

**HORICON TOWN BOARD**  
**REGULAR MEETING & PUBLIC HEARING (Septic Variance)**

**AUGUST 18, 2016**  
**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: Assessor Christine Hayes, ZA Jim Steen, Bill McGhie, Tom Johansen, Gary Frenz, John Donovan, Bob Smith, Bret Winchip, Zack Monroe, Rich Nawrot, Mr. and Mrs. Dermody, Mr. and Mrs. McDonald, Brandon Himoff, Joyce Greenidge, and Joan Johnson.

Supervisor Simpson opened the meeting at 7:00pm.

**Local Board of Health...**

A Motion was made by Councilperson Olson, seconded by Councilperson Higgins, to go into session as the Local Board of Health regarding septic variances. The Board moved into session as **Local Board of Health** at 7:00 PM and Supervisor Simpson opened the Public Hearing.

**Public Hearing for Septic Variance at 580 East Shore Dr. / tax map #19.4-2-12 / Dermody**

Zack Monroe, Bret Winchip Engineering, reviewed the proposed septic and the variances they are seeking. ZA Steen noted the neighboring property owners have indicated they have no issues with the septic variance request. Councilperson Olson asked several questions regarding the plan. He then suggested the proposal be referred to Cedarwood Engineering for their opinion; Councilperson Hill said he supports this recommendation.

Bill McGhie asked how big a tank the property owner plans on putting in, and asked if there may be a more efficient option such as a Norweco. ZA Steen said based on the specifics a Norweco system would not be necessary, the proposed system would be sufficient.

**RESOLUTION #121-2016**

Councilperson Olson and Councilperson Hill introduced Res. No. 121 and moved its adoption:

**RESOLUTION TO REFER TO CEDARWOOD ENGINEERING**

RESOLVED, that the Town Board of the Town of Horicon does require an additional review by Cedarwood Engineering of the project being proposed at 580 East Shore Dr. The Board requests the report from Cedarwood Engineering be submitted to them prior to the September 15<sup>th</sup> Town Board meeting. This is to be done at the expense of the project sponsor.

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

Motion made by Councilperson Olson, seconded by Councilperson Higgins, to close the Public Hearing. The Public Hearing was closed at 7:15pm

**Request for septic variance at 3573 East Schroon River Rd / tax map #70.15-1-15 / McDonald**

ZA Steen gave the Board a brief history of the project at 3573 East Schroon River Rd and noted there is currently a hardship due to the circumstances. In light of this, ZA Steen asked the Board to consider expediting the process by deeming the application complete pending receipt of an accurate survey showing accurate separation distances prior to the Public Hearing. ZA Steen noted this does require seventeen different variances, and what is being proposed is an Aerobic Treatment Unit with an Eljen Bed System which adds more protection. He said Mr. McDonald has already agreed to reimburse the Town for the referral to Cedarwood. The Board will set the Public Hearing, and in the meantime, refer the application to Cedarwood Engineering for review prior to the Public Hearing pending receipt of the necessary site plan.

**RESOLUTION #122-2016**

Councilperson Olson and Councilperson Higgins introduced Res. No. 122 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 Mike and Lynn McDonald for a septic variance at 3573 East Schroon River Rd complete pending receipt of a site survey and revised site plan. The Board does require an additional review of the project by Cedarwood Engineering, to be done at the expense of the project sponsor, and requests the report from Cedarwood Engineering be submitted to the Board prior to the September 15<sup>th</sup> meeting, be it further

RESOLVED, that the Board does hereby set a Public Hearing for Thursday, September 15, 2016 at 7:00PM at the Horicon Community Center pending receipt of all necessary documents and review by Cedarwood Engineering. Ayes: 5 (Olson, Higgins, Smith, Hill, Simpson) Nays: 0

A Motion was made by Councilperson Olson, seconded by Councilperson Higgins, to move back into regular session. The Board moved back into regular session at 7:25PM.

**Reports:** Supervisor, Town Clerk, Zoning, Justice, Assessor

**Approval of Minutes:** Minutes of July 21, 2016 were approved by Motion of Councilperson Higgins and Councilperson Olson.

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

**Approval of Vouchers and Abstracts:**

**RESOLUTION #123-2016**

Councilperson Olson and Councilperson Hill introduced Res. No. 123 and moved its adoption:

**RESOLUTION TO AUTHORIZE PAYMENT OF AUGUST 2016 ABSTRACTS**

RESOLVED, that the Town Board does hereby authorize the payment of the August 18, 2016 Vouchers and Abstracts as follows:

General Abstract	8	\$ 85,680.67
Highway Abstract	8	\$ 71,657.94

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

**Correspondence to the Board...**

-Gary Scidmore RE: Letter of resignation as Town of Horicon Health Officer  
-Mark Lustick RE: Letter commending Kevin Kilcullen for his expertise and professional manner  
-Bob Lewit RE: Inadequate Landfill hours for summer months  
-Tri-Lakes RE: OCC Tax final report for Woofstock event  
-Sue and Kevin Kilgallon RE: Letter commending Jim Steen for all of his help

**Resolutions...**

**RESOLUTION #124-2016**

Councilperson Higgins and Councilperson Olson introduced Res. No. 124 and moved its adoption:

**RESOLUTION TO AUTHORIZE THE TRANSFER FUNDS**

RESOLVED, that the Horicon Town Board 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>
<i>General:</i>		
8810.4 (Cem-Contr)	8510.4 (Beaut-Contr)	\$ 3,500.00
9060.8 (Health)	6772.4 (Prog Age)	\$ 1,350.08
1990.4 (Conting)	7510.4 (Hist Contr)	\$ 209.97
1990.4 (Conting)	7310.4 (Youth-Contr)	\$ 2,000.00

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

**RESOLUTION #125-2016**

Councilperson Smith and Councilperson Olson introduced Res. No. 125 and moved its adoption:

**RESOLUTION TO AUTHORIZE ASSESSOR AND CLERK TO ATTEND NYSAA CONFERENCE**

RESOLVED, that the Town Board of the Town of Horicon does hereby authorize Assessor Christine Hayes and Assessor Clerk Becky Ross to attend the NYSAA Fall Conference September 18-22, 2016 in Lake George. The cost for Christine Hayes will be \$325.00 plus reimbursement for lunch and mileage; the Town of Bolton will cover 50% of the cost for Assessor Christine Hayes. The cost for Becky Ross will be \$375.00 plus reimbursement for lunch and mileage.

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

**RESOLUTION #126-2016**

Councilperson Olson and Councilperson Higgins introduced Res. No. 126 and moved its adoption:

**RESOLUTION TO AUTHORIZE INTERMUNICIPAL AGREEMENT FOR VACUUM EXCAVATOR USE**

RESOLVED, that the Horicon Town Board does hereby authorize Supervisor Simpson to sign the Intermunicipal Agreement with Warren County for the use of the vacuum excavator on stormwater management projects or emergencies.

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

**Committee Reports:**

-Gary Frenz updated the Board on the NW Emergency Squad. He noted there are a few problems but he, Supervisor Simpson, Bob Olson, and the Town of Chester Supervisor are working to resolve them.

-Councilperson Smith said the Town currently has no buildings on the National Historical Registry, but the Town can request the Heintzelman Library be considered for placement on the registry. She explained the Warren County Historian has agreed to help the Town move forward with the process if the Board is agreeable. The Board agreed to move forward with this. Councilperson Smith noted that the repairs currently needed on the building must be done in stone or there will be no chance of it making the National Registry. Councilperson Olson said he has contacted three stone masons asking for quotes to repair the building to the way it was. He has received one proposal so far.

Councilperson Smith explained the survey stakes on the left side of the driveway in Underwood Cemetery are missing and asked if the surveyor could be contacted to replace them. The Board agreed this should be done.

**RESOLUTION #127-2016**

Councilperson Olson and Councilperson Smith introduced Res. No. 127 and moved its adoption:

**RESOLUTION TO EXPEND CEMETERY FUNDS**

RESOLVED, that the Town Board of the Town of Horicon does hereby authorize the replacement of the missing survey stakes in Underwood Cemetery and the funds are to be taken from the Cemetery Maintenance account.

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

Councilperson Smith commended all the work that has been done on Beautification. On this topic, Supervisor Simpson explained there is grant money available to do a grant erosion project which would beautify approximately 150 ft along Market Street. He explained this would delay the playground project until spring, but the grant money is only available through the end of the year. He currently has Warren County Soil and Water working on the permit for this. Councilperson Higgins said he feels this is a good idea, but the playground needs to get done; it keeps getting pushed out but it needs to be a priority. Councilperson Smith said she would like to see both projects done now. She noted that new equipment is also needed for the playgrounds so if it is not going to get done now, then the Board needs to have a plan in place to get it done in the spring. Comments from the Board members indicated it is feasible to do both projects now.

**HORICON TOWN BOARD**  
**REGULAR MEETING & PUBLIC HEARING (Septic Variance)**

**AUGUST 18, 2016**  
**7:00 PM**

Lastly, Councilperson Smith said she and Supervisor Simpson met with the Library Trustees and a representative from SALS on how things need to be handled. She said there will be more information to come.

-Councilperson Hill said he has spoken to Cindy Hilton about putting the Brant Lake sign on her property. The new lawnmower will be delivered tomorrow, and the older one is now in need of repair. He has contacted four people for quotes on seal coating and one has replied. Councilperson Hill told the Board that the individual responsible for damaging the light pole behind the Community Center was told by the Court she would have to make restitution. He also said he has had no response from the individual he contacted to repair the tennis courts.

-Councilperson Olson said the Landfill loader bucket has been repaired at a cost of \$670.00. He noted the roof at the Heintzelman Library has been shored up temporarily until it can be repaired. Lastly, he said work on Duell Hill road is going well and paving is expected to be done in a couple of weeks.

-Supervisor Simpson said he has been in contact with Ed Bartholomew and the Department of State to try and figure out when the foundation on the Union Church can be done.

**Old Business:**

**New Proposed Zoning Law:** Supervisor Simpson explained the Public Hearing for the proposed Zoning Law was held on August 16<sup>th</sup>, and now the Board needs to complete the Full Environmental Assessment Form part 2. The Clerk read the eighteen questions aloud and the Board responded 'no' to all eighteen questions.

**RESOLUTION #128-2016**

Councilperson Olson and Councilperson Higgins introduced Res. No. 128 and moved its adoption:

**RESOLUTION OF SEQRA NEGATIVE DECLARATION FOR REVISED TOWN ZONING LAW**

WHEREAS, the Town Board has created a revised Town of Horicon Zoning Law; and  
WHEREAS, Public Hearings were conducted on July 7TH and August 16TH to review the proposed revised Zoning Law including the addition of "group camp" as a Conditional Use in the R-1 Zoning District; and  
WHEREAS, the Town Board also decided to further amend the new Zoning Law by revising the proposed commercial boat storage regulations; and  
WHEREAS, the Town Board wishes to obtain Adirondack Park Agency approval of the new Zoning Law in order to maintain our APA-approved Local Land Use Plan; and  
WHEREAS, the Town Board prepared Part 1 of the State Environmental Quality Review Act ("SEQRA") Full Environmental Assessment Form ("EAF") and was duly designated as Lead Agency for review of the amended Zoning Law under SEQRA; and  
WHEREAS, the Town Board has reviewed and fully considered the proposed revised Zoning Law and Part 1 of the EAF and has completed Parts 2 and 3 of the EAF; NOW, THEREFORE, BE IT  
RESOLVED, that the Town Board hereby finds that adoption of the revised Zoning Law will not have a significant adverse impact on the environment and authorizes the filing of the completed EAF as the SEQRA Negative Declaration – Notice of Determination of Non-Significance; and be it  
FURTHER RESOLVED, that the Town Board hereby reaffirms its acceptance of the amended Zoning Law including the revisions relating to group camps and commercial boat storage and its authorization to refer the amended Zoning Law to the APA for its formal review; and be it  
FURTHER RESOLVED, that the Town Supervisor, Town Clerk, Town Zoning Officer and Town Counsel are hereby authorized and directed to take any and all further action as necessary to effectuate the intent of this Resolution.

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

**EZ Marine Lease:** Councilperson Olson said he met with Bernie Hill, EZ Marine, and told him the Town Highway needs to use the property he leases from the Town. He said in light of this the Town wishes to terminate the lease and it will be necessary for Mr. Hill to move the boats from the property. Councilperson Olson explained

**HORICON TOWN BOARD  
REGULAR MEETING & PUBLIC HEARING (Septic Variance)**

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to Mr. Hill the lease could be terminated in thirty days, and he said Mr. Hill expressed concern that he would be able to remove the boats that fast. There was discussion on the matter and the Board agreed to send a letter to Mr. Hill advising the lease will be terminated, no more boats are to be brought onto the property, and any remaining boats must be removed by September 30, 2016.

Septic at St. Theresa's: Supervisor Simpson said he and Councilperson Hill spoke to Ed Ragule, owner of St. Theresa's, and advised him that the Town will require an annual contract and an annual fee for use of the septic. They explained this was to have been done originally with the previous owner but it was not; Mr. Ragule understood and is agreeable to this. The Board agreed the annual fee will be \$20.00 per month. Supervisor Simpson said Town Counsel will draft the contract. Supervisor Simpson noted going that forward the contract will only be with the current owner for current use; if there are any changes in either the contract will be reviewed at that time.

**New Business:**

Town Health Officer: Supervisor Simpson noted Gary Scidmore has resigned as Town Health Officer and the Board needs to appoint a replacement. He said he spoke to Lyn Keil who said she would be interested in the position, and he asked the Board if they would like to appoint Ms. Keil. Councilperson Smith said she feels Ms. Keil should be interviewed before making an appointment. The Board agreed Councilperson Smith and Councilperson Olson will meet with Ms. Keil.

**Privilege of the Floor:**

-Brandon Himoff asked if the ends of the new fence at the beach would be damaged by the ice when the pond freezes. The consensus was it would not be a problem.

-Rich Nawrot asked if the Town would beautify the new sign in Adirondack. He said if the town would provide materials and equipment he has volunteers that will do the work. Supervisor Simpson said there is Occupancy Tax money available and Councilperson Smith will work on this.

**ADJOURN...** There being no further business to attend to the meeting was adjourned at 8:35 PM by MOTION of Councilperson Higgins and Councilperson Hill, all in favor.

Respectfully Submitted:

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Town Clerk