board and explained the revision. He said the wetland biologist suggested they send the jurisdictional inquiry form to the APA which they did. Mr. Monroe said it was informally suggested to them by the Park Agency that exploratory work be done for alternative placement of the system and also noted the use of infiltrators may help reduce the setback to the wetlands. Mr. Monroe said they did the exploratory work, however, based on the ground, the well placement, and the wetlands there is no other viable option. He said they revised their proposal using the infiltrators which did help to maximize the setback as much as possible, and this is the best alternative based on the exploratory work.

Councilperson Olson asked if the current system is failing and Mr. Monroe replied yes. Councilperson Olson noted the proposed is a substantial improvement over what is there and feels this is the best possible option.

Mr. Monroe noted the jurisdictional inquiry form has been sent to the APA, and the APA flagged the wetlands.

Supervisor Simpson closed Public Hearing #2.

**RESOLUTION #91-2019**

Councilperson Olson and Councilperson Hill introduced Res. No. 91 and moved its adoption:

**RESOLUTION TO GRANT VARIANCE FOR A REPLACEMENT SEPTIC SYSTEM AT 1236 PALISADES ROAD**

RESOLVED, that the Horicon Town Board acting as Local Board of Health, based on the receipt of a set of stamped plans from Winchip Engineering (project #18-088), and the \$100.00 variance fee, after careful and thorough review, does hereby grant a variance for a replacement septic system at 1236 Palisades Road, Brant Lake (Tax Map #39.9-1-1) 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 (Olson, Hill, Smith, Simpson) Nays: 0 Absent: 1 (Higgins)

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

**JULY 15, 2019**  
**7:00 PM**

A Motion was made by Councilperson Olson, seconded by Councilperson Hill, to go back into regular session. The Board moved back into **regular session** at 7:35 PM.

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**Regular Meeting...**

**Approval of Minutes:** Minutes of June 20, 2019 were approved by Motion of Councilperson Hill and Councilperson Olson.

Ayes: 4 (Hill, Olson, Smith, Simpson) Nays: 0 Absent: 1 (Higgins)

**Approval of Vouchers and Abstracts:**

**RESOLUTION #92-2019**

Councilperson Hill and Councilperson Smith introduced Res. No. 92 and moved its adoption:

**RESOLUTION TO AUTHORIZE PAYMENT OF JULY 2019 ABSTRACTS**

RESOLVED, that the Town Board does hereby authorize the payment of the July 15, 2019 Vouchers and Abstracts as follows:

General Abstract	7	\$ 48,958.48
Highway Abstract	7	\$172,105.78

Ayes: 4 (Hill, Smith, Olson, Simpson) Nays: 0 Absent: 1 (Higgins)

**Correspondence to the Board...**

- Scott Campbell RE: Request for DOT traffic study on Route 8
- Adirondack Masonary RE: Quote for repairs to Highway Garage

**Resolutions...**

**RESOLUTION #93-2019**

Councilperson Olson and Councilperson Smith introduced Res. No. 93 and moved its adoption:

**RESOLUTION TO DEPUTY ZONING ADMINISTRATOR**

RESOLVED, that the Town Board of the Town of Horicon does hereby appoint Theresa Katsch as Deputy Zoning Administrator.

Ayes: 4 (Olson, Smith, Hill, Simpson) Nays: 0 Absent: 1 (Higgins)

**Committee Reports...**

-Councilperson Sylvia Smith updated the Board on the following:

-She said Food Truck Fridays has been a great success and thanked the entire team and the volunteers who put it together. She commended the team on their organization and communication. She also thanked Margaret Holmes for all the work she has done to publicize the event. She said the first event drew about 1300, the second event drew about 1900, and the third event drew about 850, and everything ran smoothly.

-The Southern Adirondack Guide is finished, and copies were delivered this morning. Brant Lake is featured on the front cover.

-The flowers were replanted in the box under the sign in Adirondack after some were stolen and vandalized recently. Also, three barrels with flowers were put out in Adirondack; one by the tennis court and two by the Museum Annex.

-She attended a VFW meeting recently, and explained the VFW has a program where both the towns of Horicon and Chester will be able to buy street banners to honor local veterans.

-Swimming lessons started today and will be offered Mondays and Wednesdays from 6:00-6:45.

-The Adirondack Playground project is complete, and the final report has been submitted. She thanked Kevin for scraping down the old swing set frame and repainting it; it looks like new.

-The Town has been awarded a \$1,000.00 grant from the Community Fund for Gore Mt Region to do repair work on some of the headstones in the Brant Lake Cemetery.

-She said they need to make a decision on the tree removal in the Brant Lake Cemetery. They have received three quotes. Billy Dornan said he could take down three of the trees, but the fourth tree requires a special piece of equipment to take it down safely which he does not have. Fones Tree Service quoted a price for removal of all four trees of \$31,000, and Allmark Services quoted a price for removal of all four trees of \$19,000. Both Fones and Allmark have the equipment necessary to remove the fourth tree. She said Allmark has very good reviews and can do the work within the next five weeks. Councilperson Smith, along with Councilperson Hill, recommend the work be done by Allmark Services, Inc.

**Old Business...**

**Speed Limit on Route 8:** Supervisor Simpson said he received an email from Scott Campbell requesting the Town Board petition NYS DOT to put flashing lights on Route 8 near his home. Supervisor Simpson said he gets complaints from all sections of Route 8 and does not feel it makes sense to put lights in just one spot. He asked if the Board would like to increase enforcement or petition DOT. Councilperson Olson said he is not at all in favor of increased enforcement against the citizens of the town and said he would like to petition DOT to review this. Supervisor Simpson explained the process, noting DOT would review the request, notify local law enforcement of the Town's request, then a decision letter would be sent to the town. Councilperson Olson again stressed he is against enforcement on citizens and said people that want to cross Route 8 have a certain amount of responsibility for themselves. He said no action should be taken.

**1881 Union Church:** Supervisor Simpson explained to the Board that the original budget for the 1881 Union Church project did not have any contingency figured in as they thought they had included everything that would be needed. He said there is some additional work that needs to be done in the amount of \$8,213.00, which is a good result on a project of this size. He noted the list of additional work is in the Board packets.

**RESOLUTION #94-2019**

Councilperson Hill and Councilperson Olson introduced Res. No. 94 and moved its adoption:

**RESOLUTION TO AUTHORIZE USE OF FUNDS FOR COMPLETION OF 1881 UNION CHURCH PROJECT AND BUDGET AMENDMENT**

WHEREAS, the Horicon Historical Society is prepared, using all Society funds available, to provide an additional \$10,000 to the Town toward completion of the capital construction contracts; and,

WHEREAS, the \$100,000 New York State grant and \$50,000 raised by the Society will cover \$150,000 of the \$158,213, capital construction costs leaving a net shortfall for completion of all capital construction work of \$8,213; including a \$6,900 extra work as Change Order #1 to A. J. Catalfamo Construction Co., Inc. Contract and,

WHEREAS, the Historical Society requests that the Town provide the remaining \$8,213 in funding to enable completion of the capital construction for 1881 Union Church, and now, therefore be it

RESOLVED, that the Town Board of the Town of Horicon does hereby authorize acceptance and use of \$10,000 from the Horicon Historical Society, and use of \$8,213 of Town funds, for the completion of capital construction at the 1881 Union Church, and be it further

RESOLVED, that the Town Board authorizes the Bookkeeper to make the following Budget Amendment in the General Fund to reduce the unexpended fund balance to cover the cost of the additional work:

Debit	A599.....Appropriated Fund Balance.....	\$ 8,213.00
Credit	A1620.4.....Buildings.....	\$ 8,213.00

Ayes: 4 (Hill, Olson, Smith, Simpson) Nays: 0 Absent: 1 (Higgins)

**Mill Pond Fountain Repair:** Supervisor Simpson said Roger Houck submitted the proposal for the fountain repair in the amount of \$15,680.00 for labor. Materials for the repair will be purchased by the town at an approximate cost of \$4,500.00. He noted the Mill Pond will not need to be drained during repairs.

**RESOLUTION #95-2019**

Councilperson Hill and Councilperson Olson introduced Res. No. 95 and moved its adoption:

**RESOLUTION TO AUTHORIZE MILL POND FOUNTAIN REPAIR AND BUDGET AMENDMENT**

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RESOLVED, that the Town Board of the Town of Horicon does hereby authorize the necessary repairs to the Mill Pond fountain to be made by Roger Houck Enterprise Stonework at a cost not to exceed \$15,680.00, which does not include materials to be purchased separately by the Town for said project in the amount of \$4,500.00, and be it further

RESOLVED, that the Town Board authorizes the Bookkeeper to make the following Budget Amendment in the General Fund to reduce the unexpended fund balance to cover the cost of the fountain repair:

Debit A599.....Appropriated Fund Balance.....\$ 20,180.00  
Credit A1620.4.....Buildings.....\$ 20,180.00

Ayes: 4 (Hill, Olson, Smith, Simpson) Nays: 0 Absent: 1 (Higgins)

Cemetery Tree Removal:

**RESOLUTION #96-2019**

Councilperson Smith and Councilperson Hill introduced Res. No. 96 and moved its adoption:

**RESOLUTION TO AUTHORIZE TREE REMOVAL IN BRANT LAKE CEMETERY**

RESOLVED, that the Town Board of the Town of Horicon does hereby authorize the necessary removal of four trees in the Brant Lake Cemetery by Allmark Services, Inc. at a cost not to exceed \$19,000.00; the funds for the tree removal will come from the Perpetual account.

Ayes: 4 (Smith, Hill, Olson, Simpson) Nays: 0 Absent: 1 (Higgins)

**New Business...**

Town Cell Phones: Supervisor Simpson said the Cemetery/Beautification Supervisor and the Highway Superintendent are using their personal cell phones for work and proposed the town provide phones. He suggested purchasing something like a straight talk phone with a card so they would have plenty of minutes, or a radio could be put into the Beautification truck. There was discussion and the Board felt it was better to have the phone. HS Granger said he is fine with keeping his phone.

**RESOLUTION #97-2019**

Councilperson Smith and Councilperson Hill introduced Res. No. 97 and moved its adoption:

**RESOLUTION TO AUTHORIZE PURCHASE OF CELL PHONES FOR CERTAIN TOWN EMPLOYEES**

RESOLVED, that the Town Board of the Town of Horicon does hereby authorize the purchase of a cell phone for the Cemetery/Beautification Supervisor along with a \$45 card for use in his job-related duties.

Ayes: 4 (Smith, Hill, Olson, Simpson) Nays: 0 Absent: 1 (Higgins)

**Privilege of the Floor...**

-Bill McGhie let the Board know the tent at the boat launch on Schroon Lake was vandalized and the shed was broken into.

**Adjourn...** There being no further business to attend to the meeting was adjourned at 8:10 PM by MOTION of Councilperson Olson and Councilperson Smith, all in favor.

Respectfully Submitted:

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Town Clerk