

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

**OCTOBER 19, 2017  
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: Assessor Christine Hayes, ZA Jim Steen, Tom Johansen, Pat Farrell, Chris South, Dan Freebern, Harold Berger, Tom Hutchins, Bill McGhie, Jim Hayes, Sarah Hayes, Gary Frenz, and others.

**Local Board of Health...**

A Motion was made by Councilperson Hill, 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.

**Public Hearing - Septic Variance at 248 E. Shore Dr, Adirondack / tax map #36.3-3-2 / Hughes**

-Tom Hutchins, Hutchins Engineering, said he modified the septic plans per Cedarwood Engineering's recommendations as follows: 1) include Schedule 80 PVC piping for installation of the tanks (although the tanks are not being installed in an area subject to regular vehicle traffic); and 2) the holding tank detail now indicates tank backfill shall be compacted in lifts of 12" to minimize potential settling around tanks and piping. ZA Steen said he has not received any comment from the neighbors. He said he is very satisfied with the proposed system as it is the best option available. Supervisor Simpson asked what, if any, alternatives there were. Mr. Hutchins said the alternative would have meant imposing on both the owner's well and the neighbor's well which would have required four different variances, therefore, he decided to go with the holding tanks.

There being no further comments the Public Hearing was closed at 7:06PM.

**RESOLUTION #135-2017**

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

**RESOLUTION TO GRANT VARIANCE FOR AN ALTERNATIVE SEPTIC SYSTEM AT 248 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 Hutchins Engineering (project #291203-01), and the \$100.00 variance fee, does hereby grant a variance for an alternative septic system at 248 East Shore Drive, Adirondack, NY (Tax Map #36.3-3-2) 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, Hill, Smith, Simpson) Nays: 0

**Septic Variance request at 211 E. Shore Dr, Adirondack / tax map #36.3-3-12.1 / Centofante:**

Harold Berger, P.E. explained the septic system proposal for 211 E. Shore Dr. in Adirondack. He said the proposed system will consist of one 1,500 gallon septic tank with a Presby absorption bed for a five bedroom home. Mr. Berger noted the design is in accordance with the NYSDOH handbook. He said the proposed absorption bed has a separation distance of 68' which does not meet the required 100' separation distance to the mean high water mark of the lake. Mr. Berger also noted soil modifications under the absorption bed will be needed to meet the necessary percolation rate. He added that they have met the 100' separation distance to the owner's well and the adjacent well. Councilperson Olson asked if the system is designed for a five bedroom home as proposed, and Mr. Berger said yes.

**RESOLUTION #136-2017**

Councilperson Olson and Councilperson Hill introduced Res. No. 136 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 Harold Berger, P.E. for a septic variance at 211 East Shore Drive in Adirondack complete, and does hereby set a Public Hearing for Tuesday, November 14, 2017 at 7:00 PM at the Horicon Community Center, pending review by Cedarwood Engineering.

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

A Motion was made by Councilperson Higgins, seconded by Councilperson Hill, to move back into regular session. The Board moved back into regular session at 7:14 PM.

**Regular Meeting...**

**Reports...** Supervisor, Town Clerk, Zoning, Justice, Assessor, and Historian

**Approval of Minutes...** Minutes of September 21 and October 11, 2017 were approved by Motion of Councilperson Olson and Councilperson Smith.

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

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

**RESOLUTION #137-2017**

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

**RESOLUTION TO AUTHORIZE PAYMENT OF OCTOBER 2017 ABSTRACTS**

RESOLVED, that the Town Board does hereby authorize the payment of the October 19, 2017 Vouchers and Abstracts as follows:

General Abstract	10	\$ 24,070.33
Highway Abstract	10	\$ 55,470.74
HA – Cap Project	10	\$ 8,348.39

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

**Correspondence to the Board...**

-Kevin Reeth RE: Request to change seasonal use classification on 900 feet of Bean Road

**Discussion on Correspondence:** Councilperson Olson said he spoke with both the Highway Superintendent and the Foreman, and they are not in favor of opening the 900-foot section of Bean Road citing numerous issues with the undertaking. Councilperson Olson said he understands the situation; it was fine as seasonal use while the Reeth's used the property for the past twenty-five years, but now it is a detriment to them in terms of selling their property. However, he does not feel the Town should take the road over for the sole benefit of the Mr. Reeth. It was noted that adjoining landowners are not in favor of the use change. The Board agreed they are not inclined to grant Mr. Reeth's request.

**Resolutions...**

**2018 Preliminary Budget Discussion:** The Board discussed two items in the proposed Preliminary Budget.

The first item discussed was the Highway Superintendent salary increase. Supervisor Simpson had initially proposed \$49,561 in the tentative Budget, and at the workshop meeting the Board agreed to increase it to \$51,000. Supervisor Simpson said he was in favor of the additional salary increase, however, in a salary comparison to other Towns he is now recommending the salary be set back at the original amount he proposed of \$49,561.00. Councilperson Olson said he put more thought into this after the workshop meeting and agrees with Supervisor Simpson. Supervisor Simpson stressed this is by no means a reflection on HS Granger's job performance. The Board agreed to set the salary back to the \$49,561.

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Second up for discussion was the BTI Program. Supervisor Simpson said the one-year contract would be \$19,900, and the three-year contract would be \$19,500 per year. Councilperson Olson asked if there is an escape clause in the three-year contract. Supervisor Simpson said the contract references arbitration in the event of a dispute. Counselor Schachner said this does not constitute a termination clause, and added he never recommends arbitration. Supervisor Simpson said the Board has the option to revise the contract. Councilperson Hill said there is no way for the Board to know if the work has been done. Councilperson Higgins said he is not in favor of the program unless it is done properly. He said he is against spending \$20,000 for BTI when there are projects that need attention like the Community Center roof and driveway, the garage roof, the Town roads, and other maintenance projects that are not getting done. Councilperson Smith expressed concern over the Board's inability to make sure the program is done properly, and asked if Ms. Vanselow could be required to submit a treatment map. Councilperson Olson said the quality control is up to the Board, and he feels it is a worthwhile program. Councilperson Higgins reminded the Board they have been through this before and there is no way to follow up. Councilperson Smith said she would like to know how the Board plans to follow-up and there was no response.

**Motion made by Councilperson Olson, seconded by Supervisor Simpson, to sign a three-year contract for BTI amended to include an escape clause, removal of the arbitration clause, and a treatment map.**

**Roll call: Ayes: 2 (Olson, Simpson) Nays: 3 (Higgins, Hill, Smith)**

**Motion failed.**

The following Resolution was passed with one change being noted. Highway Superintendent salary will be changed from \$51,000 to \$49,561.

**RESOLUTION #138-2017**

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

**RESOLUTION TO ADOPT BUDGET 2018 PRELIMINARY BUDGET AND SET PUBLIC HEARING**

WHEREAS, the Budget Officer has prepared a tentative budget for the Town of Horicon for 2018 and said Budget has been reviewed by the Town Board and certain changes have been made, NOW, THEREFORE BE IT

RESOLVED, that the Town Board of the Town of Horicon does hereby adopt the tentative Budget as the Preliminary Budget for 2018. BE IT FURTHER

RESOLVED, that the Town Board does hereby set a public hearing for said Budget on Thursday, October 26, 2017 at 7:00 PM at the Horicon Community Center.

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

**RESOLUTION #139-2017**

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

**RESOLUTION TO SET A PUBLIC HEARING FOR THE PROPOSED AMENDMENT TO THE LOCAL LAW REGARDING THE COLD WAR VETERANS EXEMPTION**

RESOLVED, that the Town Board of the Town of Horicon does hereby set a Public Hearing regarding the proposed amendment to the Local Law to continue to provide the Cold War Veteran's property tax exemption without regard to the previous ten-year limitation. The Public Hearing is set for Thursday, October 26, 2017 at 7:00 P.M. All those wishing to attend will be heard.

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

**RESOLUTION #140-2017**

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

**RESOLUTION TO AMEND BUDGET**

RESOLVED, that the Town Board of the Town of Horicon does hereby authorize the Bookkeeper to make the following Budget amendment in the Highway Fund to reduce the unexpended fund balance and increase expenditures in the amount of \$110,195.56 to fund the Ernest Smith Road bridge project:

Debit	DA599	Unappropriated Fund Balance	\$ 110,195.56
Credit	D5120.400	Bridges-Contractual	\$ 110,195.56

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

**RESOLUTION #141-2017**

Councilperson Higgins and Councilperson Olson introduced Res. No. 141 and moved its adoption:

**RESOLUTION TO CHANGE DATE OF NOVEMBER 2017 MEETING**

RESOLVED, that the Town Board of the Town of Horicon does hereby change the date of the November Town Board meeting from November 16<sup>th</sup> to **November 14<sup>th</sup>** at 7:00 pm.

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

**Committee Reports...**

-Councilperson Sylvia Smith said the new furnace has been installed at the Heintzelman Library, and the only two items left to be done are the fuel tank pad and the handicap ramp. She said Margaret Holmes met with Tom Williams on the website, and the goal is to have the new site up by the end of November. Councilperson Smith said she has received numerous phone calls and comments regarding the great job the Beautification crew has done with the grounds. She has also received positive feedback on the Landfill employees. She said the Library will now require people wanting to use the computers to sign-in and to provide ID. Lastly, Councilperson Smith said Sarah Hayes has invited the Board members to participate in Trunk or Treat.

-Supervisor Simpson said he has been very busy at the County. He said he has also been working to promote Budget Amendment #3 regarding the Land Bank. He said the Middleton Bridge project is one of the easiest examples of the importance of this amendment which will be on the ballot in November.

-Gary Frenz, NWEMS, said the Squad made fifty-four runs in September; thirty-two were in Chester and sixteen were in Horicon.

**Old Business...**

**ZBA Member:** Councilperson Olson said he and ZBA Chair Cheryl Erickson interviewed candidates for the ZBA Alternate and they recommend Mary Probst for the first alternate seat on the ZBA.

**Motion made by Councilperson Olson, seconded by Councilperson Smith, to appoint Mary Probst to the vacant seat of ZBA First Alternate for a term that will expire on December 31, 2020.**

There was further discussion as to whether Ms. Probst meets the residency requirement to serve on the ZBA. Counselor Schachner explained the complicated issue of what constitutes residency. Councilperson Olson said he will research this further. **Councilperson Olson and Councilperson Smith withdrew their Motion.**

**New Business...** None

**Privilege of the Floor...**

-Dan Freebern asked if anything has been decided on the attendance requirement for the Planning and Zoning Boards. Councilperson Olson said he is working on this. Mr. Freebern also asked if the Town is doing anything with economic development like the Town of Chester is working on. Tom Johansen said the NW Chamber is working with the Town of Chester on this, and will be in contact with the Town of Horicon. He said the plan is to encompass all of North Warren.

**Adjourn...** There being no further business to attend to the meeting was adjourned at 7:55 PM by MOTION of Councilperson Higgins and Councilperson Olson, all in favor.

Respectfully Submitted:

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Town Clerk