

BOLTON TOWN BOARD

Call To Order: 7:00pm

October 4, 2011

Pledge: Councilmember Owen Maranville

Regular Meeting

Supervisor: Ronald Conover
Councilman: Robert MacEwan
Councilman: Owen Maranville
Councilmember: Deanne Rehm
Town Clerk: Patricia Steele
Counsel: Michael Muller

Minutes: Approve minutes of Regular Meeting held September 6, 2011.

Supervisor Conover stated that he would like to amend the minutes to reflect in the Supervisor's Report under the hurricane response in which he thanked everyone, he would like to specifically note the Bolton Volunteer Firemen and Rescue Squad, DPW and Parks Department and Bolton Police.

RESOLUTION #180

Councilmember Rehm moved, seconded by Councilman Maranville to approve the minutes of the Regular Meeting held September 6, 2011 as amended. All in Favor. Motion Carried.

Public Hearings:

Motion to Convene as Town of Bolton Board of Health

RESOLUTION #181

Councilmember Rehm moved, seconded by Councilman Maranville to convene as Town Board of Health. All in Favor. Motion Carried.

- Variance application by Charles and Patricia Hensler, 1819 East Schroon River Road, Public Hearing regarding, Parcel ID#156.16-1-21 – Pioneer Village Lot #33 (tabled September 6, 2011).
- 1. Section 3.020 General Standards: C – Variance request to lot size from 20,000 square feet to 16,640 to allow onsite sewage disposal system.
- 2. Section 3.030 Table 1, Footnote (b) Sewage disposal systems located of necessity upgrade in the general path of drainage to a well should be spaced 200 feet or more – proposed new well is 150 feet from adjacent upslope septic system.

Carl Schoder thanked the Board for tabling the application last month since he was unable to attend. The reasons for the variance are: 1) the lot is only 16,640 square feet which is undersized for a waste water treatment system without a variance, and 2) the potable water well would be somewhat down slope of an existing system on the other side of the roadway. Carl Schoder

stated that the purpose is not to construct a waste water treatment system or develop this lot immediately. However, the applicants may choose to do so or to sell this lot and without these variances the lot would be considered unbuildable. They have submitted a plan that does show that the systems are possible and the lot is buildable. The proposed project is consistent with neighboring lots who are also under the required 20,000 sq. ft and they have on-site waste water treatment systems and wells.

Carl Schoder stated that the system design is a shallow trench system with a geo-tech style sand filter type of approach, which is the standard system under the NYS DOH regulations. The system was designed for a 3 bedroom house, which is consistent with the neighboring properties.

Carl Schoder stated that the design was looked at by the Town Engineer and there were a few questions raised. Since there is no house design at this time, the Town Engineer indicated that he would like to have site plan review required. Carl Schoder stated that they have noted that on the plan. The Town Engineer also required that to mitigate the 150' separation between the waste water and well systems, an ultraviolet light disinfection system be installed for the potable water well at the time it is constructed. Carl Schoder stated that they are in complete agreement with this as well. The Town Engineer submitted a letter of approval on August 22, 2011.

Councilmember Rehm stated that she recalls when this area was developed and they had a community well; she asked if that was only seasonal. Carl Schoder replied that there is a pipe in place but it is only seasonal. He is not sure if anyone is using it now, but it is not sufficient for year round use and would only be usable in the summer months.

Councilmember Rehm stated that they have seen these Elgin Systems in the past and asked if they have any additional maintenance that they need to concern themselves with. Carl Schoder replied no, it will require the same as a conventional system. They will need to be sure that the tank is pumped out regularly. They also have indicated a required effluent filter in the tank, so there would be maintenance to clean out that filter as well. Councilmember Rehm asked if they should require a maintenance plan. Carl Schoder replied no it is not necessary with this type of system.

There were no comments from the public in attendance. Supervisor Conover closed the public hearing.

- Resolution regarding SEQRA

Supervisor Conover reviewed the SEQRA short form as follows:

Could action result in any adverse effects associated with the following:

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problem?

No.

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or

community or neighborhood character? No.

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? No.

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? No.

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? No.

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? No.

C7. Other impacts (including changes in use of either quantity or type of energy)? No.

D. Will the project have an impact on the environmental characteristics that caused the establishment of critical environmental area? No.

E. Is there, or is there likely to be, controversy related to potential adverse environmental impacts? No.

RESOLUTION #182

Councilmember Rehm moved, seconded by Councilman MacEwan to approve SEQRA for the Charles and Patricia Hensler as it does not represent any significant or negative environmental impacts. All in Favor. Motion Carried.

- Resolution Regarding Variance Request

RESOLUTION #183

The Town of Bolton Board of Health received an application from Charles and Patricia Hensler, Parcel ID#156.16-1-21 – Pioneer Village Lot #33, for an area variance as described above.

And, due to notice of the public hearing of the Board of Health at which time the application was to be considered having been given;

And, after reviewing the application and supporting documents of the same, and public comment being heard regarding the application;

This Board makes the following findings of fact:

The Board makes the following conclusions of law:

- 1) The benefit could not be achieved by any other means feasible to the applicant besides an area variance;
- 2) There will be no undesirable change in the neighborhood character or to nearby

properties,

- 3) The request is not substantial;
- 4) The request will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district;
- 5) The alleged difficulty is not self-created,

The benefit to the applicant is not outweighed by the potential detriment to health, safety and welfare of the community.

Now, upon motion duly made by Councilmember Rehm and seconded by Councilman MacEwan, it is resolved that the Town of Bolton Board of Health does hereby approve the variance request as presented with the following conditions: 1) that site plan review is required prior to any construction and 2) an ultraviolet treatment of the potable water is required. **All in Favor. Motion Carried.**

Motion to Reconvene as Town Board

RESOLUTION #184

Councilman MacEwan moved, seconded by Councilman Maranville to reconvene as the Town Board. All in Favor. Motion Carried.

Public in Attendance:

Carl Schoder, P.E. Schoder River Associates regarding emergency work at the Sewer Plant Trickling Filter Building required prior to winter. The existing roof on the structure is severely compromised. He feels that failure of the roof system is very probable and would occur under any snow load that they may see in the future. After some discussions, they found that this roof system should really go away for several reasons. The roof has been acting as a blanket over the filter and has not allowed the system to work efficiently. They are suggesting putting a cover over the filter section while leaving the air intakes outside of that so they can have better air flow. These covers are not new concepts, they are geodesic dome roof systems that allow access into the filter for maintenance but also water tight and reasonably air tight covering over the filter. The domes are typically built out of aluminum with stainless steel fasteners. They have an internal tension ring around the periphery. He discussed the options for access into the structure; either a dormer in the dome or to build a wall with a door. They prefer this method to provide a better air circulation drafting up and through the roof. It would also not interfere with the tension ring and the cost would almost be a wash.

Carl Schoder stated that there are a few distributors of this type of product locally and some out of state. He stated that it is imperative to get this roof off the filter because if it falls down they will lose the ability to run the clarifier which will create an excess in their level of contaminants and the performance of the treatment plant will be severely compromised. They are recommending that they will need to go out to several vendors to be able to get some prices and do this work under an emergency basis.

Carl Schoder stated that the demolition, purchase and installation of the filter are anticipated to fall under the separate contracts. However, they may all be done by the same firm. He stated that they have gone out to bid on the demolition and they are due this Friday. By the end of this week, they will have a package to go out to the vendors for the filter cover itself. He would anticipate a short pricing period since most are already aware of what they are looking for. Once they have some prices he would suggest moving quickly because there is an 8-10 week fabrication period. They hope to have the project completed by mid January, which is not ideal but they will try to compress this time as best as possible. He stated that it is difficult because they are trying to cover a 55' diameter area. Carl Schoder stated that if they get caught toward the end of this process and are dealing with freeze up conditions they may have to take the clarifier out of service. He has contacted the DEC, who recognize their pressing condition and recognize that even if they were to turn off the clarifier for several days it would be a better alternative. Carl Schoder stated that they have several strategies that they can exercise, such as limiting the amount of flow from any of the orifices.

With regard to cost, Carl Schoder stated that it varies between firms. The good news is that structurally they will not have to do any modifications to the walls to support the dome. The cost will come from the demolition, purchase and installation. They will also need to pay for an electrical and mechanical package to put new ventilators on the roof and lights in the amount of \$15,000-20,000. This will also require a leveling of the area. The total varies from \$140,000-170,000 for the purchase and installation. He is not sure what the price will be for the demolition and will be dependent upon the contractor's approach because they will have to be delicate in their removal so not to drop anything into the filter. Lastly they will have engineering fees as well.

Supervisor Conover thanked Carl Schoder and his consultants for acting so quickly with their services. He stated that the good news is that they will see improvement in the operation of the trickling filter as a result of this improvement. Carl Schoder stated that they should see a significant improvement once this filter is able to act in a truly aerobic mode. It is being stifled with the current roofing system, this will optimize the function by providing more air flow. He stated that the consultants have recommended doing an evaluation on other portions of the plant and making suggestions for other improvements. Carl Schoder stated that this is relatively a small cost and suggested that the Town strongly consider this recommendation.

Pat Babe, Director of the Bolton Historical Museum, provided some information regarding the current events of the Museum and their plans for the future. She thanked the Town for their financial support of the historical society, they probably would not be able to continue to operate without it. She stated that she has been the Director since 1996 and she has kept a record of attendance and donations since then. Generally their attendance and donations have been trending upward. This year they have 3,886 visitors but they still have Columbus weekend ahead so they should break 4,000 attendees this year. With regard to donations, they have both regular and building fund donations.

Pat Babe stated that they do get guests from all over the world as well as locally. They have been compared to a smaller Adirondack Museum from Blue Mountain Lake, which is a big compliment. Annually they sponsor or co-sponsor many events such as: the opening day reception on Memorial Day weekend, hosting the Fourth Grade students from BCS attend every fall as part of their NYS History unit, several cemetery walks, revolutionary war re-enactors and a antique road show/appraisal day, Lincoln re-enactor, RPI lectures all summer long, 2-3 historic cruises on the Indian Pipes, and a cemetery clean-up. This fall they plan to have a program called Para-normal Activity at the Bolton Historical Museum. This will be put on by Other World Investigators, who are 2 women from Warrensburg area and have done a lot of para-normal investigations of historical buildings.

Pat Babe stated that they get a lot of artifacts and pieces donated every year. The museum has a lot of Town participation. They have about 30 volunteers that work in the museum to help keep it open at night.

Ed Schieber, President of the Bolton Historical Society, again thanked the Town for their generous financial support, without that they would not be able to survive. They have submitted their budget for this year and is basically the same as in the past. As Pat Babe indicated their visitations and donations are all up. They have recently obtained mailing labels from the tax rolls from the County which has helped them reach so many more community members. The return based on that has been tremendous.

Ed Schieber stated that they have Ed Sheridan doing the books now and they are up to par with the help of Becky Herrick. They went through a difficult time where they were not keeping the books properly and Ed Sheridan has really helped them get back on track.

Ed Scheiber stated that they have been putting their historical markers all around town and the most recent was the one at the Sagamore which they were very excited about. They have one more sign, which is not a historical marker, but will go on the north boundary of Town to show that you are entering or leaving Bolton.

Ed Schieber stated that there are some issues with the museum structure. The front steps and railings really need to be addressed. Additionally, in the summer they had an odor coming from the back of the building which they believe comes from the sewer line from the bathrooms. Supervisor Conover stated that the line goes behind them and under the Library. Ed Scheiber stated that a few years ago he had met with some architects to discuss enlarging the building because they are hurting for space. They often have to turn down pieces that are being offered because they do not have the room. The plan was to expand the back of the building, create a meeting room and a loft which would provide storage. The plan also included upgrading the current structure. After several iterations of that plan they found that it would cost \$650,000-800,000. They have gone about fundraising for the past several years. However, due to the economy the donations were not keeping up in order to go through with this plan. Ed Scheiber stated that they are going to Plan B. Ruben Caldwell, who is an engineer, has agreed to come up

with a new design. They would like to put a structure behind the current building, smaller than what was proposed, but will give them open space for better displays. They will be meeting with him later this month to discuss their options. Ed Scheiber stated that they would like the Town to look at some of the structural issues for them.

Ed Scheiber stated that Buck Bryan met with him last night and asked for the Historical Society to take over the Veterans Memorial. He stated that they have agreed to take on that responsibility because they feel it is a natural fit for the museum. Buck Bryan is putting together information regarding the procedures.

Barry Kincaid, thanked Chris Gabriels for designing the new dock for the Conservation Club. At the fall festival the dock got a lot of use. He put a lot of thought and design into it and he wanted to thank him for his dedication and donation of putting it together.

Correspondence:

- David E. Mattison, Nortrax regarding purchase of 2011 John Deere 624K, 3.5 cubic yard bucket loader on State Bid Contract for \$55,829.
- Amy Drexel, Warren County OES regarding application for emergency loans as a result of storm damage.
- Gerald D. Jennings, Mayor, City of Albany regarding meeting to discuss NYSERDA grants for new regional initiatives under the Cleaner Greener Communities Program.
- Elizabeth M. Lowe, Regional Director – DEC Region 5 response to receipt of Bolton Resolution NO. 173 supporting Warren County's Request for Federal and State priority funding for eradication of Asian clams.
- Dylan Walrath, NYS DEC regarding Smart Growth Grant Contracts and contract requirements.
- Willie Bea McDonald request to use \$3,000 in unexpended 2011 fireworks occupancy tax funding for the purchase of Christmas decorations to replace broken ones for the 2011 season.
- Gail Street request to use Rogers Park for Craft Fair on May 26-27, July 7-8, August 11- 12, September 1-2 and October 6-7 (setup on Friday).
- Joseph J. Martens on behalf of Governor Cuomo congratulating Bolton on our successful application through the Adirondack Park Community Smart Growth Grant Program.
- Christopher Navitsky, PE, Lake George Waterkeeper regarding North Country Stormwater Trade Show and Conference to be held October 20, 2011 at the Queensbury Hotel, Glens Falls, NY and offering two fully-paid registrations of \$60 each.
- Carl B. Schoder, PE, Schoder Rivers Associates regarding condition of trickling filter building and the need to remove it and cover filter prior to winter.
- John Mucha, Time Warner Cable regarding program service changes scheduled to take place in our service area.
- Bernard and Shirley E. Russell regarding renewal application for liquor license for Hometown Diner Route 9N, Bolton, NY 12814.
- Richard E. Weber III, Adirondack Park Agency regarding receipt of application for Asian clam eradication for Norowal Marina/South Sawmill area.

- Judith Wilkes, 415 Riverbank Rd. regarding junk car for sale at 416 Riverbank Road.
- Marie Lopez, U.S. Department of Labor regarding visit to review employee wage and hourly time sheets.
- Terry Martino, Executive Director, Adirondack Park Agency regarding elimination of the need for APA permits for response activities necessary to mitigate imminent threats.
- Ed Bartholomew, Director, Office of Economic Development, regarding the Adirondack Gateway Council and Bolton membership and support.
- Richard F. Laberge, P.E., Laberge Group letter of introduction regarding assistance with receipt of assistance.
- David Decker, Lake George Watershed Coalition regarding application for EPF funding.
- Aaron Ziemann, Adirondack Park Agency regarding need to record permit with County Clerk's Office.
- Honorable Harry Demarest, Town Justice, thank you letter for plaque and 25 year recognition.
- William G. Bostic, Jr. Associate Director for Economic Programs, U.S. Census regarding Government Units Survey, the first phase of the 2011 Census of Governments.
- Richard Weber, Deputy Director, APA regarding permit application for subdivision of land by the Lake George Land Conservancy along Padanarum Road, Bolton.
- Receipt of the tentative 2012 budget from the Supervisor, tentative budget was filed with the Town Clerk and distributed to the Board on September 29, 2011.
- Bolton Chamber regarding use of Town Hall Parking lot for sales during the Town Wide Garage Sale for October 8 and 9, 2011.
- Letter from Bob Slozak regarding the Clark Property on Trout Lake Road.
- Mitzi Nittmann request for time off.

Committee Reports:

Councilman Robert MacEwan

Water Department- Actual flow through the plant 7,891,600 gallons. Performed general maintenance.

Transfer Station- Receipts- \$7,376. The brush pile has been cleaned up. Lisa French wanted to know about the winter hours, they will start November 28, Closed All Day Mondays and Wednesdays. Councilmember Rehm provided information on a mercury collection day for Warren, Washington and Saratoga Counties. It will be on Friday October 7th from 9am-3pm, at 93 River Street, Hudson Falls, NY.

Code Enforcement Officer- 18 page report, 36 sites visited, 189 miles. The report is available for review.

Councilman Owen Maranville

Police- 2,452 miles patrolled, 129.1 gallons of fuel used. A detailed list of all the calls answered is available for review.

Justice- Hon. Harry Demarest took in \$5,410, Hon. Ed Stewart took in \$5,555. Total monies

forwarded to the Town \$10,965. Itemized lists are available for review.

Assessor- Computer files have been kept up to date with deed transfers and address changes. They received 2 sales of real property in September making the total 6 from July 1. On September 20, Dave and 5 other assessors from Warren County formed a panel and spoke to the Warren County Board of Realtors. The exchange of information with them was very informational and put aside some common misconceptions. Renewals for the Enhanced Star program were mailed out and they have been returning daily. The in house re-evaluation project is proceeding on schedule, updates to the land tables were completed, sales were tested and very good ratios were found. Preliminary values for cost sales comparable were run and printed at the County. The reports are now being placed in their file so that he can do the field review. Dave Rosebrook did express concern that their technical support person from the State, Cindy King, has received a layoff notice from the State. Her leaving will leave her department in Ray Brook very short handed and assistance may be hard to come by. He is hoping that her union PEF and the Governor's office can work this out.

Highway- They have been blasting, reclamation, placement of item 4 and shoulder work on Edgecomb Pond Road. 4 new culverts have been installed on Cotton Point Road.

Councilmember Deanne Rehm

Bolton Conservation Club- Thanked Barry Kincaid for all of his volunteer efforts for the Conservation Park. Councilmember Rehm asked for the Board's input to draft a letter of appreciation to Mr. Gabriels so that they can all sign it. The Fall Festival had approximately 130-150 attendees. They had bed and canoe races as well as children's field games. This was again a testament to the volunteers and the Bolton Transition Group which was very involved and has been from the start.

Supervisor Conover stated that the Fall Festival was spectacular with all of the events and activities. Councilmember Rehm sent thank you cards to the Police and Rescue Squad for helping everyone feel safe. She hopes that next year this could be better coordinated with the school next year. Supervisor Conover thanked Councilmember Rehm and the committee.

Seniors- The Seniors had the best bed for the bed race at the Fall Festival called the Senior Express. They did not win, however they did have the crowd behind them. They took care of the Apple Dessert Contest. On October 11, they will be going to the Racino. On the 19th they will have their pot-luck at the Senior Site. Later in the month they will be attending the new exhibit on trains.

Library- Circulation continues to increase. They are offering tables for the garage sale for a \$25 fee for the weekend. On the 15th, the Sagamore will be providing a van and Ted Caldwell will narrate on a tour of the Adirondack Museum. For the month of October the museum is free for Adirondack Park residents. The Spelling Bee is coming up on November 6th.

Supervisors Report:

- Receipts: \$131,041.65
- Disbursements: \$472,400.74
- Update of Town of Bolton Waterfront Revitalization Plan (Committee)

Supervisor Conover provided a list of members of the committee for the Bolton Waterfront Revitalization Plan. He feels that it is a strong committee for that project. He asked of a resolution of approving the names of the committee members.

RESOLUTION #185

Councilmember Rehm moved, seconded by Councilman MacEwan to approve the Town of Bolton Waterfront Revitalization Plan Committee as follows:

Hal Huesner, Sue Wilson, John Michaels, Henry Caldwell, Don Russell, Phil Farbaniec, Matthew Slaughter, John Gaddy, Tony Bustamante, Tom Guay, Harold Shippey, Chris Gabriels and John Famosi. All in Favor. Motion Carried.

- Greater Glens Falls Transit, ridership on trolley more than doubled to 5,102 (estimate going to Bolton 3,500-4000).

He stated that these are very powerful numbers, and the \$100 more from last year was well worth it. They now run every 2 hours on a regular schedule from 9am-9pm, which has really helped them increase their ridership. They also have a bus coming in once a week to help with the employees. Supervisor Conover thanked Megan Baker in her involvement with the mass transit and employees.

- Second phase of sewer lining work is underway. Actual lining work will begin around October 10 and will take 3 weeks to complete. Under this contract we will complete about 7,100 feet. After this work is done they will have lined to over 2 miles of their 4 miles total. They are already seeing improvements from Phase 1 so this will only continue to help.
- Lake George Park Commission, Stormwater Planning Grant Program. Commission has approved Bolton as one of 5, \$15,000 grant recipients (work program being prepared by Dave Wick and Dave Decker, this will include Dula Pond).

Supervisor Conover explained that this project will be headed up by Dave Decker and Dave Wick. He will provide more details as the project moves forward.

- Budget Workshops Schedule

There was discussion of setting up an initial meeting for the budget.

- Comptroller Report on Sewer and Water District.

Old Business / Tabled Resolutions:

- Resolution #167 to authorize the Supervisor to contract to replace approximately 130 feet of Damaged Fence at Rogers Park (tabled September 6, 2011).

Supervisor Conover stated that they tabled this at the last meeting. They have 3 options to replace the fence. The property owner would like to see the black vinyl from the port-o-johns and run approximately 130' to the lake. He stated that the difference in cost between the galvanized and black vinyl is approximately \$500. Supervisor Conover stated that he would like to see something done this fall.

Councilman Maranville stated that he would like to have seen this worked into one of the phases of the park revitalization but he has not seen any support for that.

RESOLUTION #186

Councilman Maranville moved, seconded by Councilman MacEwan to authorize the Supervisor to contract to replace approximately 130 feet of damaged fence at Rogers Park with the black coated vinyl fence. Councilmember Rehm opposed. All Others in Favor. Motion Carried.

- Clark Property, Trout Lake Road property.

Councilman MacEwan stated that a few years ago they dealt with this property. However recently he has been approached by a neighbor who is concerned with the current state of the property. When they dealt with this property a few years ago, there was some remediation that was proposed and done but the building is now in worse disrepair. There are no windows and it has an exposed basement. Supervisor Conover agreed that they need to address this.

Counsel Muller stated that there are a couple of issues with this property. There is an estate involved, a pending sale, as well as a boundary line dispute. When the Town Engineer went out to inspect the property prior, he did not find the main structure to be compromised but he did direct certain measures be taken. Supervisor Conover stated that there was a sale that was pending but due to the property line dispute it never went through. He suggested talking to Code Enforcement Officer, Mitzi Nittmann to get refreshed on this issue and to see where they are at. Counsel Muller suggested that they have their Engineer go up again and look at it. Supervisor Conover stated that this will be added to the agenda until it is resolved.

New Business:

- Resolution approving purchase of John Deere 624K, 3.5 cubic yard loader for \$55,829, #22063-40603 from State Bid Contract with Nortrax.

Supervisor Conover stated that Tim Coon wants to trade the 2000 pay loader and small bulldozer for this brand new pay loader. They have 2000 and 2001 pay loader and last year they put on new tires and did front end work on the 2001 at a cost of \$15,000-20,000. The 2000 needs new tires, transmission work and front end work as well. They are talking about at least \$20,000 or more to make it road worthy. The John Deere under this bid contract did price this very aggressively to try and reclaim business from their competitors. This same unit, brand new to the regular consumer is approximately \$168,000. Supervisor Conover stated that they use these pay loaders during every season. It is hard to spend money but he does recommend that they support this purchase. He stated that the Town decided a while ago to have 2 pay loaders which he feels is essential because if one goes down they have a back up. The Highway Department takes good care of their equipment which is why they have held onto the equipment so long.

Councilmember Rehm asked how they will pay for this. Supervisor Conover replied that they do have half in equipment line and the rest will have to come from the fund balance.

Councilmember Rehm stated that she will not vote in favor of this because 2 years ago the

Highway Department requested funds for repairs to both pay loaders. She understands that the following year only one got done and it exceeded the contract. Last year in the budget material the Highway Superintendent provided a similar quote for a comparable loader which was \$4,000 more than this, so they are going in the right direction. However, she is confused and not pleased that they did not do all of the work on the existing machines and maybe if they had done the work at the time, these pieces would not have deteriorated. She stated that the Board's decision two years ago was that if they put the money into the 2 machines they would get several more years out of them. She is not sure what changed but she cannot vote in support of it.

RESOLUTION #187

Councilman MacEwan moved, seconded by Councilman Maranville to approve the purchase of John Deere 624K, 3.5 cubic yard loader for \$55,829, #22063-40603 from State Bid Contract with Nortrax. Councilmember Rehm opposed. All Others in Favor. Motion Carried.

- Resolution amending 2011 occupancy tax program to include \$3,000 for the purchase of Christmas decorations by the Bolton Landing Business Association.

RESOLUTION #188

Councilmember Rehm moved, seconded by Councilman MacEwan to amend 2011 occupancy tax program to include \$3,000 for the purchase of Christmas decorations by the Bolton Landing Business Association. All in Favor. Motion Carried.

Supervisor Conover thanked Willie Bea McDonald and the Business Association in what they do and their interest.

- Resolution authorizing use of Rogers Park for Bolton Craft Fair for 2012 on May 26-27, July 7-8, August 11-12, September 1-2 and October 6-7 (setup on Friday).

Councilmember Rehm stated that if they would take out Memorial Day and Labor Day weekends she would support this request, with the condition that they not allow any food to be sold during the craft fair. She feels that holding the fairs on the busy weekends displaces their park users. She suggested doing the weekends before these holidays.

Councilman Maranville stated that from a business point of view, he feels that it is probably best for them to make the most profit. However, he does question whether they are paying sales tax. He is fine with these dates but does agree with Councilmember Rehm about the food.

Councilmember Rehm stated that she is in support of the events but they should be held when they want to attract people and not when they already have people. Supervisor Conover stated that he likes that they have added Memorial Day because it is not a busy time of year for them and it added business to the Town. He suggested that they should vote on the schedule and they can then arrange a meeting to discuss some of the other operational issues.

RESOLUTION #189

Councilman MacEwan moved, seconded by Councilman Maranville to authorizing use of Rogers Park for Bolton Craft Fair for 2012 on May 26-27, July 7-8, August 11-12, September 1-2 and October 6-7 (setup on Friday). Councilmember Rehm opposed. All Others in Favor. Motion

Carried.

- Resolution authorizing the Supervisor to take such emergency actions necessary to remove the existing trickling filter building and install new filter cover at the Sewer Treatment Plant prior to winter.

RESOLUTION #190

Councilmember Rehm moved, seconded by Councilman MacEwan to authorize the Supervisor to take such emergency actions necessary to remove the existing trickling filter building and install new filter cover at the Sewer Treatment Plant prior to winter. All in Favor. Motion Carried.

- Resolution authorizing Supervisor to make application for funding through the local Waterfront Revitalization Program for improvements to Rogers Park and Main Street.

Supervisor Conover stated that this application is the same funding source that they are working on for the restrooms. It has to be submitted by the end of the month. They have to replace some of the street lights and they are hoping to pick up half the price. There are elements to the park plan that they will not have monies to get to within the existing budget.

RESOLUTION #191

Councilman Maranville moved, seconded by Councilmember Rehm to authorize Supervisor to make application for funding through the local Waterfront Revitalization Program for improvements to Rogers Park and Main Street. All in Favor. Motion Carried.

- Resolution authorizing Supervisor to sign certificate of acceptance of ownership, restricted use and indemnity relating to EPA funded sewer lining improvement completed in first phase of sewer lining work.

RESOLUTION #192

Councilmember Rehm moved, seconded by Councilman Maranville to authorize Supervisor to sign certificate of acceptance of ownership, restricted use and indemnity relating to EPA funded sewer lining improvement completed in first phase of sewer lining work.

- Resolution rejecting all bids received for improvements to Rogers Park. Councilmember Rehm stated that even the base bid exceeded their estimates by \$50,000 which is 25% more than what they expected. They will go back to the drawing board and hope not to eliminate anything but try to get at least the base done.

RESOLUTION #193

Councilmember Rehm moved, seconded by Councilman MacEwan to reject all bids for improvements to Rogers Park. All in Favor. Motion Carried.

- Resolution authorizing the Town Clerk to re-advertise for bids for improvements to Rogers Park to be received November 7, 2011 at 1:00pm in the Town Clerks Office.

Councilmember Rehm stated that she was concerned with the November 7th date because she

wants to be sure that they have time to decide what they want to do before they go back to bid so they don't have to do it a third time. They will not be starting construction this winter so they have time and the committee has not met yet to discuss their options. Supervisor Conover agreed that it will be important to communicate with the committee and Tim Larson before moving forward with getting bids.

RESOLUTION #194

Councilmember Rehm moved, seconded by Councilman MacEwan to table authorizing the Town Clerk to re-advertise for bids for improvements to Rogers Park that were to be received November 7, 2011 at 1:00pm in the Town Clerks Office. All in Favor. Motion Carried.

- Resolution approving Bolton support, membership and participation in the Adirondack Gateway Council.

Supervisor Conover stated that this is a not-for-profit group being established to apply for HUD community development dollars. They usually do not fair too well with this from an income point of view. This will take a regional approach to apply for funding. Village of Lake George, Mayor Blais, City of Glens Falls, Mayor Diamond and others have gotten together and he feels that this is important that they be part of this as well. Councilmember Rehm asked if they would be working against Warren County in any way. Supervisor Conover replied no Warren County is part of this Council.

RESOLUTION #195

Councilman Maranville moved, seconded by Councilmember Rehm to approve Bolton support, membership and participation in the Adirondack Gateway Council. All in Favor. Motion Carried.

- Resolution authorizing an additional \$13,500 for the Bolton Emergency Squad for the month of October, 2011.

Supervisor Conover stated that they are going to take this one month at a time. The original request was for an additional \$40,000. Supervisor Conover and Councilmember Rehm did have the opportunity to attend a Rescue Squad meeting that dealt with interviewing someone relative to billing services. They are in a period of transition for the Rescue Squad, for making this a not-for-profit to be able to bill for services. Councilmember Rehm stated that they are hoping to have their approvals for their independence by the end of this year so they can start moving in the other direction. They have received additional budget information to better assist them with their decision. She stated that they will have one of their leaders attend a budget workshop so that all of the Board members can ask whatever questions they would like. She stated that she will also have a proposal ready that will talk about a floor that they can provide to them and then after that they will have to depend of reimbursement of health insurance, getting more volunteers and their own fundraising.

Councilman Maranville stated that this is a very serious matter and one that can be very costly if they don't stay on top of it. Supervisor Conover agreed and added that it is also very important to maintain their response capability in Bolton. Every community is struggling with this.

Councilman MacEwan asked if this will be monthly expenditure. Supervisor Conover stated that they are hoping to reconcile this within the budget process but it is possible that they could be revisiting this next year.

RESOLUTION #196

Councilmember Rehm moved, seconded by Councilman Maranville to authorize an additional \$13,500 for the Bolton Emergency Squad for the month of October, 2011. All in Favor. Motion Carried.

- Resolution authorizing Supervisor to submit application to FEMA Hazard Mitigation Program for funding for Development of an Auxiliary Spillway at Edgecomb Pond Dam.

Supervisor Conover stated that this was brought to his attention by Warren County Soil and Water. They approached him about any potential storm water work they were looking to have done and Edgecomb Pond Dam was part of that discussion. They found that this was an eligible activity so this will allow them to submit an application for a \$50,000 grant.

Councilman Maranville asked for some clarification of the auxiliary spillway. Supervisor Conover replied that the standard is for the amount of rain retention facility of this type or higher has to be able to accommodate a storm like they have never seen before. The spillway at Edgecomb Pond dam is not capable of handling that type of flow of water within that drainage basin. That type of water would put the water 6' above the spillway, which could undermine the spillway and create a total collapse. That water would then get to Route 9 within 20 minutes and put it 8' above the road.

Supervisor Conover stated that they have done several repairs over the years, but because this reclassification they have a new standard that they have to meet. Their options are to take the dam out and build a new one, which would be extremely expensive or to grade an area that is adjacent to the dam at an elevation to allow a place for the water or auxiliary spillway to prevent an undermining of the dam. This would be the cheapest alternative to meet the new classification that has been placed on Edgecomb Pond per the DEC. They have tried to have their classification lowered but were not successful. He stated that this is a national problem because there are thousands of these dams that don't meet this standard. Councilmember Rehm stated that the City of Glens Falls just spent \$14 million in bringing all of their reservoirs to code.

RESOLUTION #197

Councilmember Rehm moved, seconded by Councilman MacEwan to authorize Supervisor to submit application to FEMA Hazard Mitigation Program for funding for Development of an Auxiliary Spillway at Edgecomb Pond Dam. All in Favor. Motion Carried.

- Resolution approving use of 11 days vacation and rollover and use of approximately 8 days vacation into the next year for Ms. Mitzi Nittmann (rollover request is for approximately 2 weeks).

RESOLUTION #198

Councilmember Rehm moved, seconded by Councilman MacEwan to approve use of 11 days vacation and rollover and use of approximately 8 days vacation into the next year for Ms. Mitzi Nittmann (rollover request is for approximately 2 weeks). All in Favor. Motion Carried.

- Resolution setting Winter Hours at the Transfer Station: Closed Mondays and Wednesdays beginning Monday, November 28, 2011.

RESOLUTION #199

Councilman MacEwan moved, seconded by Councilman Maranville to set Winter Hours at the Transfer Station: Closed Mondays and Wednesdays beginning Monday, November 28, 2011. All in Favor. Motion Carried.

- Resolution authorizing use of the Town Hall Parking Lot by the Bolton Chamber for Town Wide Garage Sale for October 8 and 9, 2011.

RESOLUTION #200

Councilman Maranville moved, seconded by Councilman MacEwan to authorize use of the Town Hall Parking Lot by the Bolton Chamber for Town Wide Garage Sale for October 8 and 9, 2011. All in Favor. Motion Carried.

- Resolution authorizing response and placement of public notice regarding Comptroller Report on Sewer and Water.

RESOLUTION #201

Councilmember Rehm moved, seconded by Councilman Maranville to authorize response and placement of public notice regarding Comptroller Report on Sewer and Water. All in Favor. Motion Carried.

- Bids for Bolton surplus items

RESOLUTION #202

Councilman Maranville moved, seconded by Councilmember Rehm to approve the winning bids for the surplus items as follows:

- Inside Sander to the Town of Lake George in the amount of \$2,501.00
- Inside Sander to M.R. Parillo in the amount of \$1,227.27
- Outside Sander to M.R. Parillo in the amount of \$1,017.17
- Plows- one way to M.R. Parillo in the amount of \$127.17
- Wing Plow to M.R. Parillo in the amount of \$57.17

All in Favor. Motion Carried.

Public in Attendance

Zandy Gabriels stated that the stop logs at Edgecomb Pond dam have been an issue with DEC. They have to come up and inspect the dam every 5 years. Those stop logs have been in place since 1978. The DEC has had an opportunity to look at the stop logs and make educated engineering judgment calls for a quite a number of years. Only recently has DEC decided that stop logs shouldn't be there because the existing size of the spillway cannot take a 100 year storm. However, in the past several years they have had 2 documented, more than 100 year

storms, which DEC fails to recognize. The Town Engineers also fail to recognize that fact and include it. He is not sure that their understanding of the events of 100 year storm and the capabilities of the dam and watershed are in line. Taking them out would lower the water level about 3 feet which is a considerable portion of the storage capacity. He feels that dealing with this is more important than worrying about the auxiliary spillway that is once in 1000 years.

Transfers:

RESOLUTION #203

Councilman Maranville moved, seconded by Councilman MacEwan to approve the following transfers for October 2011

FROM	TO	AMOUNT
GENERAL FUND		
12204 Supervisor	10104 Town Board	159.00
31201 Police	31201 Police Personal	2,000.00
19104 Insurance	4215 Drug Testing	140.00
19904 Contingency	56501 Off St. Parking	74.00
56504 Off St. Parking	56501 Off St Personal	70.47
19904 Contingency	71804 Ballfield	21.00
Increase Budget	45404 Ambulance	13,500.00
Increase Budget	51822 Light Equip	11,199.00
HIGHWAY		
90608.3.8 Health	14404 Engineer	2,250.00
SEWER		
81101 Administration	14404 Engineer	2,925.00

Pay Bills :

RESOLUTION #204

Councilmember Rehm moved, seconded by Councilman Maranville to approve payment of the following bills:

Mid Abstract 9A:	Voucher#	Amount
General	1072, 1073	\$ 950.00
Lights	1074	3,211.53
Mid Abstract 9B		
General	1095-1113	3,280.33
Highway	416	16.79
Water	192, 193	1,320.41
Sewer	210-213	2,908.94
Lights	1096,1109,1111	415.26
October Abstract		
General	1034-1071, 1075-1094,1114-1138	36,618.32
Highway	394-415, 417-439	72,592.49
Water	180-191,194-197	8,485.05
Sewer	193-209,214-219	12,843.53
Tourism	47&48	962.91
Rogers Park Docks	3	159.06
Highway Storm Damage	25-28	5,522.75

All in Favor. Motion Carried.

Executive Session: Contractual matter relating to contract negotiations.

The Board entered into Executive Session at 9:05 pm with no further business to be conducted.

Adjourn:

Respectfully submitted by:
Patricia Steele
Town Clerk

Respectfully submitted by:
Kristen MacEwan
Minute Taker