

**HORICON TOWN BOARD  
REGULAR MEETING**

**NOVBER 21, 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

Mark Schachner                Town Counsel

Also: Peter Palmer, Eve Roblee, Zack Monroe, Bill McGhie, ZA Jim Steen, and Assessor Christine Hayes.

Supervisor Simpson called the regular 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.

**Re-convene Public Hearing - Septic Variance request at 206 East Shore Dr / Derr / tax map #36.3-3-15:**

-Zack Monroe, Winchip Engineering, asked the Board if there were any questions on the proposed system.

-Councilperson Olson asked if the adjoining landowners received a copy of the revised proposal with their public hearing notice. ZA Steen said the Town Clerk did include copies of the revised proposal with the notices. Councilperson Olson asked Mr. Monroe if the gray water system would be removed upon installation of the new system; Mr. Monroe confirmed that it would be removed.

There being no further comments the public hearing was closed at 7:06 PM.

Councilperson Olson asked Mr. Monroe if Winchip Engineering will certify the system once it is installed. Mr. Monroe said they will if the customer chooses them to do the certification. Councilperson Olson said he feels the proposed system is substantially better than what is there.

Supervisor Simpson said there is no other option for placement of the system; the proposal provides for the least variance necessary and is the best location to maximize the setbacks.

**RESOLUTION #129-2019**

Councilperson Olson and Councilperson Higgins introduced Res. No. 129 and moved its adoption:

**RESOLUTION TO GRANT VARIANCE FOR A REPLACEMENT SEPTIC SYSTEM AT 206 EAST SHORE DRIVE**

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 #19-065), and the \$100.00 variance fee, does hereby grant a variance for an alternative septic system at 206 East Shore Drive, Adirondack (Tax Map #36.3-3-15) 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: 5 (Olson, Higgins, Smith, Hill, Simpson) Nays: 0

**Septic Variance request for 73 Burnt Pond Estates Rd / Brunner / tax map #105.-2-18:**

Zack Monroe, Winchip Engineering, explained the proposal to install a holding tank system to deal with wastewater coming out of the residence. Mr. Monroe explained the home has a bed, but not a formal bedroom, a sink, an incinerating toilet, and a shower, but does not have hot water or laundry. He said they are proposing

a holding tank because the bedrock on the property would make it extremely difficult, if not impossible, to find a spot to install a septic system. He said the proposed system will require a variance for the use of a holding tank for new construction, and a variance for a decrease in design flow from 150 gallons per day to 70 gallons per day.

**RESOLUTION #130-2019**

Councilperson Higgins and Councilperson Olson introduced Res. No. 130 and moved its adoption:

**RESOLUTION TO SET PUBLIC HEARING**

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 73 Burnt Pond Estates Rd in Brant Lake complete, and does hereby set a Public Hearing for Thursday, December 19, 2019 at 7:00 PM at the Horicon Community Center.

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

Councilperson Olson asked if the size of the proposed holding tank will be sufficient; Mr. Monroe said it will. Councilman Higgins asked if it will have an alarm system, and Mr. Monroe said it will. Councilperson Olson asked if it would be more cost effective to have a bigger holding tank rather than having a smaller tank pumped more often. Mr. Monroe said this was considered, however, the size of the proposed tank does meet code, and the other problem is getting a larger tank in with all of the bedrock.

Supervisor Simpson asked ZA Steen if any future additions to the structure would require Town Board review in regard to the septic. ZA Steen said the use of the property was not represented accurately in the past and this is the concern going forward; the future owners may add a regular toilet, hot water, and laundry without the town knowing. ZA Steen noted they have misrepresented in the past so they may do so again. Mr. Monroe addressed ZA Steen's concerns, noting DOH design flow standards are 110 gallons per day per person for 5 days so a 550-gallon holding tank would be required. He said the proposed 1,000-gallon tank is sufficient for the amount of water that would be used even if a regular toilet and laundry were installed.

Motion was made by Councilperson Olson, seconded by Councilperson Smith, to move back into regular session. The Board moved back into regular session at 7:22PM.

**Regular Meeting...**

**Approval of Minutes...** Minutes of October 17 and October 24, 2019 were approved by Motion of Councilpersons Smith and Councilperson Olson.

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

**Approval of Vouchers and Abstracts...**

**RESOLUTION #131-2019**

Councilperson Olson and Councilperson Hill introduced Res. No. 131 and moved its adoption:

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

RESOLVED, that the Town Board of the Town of Horicon does hereby authorize the payment of the November 21, 2019 Vouchers and Abstracts as follows:

General Abstract	11	\$ 101,129.28
Highway Abstract	11	\$ 27,444.95
HH-Upper Hudson River	11	\$ 1,465.00

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

**Correspondence to the Board...**

- AOT RE: Information for New Town Officials School Jan 15-17, 2020 in Albany
- Don Rhodes, Laberge RE: Brant Lake Dam

- Poul Carstensen RE: BTI Program

**Resolutions...**

**RESOLUTION #132-2019**

Councilperson Higgins and Councilperson Smith introduced Res. No. 132 and moved its adoption:

**RESOLUTION TO SET PUBLIC HEARING FOR 2020 CONTRACTS**

WHEREAS, monies have been appropriated in the 2020 Budget for contracts in the following amounts:

Emergency Service Provider	\$ 120,250.00
Horicon Historical Society	\$ 500.00
Senior Mini-Bus	\$ 5,120.00
North Warren Chamber of Commerce	\$ 16,500.00
Horicon Free Library	\$ 2,000.00
Horicon Senior Citizens	\$ 1,200.00
Chester-Horicon Health Center	\$ 6,000.00
Snowmobile Club	\$ 3,500.00
Horicon Volunteer Fire Company	\$ 225,000.00
Brant Lake Association (BL milfoil)	\$ 27,480.00
Warren County (SL milfoil)	\$ 12,838.17

NOW, THEREFORE BE IT RESOLVED, that a Notice of Public Hearing will be published stating that a hearing on the above-named contracts will be held on Thursday, December 19, 2019 at 7:00 PM at the Horicon Community Center.

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

**RESOLUTION #133-2019**

Councilperson Higgins and Councilperson Hill introduced Res. No. 133 and moved its adoption:

**RESOLUTION TO AUTHORIZE TRANSFER OF FUNDS**

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

	<b><u>From:</u></b>	<b><u>To:</u></b>	<b><u>Amount:</u></b>
<b>General Fund...</b>	A1990.4 (Conting.)	A1010.4 (Town Board Contr)	\$ 150.00
	A9060.8 (Health Ins.)	A1620.1 (Bldg Pers. Svc)	\$ 3,052.80
	A1990.4 (Conting.)	A7510.4 (Hist. Contr)	\$ 200.00
	A1990.4 (Conting.)	A7620.4 (Adult Rec Contr)	\$ 1,500.00
	A8010.2 (Zoning Equip)	A8010.4 (Zoning Contr)	\$ 500.00
	A7310.2 (Youth Equip)	A7310.4 (Youth Contr)	\$ 1,500.00
	A1620.4 (Bldg Contr)	A7310.4 (Youth Contr)	\$ 3,549.88
<b>Highway Fund...</b>	<b><u>From:</u></b>	<b><u>To:</u></b>	<b><u>Amount:</u></b>
	D9060.8 (Health Ins.)	D5110.1 (Gen Rpr Pers Svc)	\$ 19,479.84
	D5148.1 (SvcOthrGovt)	D5142.1 (Snow Rmvl Pers Svc)	\$ 41,204.31
	D5110.110 (Gen Rpr O/T)	D5142.110 (Snow Rmvl O/T)	\$ 2,974.02

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

**RESOLUTION #134-2019**

Councilperson Olson and Councilperson Smith introduced Res. No. 134 and moved its adoption:

**RESOLUTION TO SET ORGANIZATIONAL MEETING**

RESOLVED, that the Town Board of the Town of Horicon does hereby set the Organizational Meeting of the Town of Horicon for Thursday, January 2, 2020 at 3:00 pm.

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

**RESOLUTION #135-2019**

Councilperson Smith and Councilperson Higgins introduced Res. No. 135 and moved its adoption:

**RESOLUTION TO APPOINT PB MEMBER AND ADVERTISE FOR ALTERNATE**

RESOLVED, that the Town Board of the Town of Horicon, in light of the recent passing of Planning Board member Joe Turcotte, does hereby move current Planning Board Alternate Barb French up to the full Planning Board seat to complete that term which will expire on December 31, 2022, and be it further

RESOLVED, that the Town Board does hereby authorize the Clerk to advertise for a Planning Board Alternate.

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

**RESOLUTION #136-2019**

Councilperson Higgins and Councilperson Hill introduced Res. No. 136 and moved its adoption:

**RESOLUTION TO DECLARE HIGHWAY TRUCK AS SURPLUS**

RESOLVED, that the Town Board of the Town of Horicon does hereby declare the old 2011 Dodge Highway Pickup as surplus equipment and authorizes that it may be advertised and sold "as is".

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

**RESOLUTION #137-2019**

Councilperson Smith and Councilperson Higgins introduced Res. No. 137 and moved its adoption:

**RESOLUTION TO AUTHORIZE ATTENDANCE AT RURAL PLANNING & ZBA OVERVIEW**

RESOLVED, that the Town Board of the Town of Horicon does hereby authorize interested members of the Zoning and Planning Boards to attend the Rural Planning & ZBA Overview training at the Washington County Municipal Campus on December 9, 2019. There is no cost for the training, but members will be reimbursed for food and mileage.

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

**RESOLUTION #138-2019**

Councilperson Smith and Councilperson Olson introduced Res. No. 138 and moved its adoption:

**RESOLUTION TO AUTHORIZE ATTENDANCE AT AATV MEETING**

RESOLVED, that the Town Board of the Town of Horicon does hereby authorize Supervisor Simpson to attend the AATV Membership Meeting December 1-2, 2019 in Lake George. The cost is \$80.00 per person plus mileage.

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

**RESOLUTION #139-2019**

Councilperson Higgins and Councilperson Smith introduced Res. No. 139 and moved its adoption:

**RESOLUTION TO AUTHORIZE SUPERVISOR TO SIGN ESTOPPEL AND CONSENT**

RESOLVED, that the Town Board of the Town of Horicon does hereby authorize the Supervisor to sign the Estoppel and Consent Agreement for the sale of the Town of Horicon solar systems at the Community Center and the Highway Garage to SunLight General Capital.

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

**Committee Reports...**

*-Councilperson Smith reported on the following:*

-First Wilderness Committee met on October 29<sup>th</sup> to research and prioritize projects. Brandon Himoff, Committee Chair, will meet with the County for direction on funding.

-Interviews for the Town Justice position have been completed and she, along with Councilperson Olson, recommend Michael Geraci, Sr. for the position.

-Horicon was well represented at the ribbon cutting for the new Stewart's on November 8<sup>th</sup>.

-On November 11<sup>th</sup> she, Councilperson Olson, and Supervisor Simpson attended the Veteran's program in the Town of Chester.

-Interviews for Zoning Administrator are complete, but she and Councilperson Hill are still contacting references. They expect to have a recommendation at the December meeting.

-There will be a meeting on December 3<sup>rd</sup> with the Youth Commission, YMCA, herself, Supervisor Simpson, Supervisor Leggett, and Councilperson Karen Durose to make sure program resources are being used wisely.

-On December 13<sup>th</sup> there will be a Christmas luncheon for the Town employees at the Community Center.

*-Supervisor Simpson reported on the following:*

-Congratulations to Peter Palmer and Sylvia Smith on the election.

-The land bank constitutional amendment that was recently passed conflicts with multiple constitutional issues, therefore there are some implementation regulations that have to be resolved. This will be going to the legislature in early January and will hopefully be resolved. However, he noted that because the Middleton Bridge project was specifically named in the legislation the project can move forward and not be impacted by these issues.

***Old Business...***

***Town Justice:***

**RESOLUTION #140-2019**

Councilperson Smith and Councilperson Olson introduced Res. No. 140 and moved its adoption:

**RESOLUTION TO APPOINT MICHAEL N. GERACI, SR. AS TOWN JUSTICE AND AUTHORIZE TRAINING**

RESOLVED, that the Town Board of the Town of Horicon does hereby appoint Michael N. Geraci, Sr. as Horicon Town Justice through December 31, 2020, and be it further

RESOLVED, that this appointment will be effective January 1, 2020 after Mr. Geraci has completed the upcoming Taking the Bench training December 2-6, 2019.

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

***Town Septic / St. Theresa's:*** Supervisor Simpson said notice was sent to Mr. Kruz, owner of St. Theresa's church, stating his connection to the Town's septic will be disconnected on December 2<sup>nd</sup>. He said he has not heard back from Mr. Kruz so he will send another notice prior to the disconnect on December 2<sup>nd</sup>.

***1881 Union Church:*** Supervisor Simpson said the basement is dried out now. He explained the ground fault circuit tripped during the recent heavy rainfall and that is what caused the basement to flood. Councilperson Hill said the sump pump in the basement worked 24/7 for quite a few days in the basement. He said this water issue will need to be addressed in the spring. Supervisor Simpson said the contractor needs to fix one window for the County and then the project will be complete.

***New Business...***

***Brant Lake Flooding:*** Supervisor Simpson said the recent storm raised the lake level considerably and concerns have been expressed. He spoke with Don Rhodes, of Laberge, who told him the Town can do a study, which would cost approximately \$10,000 - \$15,000, to see what could be done. Supervisor Simpson said Laberge explained it is not a matter of just releasing more water as that would affect the lower dam as well as properties downstream. Supervisor Simpson said if changes are made to the dam it could change the dam classification back to a high hazard dam, require costly changes to the dam and the bridge, and make obtaining insurance coverage very difficult. He stressed there are bigger issues at stake and many things to take into consideration. Supervisor Simpson will ask Don Rhodes, from Laberge, to attend an upcoming meeting to discuss the situation and answer questions. The Board agreed this would be the best approach.

***Privilege of the Floor...***

-Peter Palmer said, in his opinion, the issue is not so much the flooding on the lake, it is the fact that the water just does not go down fast enough. He said the problem was created when the cement support piers were poured by the wing walls which narrowed the dam a foot, and this makes a big difference. Mr. Palmer said this has created a situation where the water takes weeks to drain down to a normal level. Supervisor Simpson explained that the 6" concrete piers were put in to support and protect the dam because the wing walls, which are owned by the County, were hollow. He added that based on the engineer's survey the additional 6" of concrete on each side of the wing walls only impacts the overall level of the lake by one inch. Supervisor Simpson noted that none of that was done without the engineer reviewing the impact on the lake. Mr. Palmer said something has to be done about this; there has to be other ways to let water out of the lake. Supervisor Simpson said there are other factors besides the width that are affecting the dam such as the velocity and the depth of the water. He noted it will be best to hear from the engineers.

***Adjourn...*** There being no further business to attend to the meeting was adjourned at 8:02 PM by MOTION of Councilperson Higgins and Councilperson Smith, all in favor.

Respectfully Submitted:

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Town Clerk