

REGULAR MEETING
BOLTON TOWN BOARD

July 5, 2016

Regular Meeting:

Supervisor: Ronald Conover
Councilman: Robert MacEwan (absent)
Councilman: Tim Coon
Councilmember: Cheryl Bolton
Councilmember: Susan Wilson
Town Clerk: Jodi Connally
Counsel: Michael Muller

Meeting Call to Order: 6:30 pm.

Pledge: Tim Coon

Please remain standing for a moment of silence for Chauncey Mason & Todd Lavit.

Minutes: Approve Minutes of Regular Town Board Meeting held June 7, 2016.
Approve Minutes of Special Town Board Meeting held June 24, 2016

RESOLUTION #157

Councilmember Bolton moved, seconded by Councilmember Coon to approve the minutes of the Special Town Board Meeting of June 24, 2016. All in Favor. Motion Carried.

RESOLUTION #158

Councilmember Bolton moved, seconded by Councilmember Wilson to approve the minutes of the Regular Town Board Meeting of June 7, 2016. All in Favor. Motion Carried.

Public Hearing regarding outdoor sound amplification permit by Alicia Lavit at the Conservation Park on July 6, 2016 from 3 pm to 8 pm.

- Resolution regarding outdoor sound amplification permit by Alicia Lavit.

Councilmember Wilson stated this was a very minimal request.

RESOLUTION #159

Councilmember Wilson moved, seconded by Councilmember Bolton to approve the sound amplification permit by Alicia Lavit at the Conservation Park on July 6, 2016 from 3 pm to 8 pm. All in Favor. Motion Carried.

Public Hearing regarding outdoor sound amplification permit by Kandra Painter at the Conservation Club from 5pm to 11pm (DJ) on July 9, 2016.

- Resolution regarding outdoor sound amplification permit by Kandra Painter.

RESOLUTION #160

Councilmember Coon moved, seconded by Councilmember Bolton to approve the sound amplification permit for Kandra Painter at the Conservation Club from 5pm to 11pm (DJ) on July 9, 2016. All in Favor. Motion Carried.

Public in Attendance:

Megan Baker asked the following:

- Inquired if the Town would be mulching more in front of the Library and ticket booth at Rogers Park.
- There is a fence with rusty barb wire along Sagamore Road by Nirvana Farms, and she would like to know if the Town could do anything about it.
- The Visitor Center looks great and suggested moving the wooden directional sign out closer to the road.

Zandy Gabriels stated he was here on his own recognizance and also representing Bill Campbell and submitted a petition with 316 signatures for the sampling of liquor at the Farmers Market.

- 138 of the signatures were from residents of the Town of Bolton.
- He read the petition to the Board.
- This decision by the Board to not allow the sampling of liquor is not in the best interest of the community at large.
- He and Mr. Campbell hope that on behalf of the 316 individuals the Board would take action to remove the stipulation of no tasting of the liquor.

Councilmember Wilson stated the following:

Bill and I had previously discussed my reasons for not supporting the distribution of free alcohol at the Farmers Market at great length and because I thought he understood those reasons, while not agreeing with them, I did not explain them again while speaking to him when he appeared before the Town Board.

The Farmer's Market is a Town activity. It is similar to the Arts and Crafts Fair that has been held several times annually in Bolton for many years. Each year the Town Board approves both the Farmers Market and the Arts and Crafts Fair.

If someone wanted to allow the Farmers Market or the Craft Fair to be held on their private property, depending on the location, they would first require some, if not all, of these approvals:

- Site Plan Review and approval for signage by the Planning Board.
- Sound Amplification Permit approval by Town Board.
- Site Plan Review and approval by the Planning Board for the impact of the activity on the parcel.
- Use Variance and approval by the Zoning Board of Appeals. The requirements for a Use Variance are intended to be difficult as it will conflict with the overall zoning scheme for a community. A financial hardship must be proven as part of the process.

Some of these are fairly simple and some very difficult.

Relief from the code can be granted by the Zoning Board of Appeals, but the Town is exempt from the code. Because the Town Board felt this activity was beneficial to the Town of Bolton we have agreed to sponsor the event each year.

I believe the Farmers Market has two vendors who are interested in handing out free samples of alcohol because it would increase their sales - I understand that, but it is not a reason for me to change my opinion. I would not support passing out free alcohol samples at the June picnic to increase attendance or handing out free samples of alcohol at the Arts and Crafts Fair to entice more customers. I would not support handing out free samples of alcohol at our movies in the park or our music in the park events to increase attendance. These activities are also Town events.

I do not believe the Town of Bolton should be offering free samples of alcohol in any amount, in any location or under any circumstances.

Mr. Gabriels stated that the Farmers Market is run by its own organization and has the use at the graciousness of this Town Board, but the sampling that is being provided is in full accordance with state law.

- The Town is exercising its discretion as it maintains for itself under home rule the ability to prohibit this minor activity.
- The only answer given, is that they don't like it.
- He believes it is the wrong decision to make.

Chris Navitsky, Lake George Waterkeeper,

- Thanked the Town for working with them on the Cross Street Parking Lot, making it a low impact development project.
- It appears that the Town has reached the threshold for certification.
- He appreciates the Town sitting down and working with them on this process.
- This has been beneficial to the LGA allowing them to test their products and see if it meets their intended goals and objectives.
- He would like to walk the Town, Planning and Zoning Boards through the project at some point.

Supervisor Conover and the Board stated this would be very beneficial and they would like to see this happen.

Dawn Faller stated she had a few comments on the Farmers Market.

- She wondered about the validity of the petition for free alcohol asking if you would like free samples or pay for them.
- The street vendors on Main Street at the steps of the Town Hall was not in the discussion for the placement of these vendors in May.
- The parking issue was supposed to be settled in May, and this has obviously not occurred as discussed.
- These issues need to be addressed.

- She took an informal survey of the local businesses on the effect of the Farmers Market and presented it to the Board.
- The main concern was the parking.

Robin McDougal, owner of the Lake George Distillery stated the following:

- She is a very small business and is very dependent on the summer sales.
- This was her second biggest market, and based on the first week of this year, she does not believe they will be back.
- They do not provide free alcohol; they provide a ¼ of an ounce as a sample.
- The product is hand made by her husband and son.
- This is a family run business.
- The Governor of this state is a huge supporter of craft beverages, wines, ciders etc. because of all the money these businesses spend by using agriculture products within the state.
- They do not dispense full cups of wine or liquor; they give out a tiny little taste so people can make a decision as to whether or not they would like to purchase the product.
- The decision not to allow the sampling affects many different people, not just the vendor.

Carol Gedney employee of Lake George Distillery stated the following:

- Last summer she sold approximately 40 bottles on 4th of July weekend.
- This summer she sold only 15 to mostly return customers.
- It has been an embarrassment for her to tell people that she could not let customers sample.
- She had people signing the petition who were upset.
- It is free choice to sample, it is a choice, and that is why we are Americans.
- To take away the choice due to your own personal feelings is not right.

Dawn Faller added the following:

- This is not about taking away people's livelihood or choice.
- You can't ask for a sample at a liquor store.
- To use this for an argument as to a lack of sales does not wash.
- She is sure this is a hardship, but this is a public place.

Ms. McDougal stated that she does do her samples at liquor stores, so that statement is incorrect.

Penelope Jewel stated the liquor law had changed last year and it is now legal to offer samples in a liquor store.

Councilmember Bolton stated that she wanted to be clear about the situation and state her opinion. She believes they have missed a few points here and she wants to be clear on something. This situation was brought to the Town Board's attention because there was no longer an agreement that could be met at the church facility. The Board was handed a situation and they thought that the community wanted the Farmers Market, which she believes they did. She stated it is wonderful event. This Board changed everything they could possibly change to make sure they had the same date and area. They set a limitation on sampling which effects two

vendors out of about fifty. She finds it a stretch that two vendors out of the fifty changes the entire dynamics of the market. She believes that it is time to agree to disagree. The Town has still been able to supply space, but again the parking requirements the Board has asked, they have now had to bend to meet the Farmers Market's needs. The Board has done a very good job of meeting the needs of this group. There have been many complaints this past weekend about the vendors in front and vendors on the Town Hall steps, along with restaurants not having parking, but they still have provided the Farmers Market with a safe place for the vendors to be and for this market to continue. She stated they should be thinking about what we have here, not what we don't have. She is sorry that two vendors are being effected, but when this resolution was put in place, that would have been the time to let those vendors know that they would not be allowed to sample; not that in two months they were going to continually ask the Town Board to change it. The Board had a resolution, they had a vote and they have done everything possible to help them out except to agree on this issue. They need to look at the bigger picture here and remember that the Town has met the needs to make sure the market has a home in Bolton Landing. They hear constantly from this group and also by their petition, which is all well and good, but there are also a lot of people in this town that have asked that they not take away the parking, not have vendors on Main Street and not block the businesses down town parking. They have tried to meet the needs of all interested parties, two vendors are effected and she is sorry about that, but the market is still running, they still have a safe place to be in the center of town. She believes that all in all this Board has met every issue in a positive way. The articles in the papers did not ask the Town Board for their input, they spoke for the Board, but they did not speak to them and that is why she would like this in the minutes tonight. She believes they have done a very good job to meet the needs of this event.

Supervisor Conover stated that the original motion that was made by Councilmember Wilson, was for the approval of the Farmers Market and to allow the use of the Town Hall parking lot on a temporary basis, and then to eventually move to another town facility with some conditions. The motion itself was to effectively save the Farmers Market. The Market did not want to go to outlying areas or the Conservation Park, it wanted to stay in the hamlet which he well understands.

Supervisor Conover thanked the Catholic Church again for allowing both of their parking lots to be used for public and employee parking. He stated that the Town does not have assets that are comparable to the Catholic Church parking. He did not know if this event would have gone off a smoothly as it had, if not for that. The church has been an excellent partner over the years.

Code Enforcement:

Correspondence:

- NYS Department of Agriculture and Markets Inspection Report regarding Animal Control Program (only deficiency identified was in the recording of certain information on some disposition reports; which is being remedied by our Animal Control Officer).
- Thomas Damiani; President of Bell Point Shores Home Owners Association, transmittal of Spring 2016 Maintenance Report prepared by Daniel R. Wacks P.E.P.C. Consulting Engineer.

- Mike Seguljic regarding deteriorating water quality in Lake George.
- Sally Defty recommending that a dog park be established in the hamlet area.
- Alexander Novick, Lead Steward regarding easement monitoring visit for the week of July 18-22, 2016 regarding tax map parcel #155-1-30, #171.00-1-6 and #171.00-1-15.2.
- Kevin Bruce, U.S. Army Corp. of Engineers permit approval for Veterans Dock.
- Michael Murray inquiry and complaint regarding maintenance of storm water fence (this has been referred to the Zoning Office).
- Patricia C. Nenninger Personnel Officer for Warren County Civil Service regarding test for Water and Wastewater Treatment Plant 2 Operator.

Supervisor Conover stated the Plant Operators are now certified under Civil Service.

- Kathleen H. Burgess, Secretary NYS Public Service Commission regarding negative revenue adjustments.
- Curtis A. Truax, Jr., Secretary Treasurer Board of Fire Commissioners regarding need to keep their driveway clear for emergency response and cars blocking the hydrant on Sagamore Road. (A fresh coat of paint has been put down).
- Bill Campbell requesting approval of serving of alcohol at the Farmers Market citing the serving of alcohol by the Steam Boat Company during a community event.
- Bill Campbell bringing newspaper article to the attention of the Town Board.
- Bill Campbell notifying the Board of petition he circulated garnering over 300 signatures to permit handing out wine samples at the Farmers Market.
- Brian Haggerty regarding drainage issue on Ridgewood Court. (This has been referred to the Highway Superintendent).
- Chris Navitsky, PE regarding sponsorship opportunities for the Keep the Queen Clean Event.
- Dawn Faller regarding serving alcohol samples at Farmer's Market.
- John Gaddy recommending a pedestrian stripe on the west side of Cross Street.
- Mona Seeger, LGA thank you letter for letter of support for their 2016 Froehlich Grant application.
- Bolton Business Association request for fireworks permit for July 4, 2016 @ 9:15 PM.
- Patty Brown request to conduct weekend classes at the Conservation Park. (Recreation Director, Michelle Huck has already addressed this and has scheduled the classes for Saturdays at the Town Hall).
- Wauneata Waller recommendation regarding Patty Brown and conducting an exercise program for Bolton.

Committee Reports:

Councilmember Tim Coon

Assessor:

- With the new STAR changes, there were 28 property owners that needed to register with NYS before July 1st. In addition, there were a number of property owners that had not registered with the Assessor's office that would be entitled to the STAR check. Since the process of getting registered with NYS Dept. of Taxation and Finance can be confusing,

the Assessor's office reached out to property owners, suggesting they visit the office if they needed help.

- At this time, Christine and Deb have helped more than 20 property owners get registered online.
- The Final Assessment Roll was filed with the Town Clerk, Jodi Connally, on July 1st.
- The Assessor will be away from the office the week of July 11th for continuing education classes in Ithaca/Cornell University.

Buildings & Grounds:

- Mulched the new flower beds at the Chamber building and Rogers Park.
- Dug up and fixed sewer line at the Community Center.
- Put risers on all 3 tanks and top soiled.
- Mowed all Parks and Little League Field.
- Worked on removing silt sock at ball field.
- Changed exhaust fan in lower bathrooms at Rogers Park.
- Top soiled and seeded by the Library and ticket booth at Rogers Park.
- Helped Farmers Market set up behind the Town Hall.
- Moved Chamber furniture into new building.
- Hauled fill out of Cross Street lot.
- Replaced 150 feet of fence on North side of Huddle Beach.
- Changed faucet at the Town Hall.
- Hauled 3 loads of brush from Rogers Park.
- Fixed boards on Veterans Park docks.

Police:

- 48 patrol shifts, 371 reportable activities and 297 property checks.
- An 11-year-old bicyclist was reported missing from home on Trout Lake Road. The Warren County Sheriff's Office responded and initiated a search for the boy. While assisting with the search, the missing boy was located safe and sound by the Bolton Police Chief Neumann. He was reunited with his family.

Councilmember Susan Wilson

Planning/Zoning:

- Planning Office for the month May collected fees in the amount of \$1,346.75 for various items including Certificates of Compliance, Septic Permits, Variances, Site Plan Reviews, Stormwater Permits Subdivisions.

Code Enforcement:

- They have submitted a 20-page report that details 25 site visits and activities accomplished during the month of June.

Bolton Veterans' Memorial Wall:

- The committee continues to reach out to the community to insure that anyone eligible is included in the addition of names to the wall in October. Applications are available at the

Town Clerks office or online at www.BoltonVM. Applications will be accepted between now and Labor Day and it is expected that the new names will be added in October.

Library:

- The Sembrich Movie series begins on July 11th with the movie “Tevye”, a non-musical version of Fiddler on the Roof. On July 25th the movie will be “The Last Five Years”, and on August 8th the movie will be “The Babushkas of Chernobyl” about three women who are living on their farms in the dead zone of Ukraine 25 years after the worst nuclear accident in history.

Seniors:

I have a copy of their most recent newsletter with me this evening which is also available on the Town Website, that provides information about their trips and activities as well as valuable contact information for Seniors.

Councilmember Cheryl Bolton

Sewer Department:

- The Water plant sent 8,448,825 of treated water to distribution.
- The Wastewater plant took in 5,505,100 gallons of wastewater for a daily average of 183,503.
- Replaced check valve for sludge pump.
- Painted Primary tank and Trickling filter tank.
- Milton Cat serviced all Generators.
- Keeping up on ground maintenance around the plant and sand percolation beds.
- Cut brush and planted grass around the plant.
- 6-5-2016 Alarm at the Plant for high water. 6-19-2016 Alarm for power outage and high water at the plant.

Water Department

- Monthly total coli-form tests were taken according to the sampling schedule.
- Conducted all general maintenance in and around plant.
- Responded to several U.F.P.O. requests.
- On 6/11/16 we had our chemical applicator here to copper sulfate the pond. Everything went well and he is scheduled to apply again at the end of July
- There was an emergency call during work hours of a high clear well alarm. It was found upon further investigation that the pressure level transducer in the clear well was defective. We had Aqua Logics Systems, Inc. remove and replace the defective transducer.
- Replaced a few broken fittings in the chlorine dosage lines in the chlorine chemical room.
- Due to dry and sunny weather the pond has been having an algae bloom which is causing water plant staff to constantly adjusting and monitoring our chemicals to keep producing the cleanest water possible.

Councilmember Bolton stated that both plant operators in the Water Department have passed the Civil Service exam.

Clerk's Office:

- Dog Licenses and renewals
- Correction to last month's report:
- We did not sell 31 fishing licenses in the month of May, we sold 70. In May of 2015 we sold 4.
- June of 2016 we sold 150 fishing licenses as compared to June of 2015 we sold just 5.
- 147 Park permits
- Balanced three monthly bank statements.
- Community Center inquiries and rentals picking up.
- Distributed 627 Spring Clean - Up Cards at the window
- Issued numerous purchase orders.
- Properly disposed of authorized records in the Assessor's Office, as well as the Clerk's Office, as permitted by the MU1. A complete inventory is available in the Clerk's Office.
- Dig Safely requests have shown an increase with the warm weather.
- Multiple copies and faxes.
- Notarized numerous documents.
- Prepared and entered invoices for payment.
- Balanced monthly abstracts.
- Ordered supplies for various departments.

Councilmember Bolton stated they are a very busy office with a great deal of window traffic on top of all the other work that has to be completed in that office.

Supervisor's Office:

Along with all of our normal daily duties, such as paying abstracts, paying bills, biweekly payrolls, monthly insurances, state retirement and deferred compensation, we are continually cleaning out and updating the office files.

- Website.
- New Hires.
- Appointment letters.
- Everbridge classes.
- Insurance verifications with Marshall Sterling.
- Incident Reports
- Correspondence.
- Notarized 38 documents for many different individuals.
- Employee memos.
- Grants.
- Updating Personnel files.

Highway: A few of the items they worked on were as follows:

- Sent trucks to Chestertown for help with blacktop.
- Sent trucks to Stony Creek for help with blacktop.
- Hauled item #4.
- Worked on ballfield.
- Worked on Padanarum Road.
- Mowing sides of roads.
- Swept streets.
- Hauled top soil.
- Hauled mulch for Parks Dept.
- Patched pot holes.
- Graded and raked dirt roads.

Supervisors Report:

- Receipts: \$1,187,045.35
- Disbursements: \$1,342,734.60
- Warren County Sales Tax Payments for May were up 13.2%; year to date up 5.1%.
- Visitor Center Project was open for 4th of July weekend and project substantially complete including the restrooms. There is some landscape work still underway. The museum site work is largely complete with inside work to be completed over the next few weeks. Both projects are on budget.
- Had an issue with the septic system at Conservation Park. The tank has been pumped and the line repaired. A Big thank you to George, Janette, Bernie, Penny, Mitzi and Kevin Kershaw for responding that Sunday. The problem has been resolved.
- Special Board Meeting was held on Friday, June 24, 2016 to award construction bids for the Cross Street Parking Lot. The work should begin shortly (General Contractor: DelSignore Inc. \$115,989; Fitzgerald Electric LLC. \$7,500). They have 10 days to mobilize.
- Fireworks permits.

Atty. Muller stated that the law, from 2009 to now has gone through many different amendments and presently allows fireworks under certain regulations. The Town is part of the permitting process. The applicants are allowed to submit for approval within 5 days of the event which causes a timing issue. Councilmember Wilson stated that is the reason they are receiving them after one meeting, and before another. Supervisor Conover stated if there are changes that are needed, they should address it. Atty. Muller stated the State views it as; if the applicant supplies all the statutory requirements, the municipality is supposed to approve it. They need to decide if they would like to appoint one person to sign off on these applications if all the requirements are met. He stated he would research this and give them some suggestions.

- Farmer's Market went off reasonably well. Big thank you to Joe Tyrell and Blessed Sacrament Church for allowing the public and Town employees and other employees to use their parking lots during the event.
- Parking regulations circulated to the Board members. Concerns with overnight parking of car and trailer along Horicon just east of Maple Street.

Councilmember Bolton suggested posting parking regulations on the Town of Bolton website. She stated she has concerns with the overnight parking in the lot next to the fire house too.

- New energy; 3-year energy contract signed at .06692.

- PAVE NY grant award for the Town of Bolton of an additional \$26,345.22.
- NYS Bridge initiative.

New Business

Public in Attendance:

Caroline Gedney expressed the following:

- The nature of the Farmers Market is to taste wares.
- Why not the whiskey, why not the wine.
- They are changing the focus by talking about parking.
- Having parking problems is a good problem for the town.
- You can't dismiss two vendors; you should want more vendors.
- The trickledown effect is greater than they are appreciating and they are underestimating the effect of their decision.
- It is a big advantage to have these two vendors here.
- If you are all elected officials, you should be working for the people.
- If you look at all the evidence, you may not agree with it, but the majority of people would like sampling.

Councilmember Bolton stated that there were 1000's of people here this past weekend. 300 people signed the petition. She believes they are looking at the majority, and as elected official they are doing what they think is in the best interest of the community.

Dawn Faller stated the following:

- The flowers look wonderful, and the Summer Gardner is doing a great job on them.
- Wonders if the vendor parking has been settled.

Supervisor Conover stated they had permission to use the school parking area. Councilmember Bolton stated both events appear to be using the school parking lot. Councilmember Bolton thanked the school for being so user friendly, this has been very valuable to both groups. Supervisor Conover stated he is really hoping the new lot will be a good home to both events in question.

Dennis Murphy talked about:

- the availability of the school parking lot.
- The craft sale is now on the school property by the fire house.
- There is no alcohol or smoking allowed on school property.
- The ballfield is looking great.
- Questions Japanese knotweed removal.

Supervisor Conover stated they had a meeting with DEC and he believes the outstanding issues have been resolved.

Zandy Gabriels:

- Wanted to know why the water production and sewer production totals were not added to minutes.

Councilmember Bolton stated she did not have them in front of her but they would be included in the minutes.

- He would like the explanation of exclusive occupancy and how it relates to taxpayers.
- His thoughts about the language for Visitor Center MOU.
- As soon as these elected officials move on and the attorney is no longer here the term exclusive occupancy gets lost.
- More needs to be done on determining the proper use by the Chambers of Commerce, the Visitors Center along with the taxpayers.

Bill Sherman, Highway Superintendent stated the following:

- He wanted to get Padanarum Road ground up
- Today and tomorrow they would be working at the Cross Street parking area.
- Canvas has not been found yet.

Supervisor Conover stated they may be able to get one from the County.

- He went over the ballfield with Liz Rovers today.

RESOLUTION #161

Councilmember Wilson moved, seconded by Councilmember Bolton to approve the following transfers: All in Favor. Motion Carried.

To	From	Amount
<u>GENERAL:</u>		
1010.1 Town Board PS	1990.4 Contingency	\$10,000.00
1410.2 Town Clerk EQ	1410.4 Town Clerk CE	\$44.00

SEWER:

8120.4 Sanitary Sewers CE	8130.4 Treatment/Disposal CE	\$2,573.00
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ADDITIONAL TRANSFERS...

\$542.00 to be transferred to Zoning Ordinance Account from General Fund

\$15,000 to be transferred to Special Recreation Ballfield Account from General Fund

\$150,000 to be transferred to Cross St Parking Project account from UDAG checking account ending in 8848

RESOLUTION #162

Councilmember Bolton moved, seconded by Councilmember Coon to approve payment of the following bills: All in Favor. Motion Carried.

Pay The Bills:

Abs 6A

	Voucher	Amount
General	859-871 873-888 890-895	\$3,164.56
Hwy	253	17.35
Sewer	181-188	2,394.50
Water	169-171	1,124.77
Lights	872 & 889	50.71
Tourism	19	13,000.00

Abs 7

General	784-858 896-932 934-942	123,152.04
Highway	241-252 254-277	27,577.95
Sewer	165-180 189-201	20,949.59
Water	155-168 172-185	11,403.88
Lights	933	392.96
Tourism	11-18	18,948.20
Special Ballfield	33-49	23,459.18
Cross St Parking	6 & 7	6,063.73
Sewer Capital Proj	4	7,560.00
Rogers Park Cap	31-36	204,687.05

Executive Session:

RESOLUTION #163

Councilmember Wilson moved, seconded by Councilmember Bolton to enter into Executive Session for matters involving personnel. All in Favor. Motion Carried.

No Action Taken

Adjourn: 7:39

Minutes respectfully submitted by:

Jodi Connally
Town Clerk

Katie Persons
Minute Taker