

TOWN OF BOLTON
TOWN BOARD MEETING
AUGUST 4, 2009

PRESENT: Supervisor Kathleen Simmes, Councilmen Robert MacEwan, Jason Saris, Owen Maranville, Councilmember Deanne Rehm, Zoning Code Enforcement Officer Mitzi Nittmann, Town Counsel Michael Muller and Town Clerk Patricia Steele.

ABSENT: None

Meeting Called to order 7:01 p.m.

Pledge: Supervisor Simmes

ANNOUNCEMENTS

- Today Show was in Town- This was a huge event for all of the Adirondacks. Supervisor Simmes stated that there has been a lot of positive feedback and she understands that many people have made vacation plans to visit the area.
- The Bolton Community Development Program Advisory Committee has finalized their Operations Manual. Our Attorney and the Town Board are reviewing the documents.
- Sales Tax check this quarter is \$539,101.45. This is down \$57,062.17 from the same quarter last year.
- Bids for the pier & dock project will be opened on August 19th.
- Copies of Chestertown and Johnsbury septic ordinances have been delivered to the Town Board for their review. Both ordinances have APA approval. Also you have a copy of DOH Appendix 75A and the ZA and ZEO's comments on the DOH rules. The Town engineer is also reviewing these rules per the TB's authorization.
- We advertised again for alternate PB and ZBA members with no response

PUBLIC IN ATTENDANCE

- Dave Wick (WC Soil and Water) presentation on the Finkle Brook delta.

Dave Wick stated that the Finkle Brook delta is a large sediment (sand, gravel, silt and debris) delta that is at the end of Finkle Brook between the Darin Freshwater Institute and Veterans Beach. He stated that it has been building up for many years. This project has been in the works for some time now but they finally have the ability to move forward with some of the logistics and planning for the project.

Dave Wick stated that the delta has been caused by many things over the last 50-60 years. There was weak land development control in the 30's, 40's, 50's and 60's; storm water was not set in place and a lot of sediment would leave the site. There has also been a lot of stream bank erosion in the Finkle Brook corridor. The sedimentation is also due to road washout. This delta was also impacted pretty heavily by the landfill washout in '96. He stated that anything that gets into the stream channels will ultimately make its way to the lake.

Dave Wick stated that they want to get rid of it because it is not a natural feature of the lake. It interferes with navigation and recreation on the lake. It also impacts shoreline land owners and can act as a bedding area for invasive species.

Dave Wick stated that the Town, County, as well as many lake association groups have been looking at this delta for a while. An Environmental Impact Statement was completed in 2003 that looked at all of the large deltas in Lake George and discussed the benefits of doing something about these deltas. Finkle Brook was named as one of those deltas. They have been working with the LGA to determine the extent of the delta that was to be dredged and they are trying to get to a point in the process so that they are shovel ready when funds become available.

Dave Wick stated that DEC requires them to do some soil sampling and analysis prior to taking a large land mass out of the lake. This insures that what they plan to take out of the lake will not have a negative impact on the lake or outlying areas. They performed this testing and have found that the sediment in the lake has no restrictions and no chemicals were found. DEC has granted an unlimited use classification which means that they can dispose of the sediment in an approved disposal site; they are considering the Transfer Station as a possibility.

Dave Wick explained that there are two ways to remove the sediment; hydraulic dredging and mechanical dredging. Hydraulic dredging uses an auger that churns up the sediment and shoots up the back side. Unfortunately it is 80-90% water and they would need a large de-watering area to remove the sediment. This is not the most effective way to dredge the Finkle Brook delta. Mechanical dredging would involve using a turbidity curtain to keep the work area separated from the lake and to use long reach excavators. This would involve excavators, loaders and trucks. This method would have a much larger solid content which would cut down on the time and they would not need a large dewatering area for this process.

Dave Wick explained the containment of the project. He stated that the turbidity curtains are basically silt screens that are floating in the lake. These act as a barrier to segregate the project from the lake and due to the scale of this project, it is likely that two screens will be used.

Dave Wick stated that they have decided to bring the depth of the lake in this area back to 4' depth. This is the most cost effective economical way to bring this back to all the benefits that are most wanted. The area to be covered will be from the Darin Freshwater Institute boat house following the 4' contour in the lake all the way to the pier at Veterans Park. He stated that their permit allowed them to go up to the 6' depth but that would put them far out into the lake which would make it more difficult to excavate out there.

Dave Wick stated that they have multiple access points to get in and out of the project site. He explained the limits of dredging. He stated that they are looking to remove approximately 8,200 cubic yards of material. The project will be done privately with the use of local contractors and possibly with the use of the municipality's resources with trucks and equipment. This would help save a little on the cost of the project.

Dave Wick stated that ownership of the project is still up in the air. The project management would more than likely come through WC Soil and Water but they would not be the lead agency. There is a possibility of doing this through a private organization which would allow them not to have to pay the higher prevailing wage cost that a municipality has to, which is 30% higher.

Dave Wick stated that they will determine what permits will be needed and have been in contact with the NYS DEC, U.S. Army Corp of Engineers, APA, LGPC and Town of Bolton. He stated that anyone is welcome to be involved in the project and welcomed any comments or questions.

Dave Wick stated that they are working on the cost estimates and hope to have that by September, but they are approximating between \$200,000-400,000. The cost will greatly depend on who is the lead agency, whether or not municipality equipment is used or not and if there is any unforeseen problems. With regard to funding, Dave Wick stated that they have no funding right now and will not be able to seek that until the project is fully defined. Once that happens it will take about 6 months for the permitting process and they are planning to align the funding in that time period as well. This would possibly allow the project to occur in 2010. Once they are ready to go the project would not start until after Labor Day. They have received a waiver from DEC which would allow them to be in the lake past September 30th.

John Gaddy asked what will be done in this project to prevent future deposition, such as the sediment beds in Artist's Falls. Dave Wick stated that they have 2 in stream sedimentation basins along Finkle Brook; one at Artist's Falls and the other at Woodshire Estates. He stated that there was a grant about 7 years ago totaling \$220,000 to do upland work to protect the watershed. The Highway Dept did a lot of that work. He stated that there is a lot of money out there to do additional land work but they just have to identify sources of sedimentation to apply for funding. Supervisor Simmes stated that Artist's Falls is due for cleaning this month. She also stated that Woodshire Estates needs to be addressed. Dave Wick stated that this project was done by Woodshire Estates themselves. They weren't satisfied with the outcome and they wanted WC Soil and Water and the Town to fix it. It was determined that it was not a municipal issue but rather a Woodshire Estates issue. He stated Woodshire Estates has given them permission to go in and clean it out, which they have. He stated that he would be more than happy to discuss it further with her.

John Gaddy stated that Braley Hill drainage area seems to be an issue and he is not sure how that directly connects with the Finkle Brook sedimentation. He asked if this was a contributing part of the project area and could it be included in the funding application. Dave Wick stated that he was not aware of the problem but he would be willing to take a look at it.

Zandy Gabriels asked what the time frame would be from start to finish of the project. Dave Wick replied that it will determine how the project is set up. They may try to get the whole project done in a year which may cost them a little more or they may segregate the project and perform the work in 2 seasons. He stated that they will go out to bid both ways and see what they get back. He stated that personally he would like to see it done in one season since it is not that large of an amount of material to be removed.

John Gaddy stated that the Town removed a large amount of sediment a few years ago at Veterans Park, but the beach has accumulated a large amount of material again. He asked if there was any way of preventing it in the future. Dave Wick stated that there is a southern migration of sand. He stated that Carl Schroder has been looking at the migration pattern. He stated that once the material is removed he feels that they will not have the same migration pattern as they do now since it is mostly wind related. Once the material is removed they feel that it will significantly reduce the amount of migration. Dave Wick stated that they will have to do this project again at some point but they can greatly reduce the maintenance interval by better land use development controls and de-icing materials used in the winter. This area has never been excavated in its entirety and feels that they can get a good jump on it now and they may not have to do this for another 20-30 years.

David Thomas stated that stream corridors are very much an issue currently. He asked if WC Soil and Water had a particular position on the value of stream corridors and preventing current and future erosion. Dave Wick stated that they have stayed neutral on the politics and regulations of it. However, they do feel that stream corridors are a benefit to water quality and are in favor of stream corridors and buffers. One of the down falls has been a lack of discussing local shown case studies. He stated that just south, in the Town of Moreau there are significant land use restrictions and 100' buffers and no one has mentioned that locally. There is a lot of benefit to be had by discussing some of the case studies out there. Dave Wick stated that his office is a proponent of stream buffers but they have not taken a political stance on the LGPC regulations.

Rod Owens stated that south of the Veterans Park pier has a lot of sand sediment as well, including his dock area. He asked if the project could look into going further south approximately 30' to include this area. Dave Wick stated that it could be a possibility but they would need to look into it sooner than later if they want to try and include it in this project. He stated that they had to come to some conclusion as to where the project would end and they made the determination to end based upon the impacts of the sedimentation. Supervisor Simmes stated that she did recognize that this winter the sand was pushed up and over to the other side of the pier due to the ice, which could have been caused by the shallow nature of the area to the north.

Councilman Saris stated that Mr. Owens gets sand and sediment from both sides of this property. He stated that the beach area pushes sand up from the north and there is a wetland just south of the property which has a lot of storm water coming down. Dave Wick stated that he would like to take a better look at it. He stated that if it makes sense they would want to include it in this project. Zandy Gabriels stated that he is supportive of the TB considering taking this project a little further south.

Councilmember Rehm stated that parallel to the Finkle Brook watershed are Town highways which have been one of the major sources of the material in that delta. The material that they apply to make the roads safe to travel in the winter ends up in the lake. Once this project is under way they really should give careful consideration to an alternative to use on the roads. John Gaddy stated that he thought the Town had eliminated using sand. However, they still do not know how the salt will affect the lake. Dave Wicks stated that the LG Watershed Conference was awarded a legislative initiative from Betty Little to do a sand/salt study in Lake George. Once that grant goes to contract they will look very specifically how

that issue and where there has been successful use of other materials to better manage their natural resources.

Jake Lehman stated that she lives on Diamond Point Road near Smith's Brook. She stated that Smith's Brook gets loaded with stuff and asked if they have looked at that. Dave Wick replied that they have looked at Smith's Brook. For a number of years they have worked with the WC Dept. of Public Works to get the rock lined edge installed years ago. The WC DPW did get some funding but ultimately they could not get the land use permission to get that in the ground and they re-programmed the money into the Town of Bolton in another project. He stated that Smith's Brook is very tricky based on some of the bedrock and the slope in the road. He stated that he would like to take a look at it and discuss it further with her.

John Gaddy stated that they are very fortunate to have Dave Wick working with the Town. Supervisor Simmes agreed.

RESOLUTION #169

Councilman Saris moved, seconded by Councilman MacEwan to approve the following:

WHEREAS, the environmental health and overall quality of life in the Lake George Watershed area is critical to the social and economic well being for the Town of Bolton, Warren County, and the region in general, and

WHEREAS, the protection, preservation and proper management of water quality within the basin is an essential ingredient to maintaining this revered natural resource as a key to the social and economic vitality of this region, and

WHEREAS, the Town of Bolton has been an active participant in developing the critically important water quality management plan, and

WHEREAS, the adopted document, entitled, "Lake George- Plan for the Future" identifies numerous recommendations and actions as being critical to pursuing the objectives of preserving, protecting, and enhancing the water quality throughout the Basin, several of which will require the engagement of contract services to execute these recommendations, and

WHEREAS, the specific project undertaking, known as Finkle Brook Sedimentation Removal Project is identified in said Plan, and

WHEREAS, the NYS Environmental Facilities Corporation (EFC) is soliciting applications for projects that are not currently listed on its Intended Use Plan (IUP), for consideration for project funding under proceeds that New York State will receive under the 2009 Federal Economic Recovery Act, and

WHEREAS, conceptual engineering and design work on the Finkle Brook Sedimentation Removal Project has been progressed to the point of being able to define the scope and conceptual cost estimates,

WHEREAS, local professionals including the Director of Warren County Soil and Water Conservation District and the Director of the Lake George Watershed Conference are available to develop the appropriate application materials for submission by the Town,

NOW, THEREFORE BE IT RESOLVED, that the Supervisor of the Town of Bolton be authorized to sign and submit a **Clean Water State Revolving Fund Application Form**, for the purpose of having this

project listed on the EFC's **Intended Use Plan** for consideration for funding under the economic recovery act proceeds.

All in Favor. Motion Carried.

- Dan Daniger-73 Coolidge Hill Road- Nuisance Law

Dan Daniger requested that the Town consider adopting a quality of life nuisance law just as Glens Falls has recently done. He stated that he was born and raised in this area and has a long personal family history linked to the area. He decided to raise his own family in this area as well. Since July 31, 2008 their quality of life has been detrimentally affected by numerous incidents and violations carried under such nuisance laws that other municipalities are using.

Dan Daniger stated that he has met with Kathy Simmes and Officer Neumann to discuss the property damage that occurred on his property this same time last summer. The Town of Bolton sent letters to the property owners at 74 and 75 Coolidge Hill Road. He has filed 2 zoning complaints within the last 2 months on the 75 Coolidge Hill property. He has also reported several incidences of property damage with the Bolton Police. Another incidence of property damage occurred on Saturday August 1st a car was parked along his fence on the property line which got stuck due to the wet conditions. He stated that he had notified the owner of this.

Dan Daniger stated that under the Town Code a change in use is a substantial difference in the previous use. This property is being rented and he feels that it should fall under this part of the Code and should go before site plan review, given that the septic field and tank area are being used for parking and the properties have a shallow well. He stated that he has talked to the TB about the need for better control of renting properties in the Town of Bolton. He feels that these individuals should be paying bed tax money like the motels and hotels in the County.

Dan Daniger stated that he is also concerned that if this is a rental property, it may not meet the proper fire code. He stated that he will be passing this information on to the State legislators to have these types of rental properties better managed and controlled.

Dan Daniger stated that this could also fall under the Zoning Code for commercial use, which states any use involving sale, rental or distribution of goods and services or commodity, either retail or wholesale. He asked if the property rentals in Bolton would be considered under this commercial use. He stated that he has also filed a complaint against the neighbor for the rescuing and kenneling of more than one dog on the premises. He stated that he feels that this is services rendered which could fall under the commercial use. He had reported this twice to the NYS Police and once with the WC Sheriffs. The Town attorney gave permission to the Zoning Office to look into the registration of these dogs. They began the inquiry in early June and had not yet been determined anything about the registration of the dogs. He stated that he has been verbally notified by Pam Kenyon that there is not a need for site plan review and the analogy was made that his complaint was no different than saying that his four cords of wood in the driveway is a wood business. He stated that he uses this wood to heat his home in the winter. He has filed a formal letter to address this issue with the full ZBA at the September 15, 2009 meeting. Supervisor Simmes stated that currently there are no dogs being kenneled on the property and the house is just being rented. Dan Daniger replied that he was aware of that.

Dan Daniger stated that also included in these nuisance laws are the activities involving the number and type of 911 calls and responses. The Bolton police have responded to calls and concerns during the weeks of July 19 and 25th for parking in the travel lane of Coolidge Hill Road. On July 26th the WC Sheriff's office responded to an underage party on this property. In the past week the Bolton police and Sheriffs office have responded to numerous noise complaints for the 75 Coolidge Hill property.

Dan Daniger stated that his family's health, welfare and property are being diminished for lack of such nuisance ordinance in the Town of Bolton.

Mike Dier, 76 Coolidge Hill Road, stated that he has lived in his residence for over 11 years. He grew up in the Village of Lake George and his father was Judge John Dier. He stated that he was raised with morals and values and proper manners. He stated that he is extremely frustrated with the current situation at 74/75 Coolidge Hill Road and requests that the TB give strong consideration to adoption of a nuisance law.

He gave a history of the incidences that have been occurring at 74/75 Coolidge Hill Road for the past 3 years. He stated that most recently the new owner of the home has rented the property. At first they were courteous to the renter responding to assistance with cutting up trees, helping him move and taking an appliance to the Transfer Station. He stated that they began to get concerned as the renter continued to enter their property uninvited. He stated that recently he and his wife were resting and awoke to find the neighbor looking in their windows.

Mike Dier stated that another encounter involved the renter indicating that he was aware of the previous problems with noise and that he had performed a sound check and was confident that his music would not be a problem. He stated that at the time he was not sure what that meant, but was later informed by Dan Daniger that the renter had been on their property while they were at work. Since that time the renter has continually made comments regarding the noise and continued to enter their property uninvited. The renter has also made several vulgar comments to them as well.

Mike Dier stated that the contractor they have working on their house called them to tell them that the renter had been on their property asking for employment and referrals. On June 30, 2009 the music was so loud that they had called the police. Chief Neumann and the WC Sheriffs arrived and spoke to the renter. On Saturday August 1, 2009 the music was once again loud all afternoon into the evening. They called the police and they were told that there would be a long delay before the response per the dispatcher. They went over and told the neighbor to turn the music off. The renter then told them that they should have talked to him before calling the police the previous time. The police did arrive and warned the renter for almost a half hour. However, not 10 seconds after the police left he started the music again. On Monday August 3rd, they called the police again due to the loud music. Chief Neumann arrived and warned the renter again and they asked him to please do something. Chief Neumann was called away to a disturbance across the street. At the same time the renter spewed tremendous profanity at both he and his wife. Chief Neumann came back to finish his warning and they asked if they could file a complaint of harassment. Chief Neumann determined that they were not threatened and was not confident that the harassment was an appropriate charge. They asked about disorderly conduct and Chief Neumann stated that the renter had his first amendment rights and since the insults did not occur in public there would be little that he could do. Mike Dier stated that Chief Neumann filed a final warning but felt that he wanted to do more for them but was limited. He stated that they will likely be filing for a restraining order and potentially other actions.

Mike Dier stated that their quality of life has been ruined. They have placed their house on the market in the last year. He stated that the noise ordinance needs to be understood and enforced. Their attorney Matt Fuller has referred to the code for the noise ordinance which they feel clearly shows that the neighbor is in violation. He stated that they are disappointed in the lack of action to stop this harassment. He stated that the renter has been warned three times and they now need to pursue this as a civil matter. They feel threatened because they feel that the renter is not a stable individual.

Dan Daniger stated that these incidences that have occurred at these properties have shown a lack of enforcement. He stated that he too is seeking other forms of actions to protect his family. He stated

that he has no plans of moving and wants to be sure that the Town remains friendly to families and residences.

Chief Jim Neumann stated that he is open to suggestions. Counsel stated that he does not dispute Matt Fuller's letter regarding the noise ordinance. He stated that this is part of the old code and Bolton does not have a public nuisance law. He stated that typically in nuisance laws, if there are repeated calls which affect the quality of life, the owner and occupant can be prosecuted in a quasi-civil setting to call for a cease and desist. Supervisor Simmes asked if Counsel could obtain some language for the Town to review and potentially adopt. Counsel stated that Glens Falls has a great public nuisance ordinance. He will provide copies of that as well as a more modern public nuisance ordinance more recently published.

Supervisor Simmes asked what Chief Neumann can proceed to do under the current ordinance. Counsel replied that he should file all of the complaints as to the violation of Ordinance 22 Section 3 with the facts that substantiate it. He stated that he is not sure if it would be prosecuted by the ZEO, police officer or town attorney, but regardless it would be done in the justice court.

Supervisor Simmes stated that both 74 and 75 Coolidge Hill are being rented and asked if the owners had been notified of the problems. Mike Dier stated that Jim Bulger, owner of 74 Coolidge Hill Road, indicated that his renter was referred to him to be a renter. He stated that he called Mr. Bulger on Monday and found him to be very upset and was told that he is looking into the matter. Mike Dier stated that he feels that he is trying to be proactive.

Supervisor Simmes stated that she is concerned that they have no control over the renters. Counsel replied that it is hard to use the referral to goods, services and commodities, because it does not include real estate. He stated that there are rights of the owner to lease the home as opposed to occupy it. However, with the home being rented weekly or on a weekend basis, it tends, in law, to constitute a change in use, but it goes on a case by case basis. He suggested that the current complaints be formally made and prosecuted in justice court. He also suggests that the TB look into adopting a public nuisance law.

Councilman Saris suggested that they not only look at a public nuisance law but also update the noise ordinance so that it is enforceable. Counsel stated that they could look into this, but he is concerned because it can be made to be pretty precise. But with being precise how do you enforce it. He stated that in Lake George they have an actual piece of equipment that measures the level of sound which is admitted in the court of law. Councilman Saris stated that he doesn't see how that would be very difficult seeing that this type of equipment is used all of the time on the lake with boats. However, in the meantime he does not feel that they should wait in taking action in enforcing what they currently have on the books.

Councilmember Rehm asked if Dan Daniger could ask the ZBA if the rental of the property on a weekly basis would be considered a change of use. Counsel replied that the ZA could make that interpretation, and if the applicant disagreed could be heard before the ZBA. Dan Daniger stated that is what he is doing.

- Barry Kincaid- Lake George Property Owners group

Barry Kincaid stated that recently there was an article in the paper which gave the perception that the Lake George Property Owners group doesn't want to follow the zoning laws and regulations. He stated that their group believes in good stewardship, quality regulations to protect the lake and to work with the public. He described the zoning process that most homeowners face when improving or adding to their home or structure. He stated that it involved submittal of plans from a licensed engineer. It potentially will go before the ZBA or PB for approval which then is reviewed again by the Town engineer. He stated

that his group does not have a problem going through this process. However over time the process has been eroded.

Barry Kincaid stated that there have been serious complaints filed against Chris Navitsky who is employed by The Fund for Lake George as the Waterkeeper. In the past Mr. Navitsky has used questionable tactics to harass property owners. However, recent charges have been found to be more serious. The Waterkeeper has claimed to be a licensed professional engineer while being unregistered for years. Documents challenging property owners in municipal approvals have been fraudulently submitted in his name as a P.E. Someone who speaks with the authority of a licensed professional in his claims must be accurate or his license and livelihood are in jeopardy. Mr. Navitsky hasn't concerned himself with professional standards. Barry Kincaid feels that Town Boards have been falsely swayed and owners may have been denied or incurred some substantial expenses due to defending themselves.

Barry Kincaid gave an example of the questionable tactics they use. In a letter dated March 12, 2009 from the Fund for Lake George to the LGPC, the Fund uses deceitful information to try and sway enforcement into their favor; he read a bullet from that letter: "The Fund suggests that the fifth draft regulation in this section be changed to prohibit the delegation of the administration of this article to local governments. The Commission shall maintain the administration of these regulations. The Fund and the Waterkeeper monitor the administration of local development regulatory programs by the local governments in the watershed and find that these programs are poorly administered or enforced. Regulation five of this section should be re-written, a decision by the LGPC to delegate the administration to the Towns will doom these regulations to failure. The effectiveness of the storm water regulations have been undermined by delegation to the Towns of Lake George and Bolton. It is critical that the LGPC maintain the authority and administration of these rules."

Barry Kincaid stated that some people have stated that Chris Navitsky's license has been re-instated. However, on the Office of Professionals, license information dated 8/4/09 his license is not registered.

Peter Bauer, from The Fund for Lake George read the letter that they submitted a letter to the Town. In the letter he stated that the Waterkeeper made an unintentional, innocent and human error in not renewing his professional engineering license upon its expiration date of November 2007 due to a change in address. He stated that Chris Navitsky has been licensed in the State since 1992 and had been current up until 2007. Upon recognizing this error the Waterkeeper took immediate action for renewal and the State Department of Education has re-instated Chris Navitsky's license. Formal paperwork regarding the new license and registration has been received from the Fund and they have been told by personnel at Dept of Education that it may take a week to ten days to update the website. He stated that both the Fund and Chris Navitsky apologize for his error and regret that a small group of individuals who oppose the Waterkeeper program and its actions to protect the water quality of Lake George have attempted to exploit this matter. He stated that they also very much appreciate the continued strong support of many individuals, families, businesses and communities that share their goal for protecting the valuable nature resource that is Lake George.

Peter Bauer stated that The Fund is proud of the Waterkeeper's programs and its many successes since 2002. He stated that the Waterkeeper has been the most successful independent oversight effort to monitor the regulation of private land use by local governments and state agencies around Lake George to date. The Waterkeeper program will continue its important work.

Chris Navitsky stated that he wanted to apologize to the public especially their supporters, public officials and public reviewers for the recent lapse of his professional engineering license. He stated that the issue has deeply troubled him and the professional standards that he places on himself. He stated that he has turned himself in on the construction of his own house. He stated that he would like to assure everyone that this matter has been addressed and has been resolved with the State. His registration has been

acknowledged. He wants to assure that this oversight did not undermine his responsibility as the Waterkeeper or the opinions that he rendered. The Waterkeeper program will continue to focus on its goal to protect Lake George and the Watershed.

John Gaddy stated that Bolton's economy depends on environmental quality. Sitting on the committee to revise the existing code he has been impressed at the level of concern that past boards have had to maintain the quality of the environment in Bolton. As far sighted and aware that the present Bolton code is, it is often the lowly position to be the environmental advocate reminding the Town and its Boards of its existing laws. John Gaddy stated that Chris Navitsky in his role as Waterkeeper has certainly rubbed people the wrong way but he has not done anything other than citing Bolton's existing regulations. He stated that it is unfortunate that his credentials were lapsed but what has not lapsed is the existing Bolton code. The Waterkeeper only acts to remind us of what the Town already has on the books.

Councilman Saris stated that one comment that was mentioned that he is having a difficult time with is that The Fund has told the LGPC that they feel that the Town of Bolton does not do a good job in regulating storm water. He stated that he feels that the Town does a great job at administering the storm water regulations at all levels. He feels that it is outrageous because the Town of Bolton does take this very seriously and The Fund and Waterkeeper do a great discredit to this Town. The Waterkeeper is accusing the Town of not doing a good job, yet they fail to administer their own details of making sure licenses are up to date.

Supervisor Simmes stated that the Town of Lake George has provided a resolution for the Town to join in the complaint to the State Education Department and the Attorney General regarding the Lake George Waterkeeper's possible misrepresentation during this lapse of coverage which is up for adoption.

Councilman Maranville asked if the Dept of Education notified him that his license needed to be renewed. Chris Navitsky replied that he had not received notification because he had relocated and he had not updated his address as required by NYS law. Chris Navitsky stated that in this time period he was not stamping drawings, certifying drawings, nor was he collecting consulting fees.

Councilman MacEwan asked what would be the reason for signing the letters as a Professional Engineer. Chris Navitsky replied because he had the credentials and license. Councilman MacEwan asked how often the license needs to be renewed. Chris Navitsky replied every three years. Supervisor Simmes asked if there was classes or continued education that is required to maintain that status. Chris Navitsky replied yes there is continued education required. He stated that he had completed most of it but he does need to provide more. He stated that he has received a conditional registration and he has a period of time to provide the continuing education credits. Supervisor Simmes asked why the license was considered conditional. Chris Navitsky stated that it is conditional until he gets back on his three year cycle.

Councilman MacEwan asked Counsel if they have a true concern over whether things were signed falsely. Counsel replied that they may have concern, but the biggest impact would be on the PB. He feels that although the PB has listened to the Waterkeeper's comments and concerns objectively they have based their decisions on what is best for Bolton. Sue Wilson, PB member stated that often times there are dueling engineers on projects and she bases her decisions on the Town Engineers findings. Councilman Maranville agreed and stated that his decisions that he makes are based on the opinions of those employed by the Town. He stated that he does not feel that he has been swayed by the Waterkeeper's comments. Supervisor Simmes stated that she has been to many PB meetings and has seen that the Waterkeeper has held up some applications.

Councilman Saris stated that PB Chairman Herb Koster approached him about sending a letter of complaint to the Dept of Education. He stated that he informed Mr. Koster that as the Chairman of the PB it would be up to him and not a decision of the TB.

Barry Kincaid stated that he is not saying that Chris Navitsky doesn't have good intentions with some of the water quality issues. However, when a property owner goes through the zoning process he has seen applicants have to come back due to issues that were raised by the Waterkeeper. He is concerned because the applicant has to pay for their own engineer and then ultimately pay the Town engineer for his review as well. Property owners provide for additional tax base and when projects come through the application process they are using local contractors and engineers which has created jobs. He doesn't understand that the Waterkeeper can hold property owners and the municipality to a certain standard but he is not willing to maintain his own standards as a professional engineer.

Supervisor Simmes stated that she does feel that although the Waterkeeper does raise some important concerns she feels that the process in which they do this could be much improved. She stated that often times the applicant is presented with a letter or report of concerns at the meeting which does not provide the applicants the opportunity to review. Chris Navitsky replied that they do need to improve that. He stated that they are not anti-development or anti-jobs and he does not feel that they have held up individual homes for months and months. He stated that they are trying to be proactive and there are some large scale projects where they have tried to meet the engineers up front to address issues which will save everyone time. However, there has to be a willingness on both sides to do that.

Supervisor Simmes moved the following:

RESOLUTION # 170:

WHEREAS, the Lake George Waterkeeper has submitted letter, correspondence and/or reports to the Town Board, Town Planning Board and/or Town Zoning Board of Appeals in reference to various projects and activities occurring within the Town; and

WHEREAS, some of these letters, correspondence and/or reports were submitted during the years of 2008 and 2009; and

WHEREAS, the Lake George Waterkeeper signed some of these documents with letters P.E. presumably indicating his status as a licensed Professional Engineer in the State of New York; and

WHEREAS, it has come to the attention of the Town Board that the Waterkeeper may not have been in fact a licensed Professional Engineer during these years; and

WHEREAS, the Town Board understands that it is unlawful for an individual to misrepresent his or her status as a licensed professional in the State of New York; and

WHEREAS, the Town Board understands that the Town Board of Lake George will be lodging a formal complaint to the New York State Department of Education and/or the New York State Attorney General regarding this possible misrepresentation;

NOW, THEREFORE, BE IT RESOLVED that the Bolton Town Board thereby joins in this complaint by the Lake George Town Board; and

BE IT FURTHER RESOLVED, that the Town Supervisor, Town Counsel and Town Zoning Office are authorized and directed to provide copies of documents received by the Town of Bolton by the Lake George Waterkeeper to the Town of Lake George to assist in any inquiry or investigation.

Seconded by Councilman Saris. Councilmember Rehm abstained. Councilman Maranville opposed. All others in Favor. Motion Carried.

- Richard Dingee addressing the Adirondack Extreme property.

Richard Dingee feels that the Adirondack Extreme company has violated the conditions of approval for the Westwood Forest Subdivision. They have entered into lot 1 and are using it for commercial use. He stated that there has been some hardship in selling the lots due to the traffic in and out to reach the Adirondack Extreme. He stated that he spoke to Pam Kenyon and she advised that he have a survey done. Lot 1 has been surveyed and they feel that it is a residential lot in a commercial zone. When he brought the survey back to her, she stated that she could not go up there without Rolf Ronning's permission. He stated that he advised her that he can enter the property at any time because the mortgage has very strict environmental factors to cover anything that goes wrong on the property. He stated that lot 1 is being used to park cars and buses. Local realtors cannot show the property because of the amount of cars parked on the other lots. Richard Dingee stated that when the subdivision was originally approved there was a condition that lot 1 was not to be sold until all other lots were sold.

Richard Dingee stated that he asked Pam Kenyon about the clearing on the lots. She indicated that it was for picnic areas for the Adirondack Extreme. However, when he recently went up there, the picnic tables were gone and it was converted to parking. He thought that they would need to go before the PB for SPR if there were to be any changes.

Richard Dingee stated that at some point Rolf Ronning returned to the PB to have a lot line adjustment. He stated that lot 1 was a 3 acre lot and now it is only 1 acre which is not buildable due to the stream located on the property.

Richard Dingee stated that Rolf Ronning has also mined on the 62 acres up to the top for a road and he has been hauling fill in there that came out of Saddlebrook which was part of an environmental problem with DEC. He stated that this 62 acre piece has now become a dump site and there is nothing but erosion problems. He stated that he questioned Rolf Ronning about this and Mr. Ronning asked him not to say anything because they were going to push it through later on for another subdivision.

Supervisor Simmes stated that she and Mitzi Nittmann intend to go up for a site visit tomorrow. She has also asked John Gaddy and Sue Wilson to attend with the original subdivision plans.

Richard Dingee stated that the Adirondack Extreme has seven stations set up and they are using trees located on lot 1. He stated that he would like to know what the Town plans on doing about that. Councilman Maranville asked if the Town could be held liable if someone were to get hurt. Counsel stated that if Richard Dingee is truly stating the case then this would be an encroachment matter. However, it would be a private/civil matter and there would not be active participation on the part of the Town.

Supervisor Simmes stated that they will investigate the encroachment and milling/dumping issue at their site visit.

BOARD OF HEALTH

ZONING ISSUES

- Lehman barns: Counsel has filed the motion and proposed order to have the buildings removed. We have received bids for removal. Open bids.

The following bids were received:

Fifield Sand and Gravel	\$8,600
Ellsworth & Son Excavating	8,500
Don Kingsley Jr. Excavating	25,400
North Woods Excavation	14,580
Fine Home Building Co. Inc.	12,500
Doug Wholey's Excavating	10,698

Councilman Maranville asked if the bids submitted were based upon inspection of the property. In previous situations it ended up costing more than what was provided for in the bid because things were uncovered once demolition occurred. Supervisor Simmes stated that they were provided a report from the CEO. Mitzi Nittmann stated that there is a basement under the barn, and they do not know what is in it. She recommended that they not go with the lowest bid because they do not know what they are getting into. Councilman Saris stated that any of these contractors could encounter a surprise and feels that it would make more sense to go with the lowest. Counsel stated that they specified in the notice of bid that all should inspect the premises.

Jake Lehman stated that she has a meeting with Brian Sawn of All-in-One Contractors tomorrow. She asked that before it is awarded to anyone she would like to get 2 more bids on it. She stated that she also has a number from George McGowan that also does demolition. Counsel recommended that the TB keep on track and accept one of the bids, especially since Ms. Lehman had been granted additional time in the beginning of this process. He stated that due to scheduling of the next court appearance it has continued to grant time to Ms. Lehman. He stated that papers have been drawn and are waiting to be signed by the Judge. However, if she can find her own contractor to remove the barn before the papers are signed then she can go ahead and do it.

Councilman MacEwan asked when Ms. Lehman planned to have the work done. Ms. Lehman replied that she would like to have it done within the week. She stated that she already has the fencing to set up around the demolition site. Councilman Maranville asked how long she would be in Town. Ms. Lehman replied until the work is done.

Councilmember Rehm asked if they award the bid to the lowest bidder, but in the meantime Ms. Lehman finds someone to do it cheaper are they legally bound to that bid. Counsel replied that the bid is contingent upon the signed order. Supervisor Simmes asked if the bidders were aware of that. Counsel replied yes.

Supervisor Simmes stated that even if Ms. Lehman does get her own contractor to take the barn down, the Town is still able to collect any and all engineering and legal fees incurred. She stated that if Ms. Lehman does not pay for the contractor chosen by the Town or the reimbursable fees it would be levied onto the 2010 taxes.

RESOLUTION #171

Councilman Maranville moved, seconded by Councilman MacEwan to hire Ellsworth & Sons Excavating at a cost of \$8,500 for the demolition work on property 171.15-1-28, 57 Horicon Avenue, Bolton Landing. All in Favor. Motion Carried.

- Timothy Harrington: At our June meeting we asked the PB to review the Harrington matter regarding "no development" PB minutes from June 18th Resolution was made to support the Zoning Administrator's interpretation of the "No Development Area" whereby the cutting of trees does not constitute a material change of the land and therefore does not constitute development.

Counsel stated that the PB's interpretation has handled one of the last matters in this lawsuit since the cutting of trees in this area is not considered development. He recommended that the TB authorize him to resolve the litigation.

RESOLUTION # 172

- Councilman Saris moved, seconded by Councilman Maranville to accept the Planning Board's interpretation from the June 18, 2009 meeting, whereby the Planning Board supported the Zoning Administrator's interpretation of the "No Development Area" whereby the cutting of trees does not constitute a material change of the land and therefore does not constitute development and terminate the litigation against Timothy Harrington. Councilmember Rehm opposed. All others in Favor. Motion Carried.
- Harold Raven:

Mitzi Nittmann stated that Mr. Raven has cut the sections of deck but he has not finished repairing them. Mr. Raven created spaces of 2" so that each structure is no larger than 100 sq. ft.

Councilmember Rehm stated that although she did not support this action, she doesn't feel that anyone else should refrain from taking this issue to the APA. Even though the Town does not plan to take action this is a flagrant violation of the APA shoreline setback rules because when it is functionally connected it is considered one structure.

- Elmer Clark: Sale pending-

Mitzi Nittmann stated that she has contacted both realtors, and attorneys to make them aware of parcel remediation pursuant to Ordinance #27, specifically the porches that needed to be demolished, repaired or rebuilt. The sale of the parcel was contingent upon the installation of a well and septic.

- Councilmember Rehm stated that she noticed that Rosamond Clarke had not paid the \$150 civil penalty. Mitzi Nittmann stated that she did let Jeff Tennent know that it was due. Councilmember Rehm asked if there is any way that the CEO could refrain from issuing a certificate of compliance until the fine is paid. Counsel replied that they should do that.

CORRESPONDENCE

- Letter from The Fund for Lake George regarding the Waterkeeper.
- Resolution from Town of Lake George regarding Waterkeeper. They are looking for our support.
- WC BOS Resolution #520 of 2009 opposing the Lake George Park Commission Stream Corridor Proposed Rules and Regulations and authorizing that the Rules and Regulations not be approved until public hearings are held in each of the Towns.
- NYS Encon memorandum to Commissioner Grannis regarding Regulatory Initiation Memo for Amendments to 6 NYCRR Parts 608.1 and 608.4 to 608.141 pertaining to Use and Protection of Waters.
- NYS DEC notification of Water Quality Improvement Projects grant program. Application deadline is October 16, 2009
- We have the contract for the Conservation Park from Richard Horsch
- Counsel letter to APA & Warren County regarding Local Law #3
- APA Project permit has been granted to Saverio Ruffolo located off South Trout Lake Rd. for a seven lot subdivision
- APA amended permit for Kudlack for a composting toilet in their storage shed.
- Time Warner Cable notification of possible changes to programming
- State of NY DOT pre-construction conference Tuesday 8/4/09 at 10:00 a.m.
- Darrin Fresh Water Institute will be conducting a floating experiment in Sawmill Bay: They will be testing for increased nutrients.
- C. T. Male's letter awaiting the okay from EPA in order to advertise for bids for the relocation of the sewer line. When approved they will be advertising on August 3rd and work should begin in September.
- Summons with notice in a claim for injuries regarding Mark Anthony Coon.
- Notice from National Grid that there will be a temporary NYS Assessment surcharge on our electrical bills as part of the 2009-2010 NYS budget. This surcharge will remain in effect until March 31, 2014.
- Second interim coliform-- report submitted by Darrin Fresh Water Institute. Except for Sawmill Bay we are okay
- The long reach excavator is scheduled to dredge Artist Falls the last week of August. We need to provide an operator, trucking, laborers, silt fence, etc.

- Counsel letter concerning Thunderbird Motel- The TB decided to discuss this in Executive Session.

COMMITTEE REPORTS

Councilman Saris

Town Clerk- Total Local Shares remitted- \$30,497.05 Total non-local revenue- \$188.29 Total State, County and Local Revenues \$30,685.34.

Wastewater Treatment- Took in 6,894,150 gallons of wastewater for an average of 222,392 gallons/day. It is the rainiest July on record and they have been extremely busy. However, even with all of the water all of the beds are dry except the one in use. They raised the manhole in the back of Cate's Café. The grinder pump was repaired for Buzz Lamb. Chet Dagles is still in the process of preparing an emergency procedures plan. There was 32,000 gallons of liquid sludge hauled.

Councilmember Rehm

Library- Councilmember Rehm shared some statistics of the 2008 Southern Adirondack Library System report. She stated that the average circulation per capita is 10.7 and Bolton's is 34.9. She stated that the average support per capita is just short of \$46/person and Bolton's is \$16.50/person. Average expenses were approximately \$48/person and in Bolton it is \$37/person.

Recreation Dept- The Recreation Department Summer Camp participated in a theater camp and put on a production Thursday July 30th in Rogers Park. She stated that the name of the production was called the Tick Ridge Raceway. She stated that it is based on a true story of soldiers coming home to Bolton Landing after World War II and were at loose ends about what to do. They were seeking some fun and to raise some money so they organized jalopy races on the site which is now the Transfer Station. She stated that there are photographs of some 800 people showing up to watch such races. She stated that the children used this topic to write their own production and they used 2 of the original racers as their mentors.

On August 29th there will be a reception at the Library for the transfer of the Town key that was made by sculptor David Smith for one of the young men returning from World War II. The David Smith Estate has saved it and is donating it to the Library on August 29th.

Councilman MacEwan stated that he has been driving the bus for the Rec. Department for most of the summer. He commented that the staff Michelle has hired is very good. He stated that the kids are always in line and very polite and he feels that they should be commended for a job well done.

Councilman Maranville

Assessor-Dave Rosebrook stated that the month of July has been slow for sales and maintenance updates. In July he completed homeowner edits and only has a handful left to review. He has analyzed the sales trends and is ready to enter the data into the computer regarding sale comps. Sales have been separated by neighborhood and are being analyzed for current land values and cost adjustments. From July 12-15 he attended a course on restaurant valuation. They have not received any offers for the 2008 surplus tax maps since the use of GIS and computer programs has increased. He has been served with 3 Small Claims Petitions for judicial review. He stated that he will represent the Town and may call upon Town Counsel if legal opinion is sought. Chris LaFountain has begun setting up the new computer and the NYS ORPS will be on by August 13 to complete the set-up regarding the V4 program.

Police- Patrolled 3,061 miles and used 256 gallons of fuel. A detailed list of all the calls answered is available for review.

Justice- Hon. Harry Demarest took in \$9,970 and Hon. Ed Stewart took in \$7,315. Total monies forwarded to the Town of Bolton - \$17,285. Itemized lists are located in the Court.

Councilman MacEwan

Transfer Station- Total receipts \$11,277. They sent a 30 yard container of metal out to East Side on July 25th and car batteries on July 28th. There was an accident report filed at the Transfer Station regarding a Waste Management Truck and the compactor. It has all been put on file and they are waiting for the insurance report to come back. They burned the brush pile twice and it is due to be burned again.

Water Department- Filtered 7,891,000 gallons total for an average of 255,000 gallons/day. It has been a busy summer month. The bacterial samples came back satisfactory and the lead and copper samples taken around Town came back very good. DEC came and inspected a dam and they will send the Town a report.

SUPERVISOR'S REPORT

Receipts: \$473,090

Disbursements- \$1,023,878.86

OLD BUSINESS

- Status of Thunderbird encroachment
- Award bid for demolition of barns at the Lehmann property. 57 Horicon Ave.
- Cable TV extensions-

Supervisor Simmes stated that today she received from Mr. Mucha the cost for Wall Street. She stated that the total cost of the project is estimated to be \$21,741. Nine homes will be passed and the length is .81 of a mile and it will all be aerial. Federal Hill to Sawmill Road, which also includes the Indian Brook Trail, will cost \$61,326. It is 2.1 aerial miles and 5/10th of a mile underground. Altogether the total is \$83,067 and that is only based on the fact that we would have to foot the entire bill. She stated that as people sign on the price becomes cheaper. She stated that they have \$46,548 in the capital reserve fund and they would need an additional \$36,519 to complete both projects. She stated that they have some additional money coming in for their franchise fees.

RESOLUTION #173

Motion by Councilman Saris, second by Councilman Maranville to move ahead with the following Time Warner proposal.

- (1) Wall Street – total cost of project estimated to be \$21,741.00, length of project is 0.81 miles, all aerial.

RESOLUTION #176

Councilman MacEwan moved, seconded by Councilman Saris to accept the bid from Advanced Power Systems to install both the new generator and propane tank at the Bolton Health Center at a cost of \$8,676. All in Favor. Motion Carried.

- Proposals to install gutters on the Town Hall
- Mike Fitzgerald estimate to replace the lights at the Veterans Memorial

Supervisor Simmes stated that Mike Fitzgerald indicated that these lights are underground and they got wet. He cannot move them because it would be too costly to dig up the sidewalks. It is \$5,000 to replace what is there. Councilman Saris stated that these lights have only been there for 8 years. He feels that they may want to consider some other type of lighting so that they are not hit with this large expense every 8 years. Councilman Maranville stated that it could also be a yearly maintenance that could be done to prevent such quick deterioration.

- Home Place Corp. request for a sound permit. Wedding on 8-22-09 request for music from 7 to 11pm. There are 7 members in the band.

RESOLUTION #177

Councilman Maranville moved, seconded by Councilman MacEwan to grant a sound permit to Home Place Corp. for August 22, 2009 from 7:00pm through 11:00pm. All in Favor. Motion Carried.

- LA Group has submitted a proposal to apply for a new grant for Rogers Park. The Hamlet group identified in stages what was considered the steps for the upgrades to the Park. The amphitheater and improvements to the "overlook" and entryway parking were our first choice. The fee to prepare the grant is hourly up to \$3,000 plus reimbursable expenses.

Councilmember Rehm asked if they had any idea of the cost of the total project. Supervisor Simmes replied that the proposal gives no figures plus they would need to go through this process in order to calculate and estimate cost of the total project.

RESOLUTION #178

Councilman Saris moved, seconded by Councilman MacEwan to authorize the LA Group to submit a grant application on behalf of the Town of Bolton for Rogers Park at an hourly rate of up to \$3,000 plus reimbursable expenses. All in Favor. Motion Carried.

PUBLIC IN ATTENDANCE

- Robert Weisenfeld- Bell Point Shores

Robert Weisenfeld spoke on behalf of his mother Madeline Weisenfeld. He stated that on July 16th he sent a letter to the Supervisor regarding an application by Bell Point Shores HOA to have withdrawn a condition of approval. He stated that he did not see his letter referenced in the correspondence and he wanted to go on record that he did in fact send that letter and would be more than happy to provide a copy to any interested party.

Regarding the letter, Robert Weisenfeld, stated that the SEQR requires a lead agency for fashioning a final action to make that action consistent with its SEQR findings statement. He feels that the application presented by the Bell Point Shore HOA may not be entertained in the forum in which it has been presented. It raises somewhat of a jurisdictional issue. He asked if any decision has been made on how this application will be handled.

Robert Weisenfeld stated that 3 matters were raised in the application:

- 1) Stormwater mitigation plan could be handled separately
- 2) The rescinding of the conditions of approval is objectionable and should be separated.
- 3) To remove the requirement that the former garage or storage shed on the property to contain toilet facilities. He has not looked into how this affects the overall original approvals, but it may be another incidence of an attempt at a piece-meal reformation of the subdivision outside of the SEQR. This would also be objectionable.

Counsel stated that all of these matters raised have been raised appropriately at the PB level. He stated that all of Mr. Weisenfeld's objections should be heard at the PB level. Councilman Saris stated that the PB does not always have a public hearing on these types of issues. Counsel replied that he was correct, but he would be sure to encourage that the public hearing on these issues be re-opened.

- Zandy Gabriels-

With regard to the LA Group's Hamlet Sustainability project, Zandy Gabriels suggested that they look into incorporating the public bathroom facilities down by the beach.

With regard to Time Warner cable extensions, Zandy Gabriels stated that the Zuckerman's are interested in tying into the system even though they are on a private road. Supervisor Simmes replied that she was aware and it has been discussed.

Zandy Gabriels stated that he wanted to strongly support Councilman Saris' comments regarding the The Fund's letter to the LGPC. He feels that it is improper politics being played. He feels that The Fund is taking a broad brush without any basis in fact and reality and slandering the good offices of the Town Board, Planning Board, Zoning Board of Appeals, Zoning office and Town Counsel. He stated that they have home rule and the Town knows what is best for the Town.

PAY BILLS

There was discussion of the rental equipment for the highway department. Supervisor Simmes stated that they rented the equipment for 2 months and it was set up for a month to month basis. Supervisor Simmes stated that all of the work was completed. Councilmember Rehm stated that she thought they were supposed to receive some sort of report on the use of the equipment so they could evaluate the cost.

RESOLUTION #179

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

General Fund:	\$68,880.44
Highway Fund:	\$33,602.96
Light	\$ 1,712.61
Water	\$ 7,374.78
Sewer	\$12,917.90
Tourism	\$7,237.22
Rogers Park Docks	\$8,177.50

All in Favor. Motion Carried.

TRANSFERS

RESOLUTION #180

Councilman MacEwan moved, seconded by Councilman Saris to approve the following transfer for August 2009:

FROM	TO	AMOUNT
General Fund		
19904 Contingency	40104 Board of Health	\$100.00
19904 Contingency	86874 Hamlet Sustainability	1900.00
Water District		
83404 Transmission	83402 Transmission	2050.0
Sewer District		
\$1,000.00 additional for July from General Fund		

25,000.00 for August expenses from General Fund

Urban Development Action Grant Transfer Interest to General Fund \$55,000.00

16204 Buildings & Grounds \$45,000.00 for Adirondack Roofing

16204 Buildings & Grounds \$10,000.00 for Furnace

From Un-appropriated Surplus 16204 Buildings & Grounds 49,840.00 Furnace

All in Favor. Motion Carried.

EXECUTIVE SESSION- Entered at 9:48pm

RESOLUTION #181

Councilman Maranville moved, seconded by Councilman MacEwan to return to regular session at 10:21pm. All in Favor. Motion Carried.

- Thunderbird Motel encroachment

RESOLUTION #182

Councilman MacEwan moved, seconded by Councilman Maranville to follow Council's recommendation to proceed against the Thunderbird Motel with an administrative hearing under the Navigation Law with the NYS Office of General Services.

Councilman Saris abstained. All others in Favor. Motion Carried.

- Propane Tank for the Town Hall

Supervisor Simmes stated that the tank is supposed to go out back. However Jack Hall has indicated that would be expensive. If it is installed above-ground it will take up too many parking spaces because it will need to be 25' away from the transformer there. If it is underground, they would still lose parking spots. Jack Hall suggested that they dig up the fuel tank and put the new propane tank in this location. It would be easier to run the lines to the building and it would be less expensive. Supervisor Simmes asked if she could proceed with calling someone about investigating whether there are any issues with potential contamination from the existing tank. Councilman Saris suggested that it would be best to remove it. It is their responsibility and they should lead by example.

Supervisor Simmes stated that someone that works with Jack Hall is also getting an estimate for a piece of equipment that will work in conjunction with the new boilers which will help them operate efficiently. In the long run it will be a cost and energy saver. She stated that she will provide more information at a later date.

ADJOURN

RESOLUTION #183

Councilman Saris moved, seconded by Councilman Maranville to adjourn the Town Board meeting at 10:26pm. All in Favor. Motion Carried.

Respectfully submitted by:

Patricia Steele

Town Clerk

Respectfully submitted by:

Kristen MacEwan

Recording Secretary