

STATE OF NEW YORK
COUNTY OF WARREN
TOWN OF BOLTON

Present: Supervisor Alexander G. Gabriels III, Councilmen Jason Saris, Edward White,
Town Counsel Michael Muller, Town Clerk Kathleen Simmes

Absent: Councilmen Scott Andersen and Rob MacEwan

PUBLIC HEARINGS: Regulation of Adult Entertainment Businesses and Tattoo, Body Piercing, Branding and Scarification Regulations

Counsel stated that he has been consulting with the APA on both the Adult Entertainment and Tattoo proposed legislation. He finally received a response yesterday with some good recommendations, such as incorporating the exact same penalties as outlined in State law for violating the Adult Entertainment proposed ordinance. The Agency also suggested that the Tattoo and Body Piercing proposed legislation not be considered as a change to the Bolton Land Use Code but rather incorporated as a Town ordinance, as it would require some type of business license, which an applicant would obtain from the Town Clerk prior to applying for site plan review by the Planning Board.

Councilman Saris was opposed to designating the GB5000 zone as an allowable zone for these types of businesses, as he feels the center of Town is not the appropriate location for such a business. He recalled there being discussion about the RIL3 zone (Residential Industrial Low Density) being proposed as a permitted zone, wherein such businesses would likely not be visible from the public right-of-way due to the CR11 setback requirements. Counsel indicated that there would be no legal or constitutional issues if the Board wished to change the proposed zone. He added that although doing so would not require public re-notification, the public hearing should be left open for at least another month for further comments.

There were no comments from the public.

PUBLIC HEARING: Technical amendments to the Bolton Land Use Code

Town Counsel reviewed each proposed change individually, noting that the changes have been reviewed by the local Boards, WCPB and APA, and each is satisfied with them. WC responded by letter. APA approved the changes by phone with Counsel.

There were no comments from the public.

RESOLUTION #78

Councilman Saris moved, seconded by Councilman White, to leave the public hearings open on the proposed Adult Entertainment and Tattoo Parlor ordinances and close the public hearing on the technical changes to the Bolton Land Use Code. All favorable. Motion carried.

REGULAR MEETING

Pledge of Allegiance - Town Counsel Muller

Supervisor Gabriels called the regular meeting to order at 7:02 pm.

Counsel stated that he prepared an environmental assessment form regarding the proposed technical changes to the Bolton Land Use Code, indicating there would be no adverse environmental impacts associated with the proposed changes. Based on this, Councilman Saris suggested there be a negative declaration made on the SEQR short form, noting that the proposed changes are not completely new changes, but revisions to existing definitions.

RESOLUTION #79

Councilman Saris moved, seconded by Councilman White, based on Counsel's preparation of the SEQR form, to make a negative declaration regarding the proposed technical changes to the Bolton Land Use Code. All favorable. Motion carried.

RESOLUTION #80

Councilman Saris moved, seconded by Councilman White, to adopt the proposed technical changes to the Bolton Land Use Code as presented. All favorable. Motion carried.

Announcements:

- ❑ 3rd Annual Bolton Family Cruise on the Mohican is scheduled for Thurs, June 17
- ❑ Replacement of the valve station on Horicon Ave is scheduled for April 8
- ❑ Water meter readings will begin next week
- ❑ The 'Town of Bolton Town Hall' sign is currently being repaired
- ❑ Meal site menu available
- ❑ Town Hall will be open on Good Friday, April 9
- ❑ New Town website is up and running under the address of: [.town.bolton.ny.us](http://town.bolton.ny.us)

Public in attendance:

- ❑ Ben Rae made a presentation to the Board proposing that his vacant lot on Horicon Avenue, adjacent to the school ballfield, be leased or sold to the Town for the purpose of creating additional parking. He had the property surveyed and designed for at least 27 parking spaces. Mr. Rae consulted all the businesses who were open at the time, and all were in support of the idea.

Councilman White felt that such a proposal would eliminate the parking congestion problem along the road when school baseball games are in session. Supervisor Gabriels stated that a suggestion was made to him that the proposed parking area be fenced in and have no or low

illumination. Councilman Saris felt that the proposal should be presented to the Planning/Zoning office to determine what permits or review processes may be necessary. Counsel believes that the *purchase* of real property by the Town would not be subject to a public referendum. Mr. Rae left the survey with the Board for review.

□ Don Roessler addressed the Board regarding an ongoing proposal to allow Orange County Choppers daytime use of Veterans Park during Americade, June 9-13. He is meeting with the OCC managers tomorrow at the Town Hall. OCC has been in touch with Americade organizer Bill Dutcher, and everything seems to be on track. Upon all the details being finalized, the Board indicated they would hold a special meeting to grant final approval for OCC's use of the park.

Correspondence:

- 7 responses of support were received from some Mohican Heights residents re: John Miller's proposal to be granted a right-of-way over Town property to access his property off Brook Street
- Request from Albert Huck for reimbursement in the amount of \$400 for bleeder water he supplied Sue Huck, whose waterline had frozen
- Request from the Bolton Senior Citizens for permission to sell their crafts on the sidewalk in front of the Town Hall during the craft shows in July, August & Sept
- Letter from Willie Bea McDonald of the Bolton Business Assoc re: local businesses who offer a safe haven for children being bullied, taunted or threatened
- Memo from Real Property Services Director Michael Swan re: on-line assessment service for the public
- Article 78 against the ZBA served on the Town on behalf of Stephen Byers
- Notification of WCPB approval on the proposed ordinances/amendments to the Bolton Land Use Code
- Notice from NiMo that the cost for the Town Holiday lights was \$1,334.28
- Letter from CT Male re: their review of the bids for the wastewater collection system improvements
- Request from Tenée and Jim Casaccio and Ted Rehm to officially designate the name of the road accessing their development off Coolidge Hill Road as Deer Creek Road
- E-mails from Joe Zarzynski of Bateaux Below re: placement of a sign signifying the Cadet shipwreck in NW Bay
- Request from Adirondack Runners to use Veterans Park for its 28th Annual Adirondack Distance Run on Saturday, July 3, 2004
- Letter from the Barbershop Harmony Society requesting permission to use Veterans Park for the Annual Barbershop Quartet festival Fri-Sun, Sept 3-6
- Notice of resignation from Sewer Dept laborer George Guercio
- Letter from Don King requesting a septic variance on his Braley Hill Road property
- Letter from Selective Insurance informing the Town that the structural problems with the Police barracks roof would not be covered
- Notice from BSC re: public hearing (Tues, April 20) and vote (Tues April 27) on the proposed land acquisition off of CR11 for the purpose of building ballfields
- Notice from WCPB re: proposed new GIS (geographic information system) software
- Annual SPDES compliance inspection from DEC at the Sewer Plant

- Permits received from DEC for proposed replacement culvert on New Vermont Road
- Notification from APA of project approval for Lagoon Manor/Brookhill Development
- Notification of third party custody agreement from Evergreen Bank
- Request from Bolton Business Association for the Town to address: cleaning and painting of lampposts and globes, repairing the lights on the 'Welcome to Bolton' sign, and having NiMo repair their street lights
- Correspondence from Counsel re: Mr. King's septic variance request
- Correspondence from NYS Assembly Minority Leader Charles Nesbit re: increasing Medicaid costs
- Correspondence William Morehouse supporting the Town Web page
- Letter from DOH erroneously indicating that Water Plant reports were not submitted
- Letter from Assemblywoman Teresa Sayward re: Town's replacement sewer line near Norowal
- Letter from AATV soliciting the Town's support of the NYS snowmobile plan
- Correspondence from Counsel re: lawsuit against the Town PB and Moonlight Management
- LGPC's annual report
- Correspondence from CT Male re: bid to install 200-amp service for the pump station
- Letter from the Greater Adirondack Resource Conservation & Development Council & Forestry
- Notification from the NYS Office for Technology re: State's proposal to create a statewide wireless network for emergency purposes
- Notice from Secretary of State re: local open space planning guide
- Correspondence from the Dept of Agriculture and Markets re: direct marketing surveys
- Annual report from Adirondack Council
- Two letters from Dan Wacks and Dr. Robert Johnson (Supervisor Gabriels read into the record) re: Town reassessment

Reports:

Councilman White:

ASSESSOR:

- March has been extremely busy following the property reevaluation. Mr. Rosebrook will re-review the property value of each person who contacted his office inquiring about their reassessment.

WATER DEPT:

- Water made: 8,029,884 gals. Average daily use: 259,028 gals. Pond level is very high. Busy with repairs and assisting the Sewer Dept. Mr. Torebka has completed his schooling on water plant treatment operations. After the Dept replaces the valve station on Horicon Ave, they will resume meter readings and fire hydrant flushing.

POLICE DEPT:

- Hours officers worked: White - 85, Howse - 90, Schoder - 29³/₄. Miles patrolled: 879 miles. Fuel used: 79.4 gallons. Officers White and Howse investigated 3 security alarms, 3 traffic tickets, 1 warning summons, 2 parking tickets, 1 auto accident, 1 domestic complaint, 4 court

security, 6 emergency medical assists, 2 non-criminal complaints. Police work schedule is available at the Town Hall.

JUSTICE COURT:

- A/R: Judge Demarest - \$2,995. Stewart - \$4,175. Total: \$7,170.

Councilman Saris:

- TOWN CLERK:

- Total local shares: \$8,190.10. Non-local: \$69.70. Total state, county and local revenues: \$8,259.80

SEWER DEPT:

- The Plant took in 5,878,591 gals of wastewater for a daily average of 189,632 gals. There were 6,000 gals of liquid sludge hauled. Good results from the DEC annual inspection of the Plant. Dept needs to find a replacement for laborer George Guercio, who has submitted a resignation letter. New totalizer installed. The Dept thanked the Highway Dept for refueling and maintaining the trash pump.

HIGHWAY DEPT:

- The Dept has not yet removed the snowplows from the trucks. They have begun spring roadwork and maintenance.

Supervisor Gabriels

- TRANSFER STATION:

- A/R: \$4,343. Compactor was repaired. Several complaints received on the \$15 charge for items containing freon. Several inquiries have been made as to the summer schedule. Frank French will come back to work this summer.

SUPERVISOR:

Total receipts: \$246,684.55. Total disbursements: \$390,093.54. WCS&WCD is engaged in a rehabilitation project on West Brook in LG.

Unfinished Business:

- Supervisor Gabriels read the resignation letter dated 03/15/04 from Sewer Dept laborer George Guercio, who indicated that his last day of employment would be April 16. Mr. Guercio noted that this was just shy of 5 weeks' notice, and he intends to use his last 2 weeks as vacation days.

RESOLUTION #81

Councilman Saris moved, seconded by Councilman White, to accept Sewer Dept laborer George Guercio's resignation, effective 04/16/04. All favorable. Motion carried.

RESOLUTION #82

Councilman White moved, seconded by Councilman Saris, to schedule a public hearing at 6:30 on Tues, May 4 re: John Miller's request for a permanent easement over Town property off Brook Street. All favorable. Motion carried.

Counsel was uncertain as to the status of Mr. Devoe's inspection of the floating concrete pads at the Hwy Garage. Councilman Saris spoke with Herb Koster (Clerk of the Works on the Hwy Garage project), who indicated that General Contractor A. Ritz had contacted him, and is seeking final payment - including accrued interest - of the remaining project funds being retained by the Town. It is Councilman Saris' impression that Mr. Ritz is concerned not so much over the money itself, but for the fact that until the money is released, the job is considered incomplete, which is affecting his ability to bond other jobs. Councilman Saris feels that the Board is unintentionally causing Mr. Ritz harm, noting that the Town was generally satisfied with the company's work, as the job was completed on time and within the price quoted. Additionally, the company promptly addressed the problem of the roof leaking. He feels the issues with the concrete pads should be addressed with Project Architect Richard Jones, whose design was followed and built accordingly by Contractor A. Ritz.

RESOLUTION #83

Councilman Saris moved, seconded by Councilman White, to make final payment in the amount of \$5000, not including the claim for accrued interest, to General Contractor A. Ritz for work done on the Town Highway Garage. All favorable. Motion carried.

RESOLUTION #84

Councilman White moved, seconded by Councilman Saris, to authorize Counsel to put Architect Richard Jones on notice of the Town's claim, in the amount to be determined from Mr. Devoe's estimate, for repairs to the floating concrete pads at the Hwy Garage. All favorable. Motion carried.

Regarding the voucher system at the Transfer Station and the complaints over the disposal fee for appliances containing Freon, the Board modified the language in the voucher as follows: *due to new regulations, there will be a charge of \$15 for any refrigerator, freezer or air conditioner or other piece of equipment that uses Freon.*

Regarding the C&D ramp at the Transfer Station, Building & Grounds Superintendent George Mumblow feels that the grade will be too steep if built according to the proposed plans. The Board will visit the site and decide how best to proceed.

RESOLUTION #85

Councilman Saris moved, seconded by Councilman White, to accept the bid from Trojan Hardware for electrical work at the new pump station in the amount of \$7,378 (\$6,500 for the electrical work + \$878 for the 200-amp manual switch), for the sewer rehab project. All favorable. Motion carried.

Regarding the outstanding zoning violation by Robert Parrotta, Counsel has prepared

both a letter to Mr. Parrotta as well as written instructions for Zoning Administrator Pam Kenyon to proceed on the matter. He recommended that the Board move forward on placing Mr. Parrotta on notice of the specific violation and the Town's intent to take enforcement action.

RESOLUTION #86

Councilman White moved, seconded by Councilman Saris, to authorize Counsel to place Robert Parrotta on notice of the existing zoning violation on his property, and the Town Board's intent to take enforcement action to address the same. All favorable. Motion carried.

The Board took no action on the request from the State for the Town's support of Collateral Source Bill CPLR 4545 - NY Bill S622/A3483 (which Counsel explained in detail).

Supervisor Gabriels stated that Willie Bea McDonald has reserved the Conservation Park facility for a party on July 3. He indicated that the proposed renovations/reconstruction work on the structure would not get underway this spring, as originally planned.

The Board received 2 requests for septic variances this month, one from Jim Palazzo (tax map #171.06-1-22) and one from Don King (tax map #171.07-2-part of 43). Regarding Jim Palazzo's request, Supervisor Gabriels noted that the plans have been forwarded to Town Engineer Tom Nace, who has not yet been able to review and comment on them. The Board tabled the matter and proceeded with Mr. King's request as follows.

RESOLUTION #87

Councilman Saris moved, seconded by Councilman White, to adjourn as the Town Board and convene as the Board of Health. All favorable. Motion carried.

Supervisor Gabriels explained that Mr. King is seeking a septic variance (for new construction) because he is unable to meet the separation distance from his proposed well to neighboring leach fields, as proposed. In his letter read aloud by Supervisor Gabriels, Counsel advised that the Board require a survey delineating the actual and certified separation distances between the proposed drilled well and the adjacent wells and leach fields, prior to considering Mr. King's request. He also advised that upon receipt of this survey, a public hearing be scheduled to put adjacent neighbors on notice. Counsel further noted that aside from these issues, there is the consideration that the proposal involves digging a private well within the municipal water district, which has been an ongoing concern of the Board. He suggested the Board consider a moratorium on allowing private wells to be drilled within the water district, until such time a regulation is decided upon.

Mr. King stated that he would prefer to hook into the (municipal) water system that runs up Braley Hill Road, but the topography is such that there is solid rock from the existing municipal waterline to the house site (approx 350'), making it totally cost prohibitive. Counsel referred to other municipalities' policies on the matter, and found their position to be that they explicitly prohibit the drilling of wells within the municipal water district, although none seemed to have specific written regulations stating so.

Mr. King indicated that Mr. Thomson's leach field is the closest to the proposed well site, approx 100' away. He added that all other leach fields are more than 200' away, with the exception of Mr. Binley's, which is approx 183' away. Councilman Saris suggested that the Board seek the opinion of an engineer, who may be able to provide solutions to the problem. The matter was tabled in order for Town Engineer Tom Nace to review the plans and provide comments to the Board.

RESOLUTION #88

Councilman Saris moved, seconded by Councilman White, to adjourn as the Board of Health and reconvene as the Town Board. All favorable. Motion carried.

New Business:

RESOLUTION #89

Councilman White moved, seconded by Councilman Saris, to authorize the Supervisor to sign the Third Party Custody Agreement for Evergreen Bank re: our bank accounts. All favorable. Motion carried.

RESOLUTION #90

Councilman Saris moved, seconded by Councilman White, to authorize Counsel Muller to defend the Town at a rate of \$125/hr in the Article 78 filed by Stephen Byers against the ZBA. All favorable. Motion carried.

RESOLUTION #91

Councilman White moved, seconded by Councilman Saris, to appoint the following Bolton residents to serve on the Comprehensive Master Plan Implementation Committee:

Willie Bea McDonald, Art Franz, Molly Gallagher, Eugenia Lindyberg, Scott Andersen, Jason Saris, Mitzi Nittmann, Kam Hoopes, Joan Baldwin, and John Gaddy*.

*included by separate resolution later in the meeting

All favorable. Motion carried. Supervisor Gabriels noted that the committee meetings are open to the public.

RESOLUTION #92

Councilman Saris moved, seconded by Councilman White, to hire Thomas French III (effective upon Mr. French finishing out his 2-weeks' notice at his current employment) as a laborer at the Sewer Plant at a rate of \$9.50/hour for a 3-month probationary period, after which time the rate becomes \$10.00/hour. Mr. French would receive a \$500 raise after successfully completing his initial schooling, and \$1,000 upon successfully completing his second schooling session. All favorable. Motion carried.

RESOLUTION #93

Councilman Saris moved, seconded by Councilman White, to credit Albert Huck \$400 on his next water bill, as reimbursement for water that bled through Mr. Huck's meter when Sue

Huck's waterline froze (verified by John Perry and Kathy Simmes). All favorable. Motion carried.

The Board had no objections to the Senior Citizens selling their crafts on the sidewalk in front of the Town Hall during the Town Arts & Crafts Fairs.

RESOLUTION #94

Councilman Saris moved, seconded by Councilman White, to grant the request from Tenée & James Casaccio and Ted Rehm to designate the access to their development off Coolidge Hill Road as Deer Creek Road. All in favor. Motion carried.

The Board had no objections to the North Warren Brownie Troop using the pavilion at Rogers Park for their "Bridging to Junior Girl Scout Ceremony" Sunday, June 27, 2004. It was noted that this was graduation weekend, and the Troop would be told that the pavilion was available on a first-come, first-serve basis.

RESOLUTION #95

Councilman Saris moved, seconded by Councilman White, to grant Adirondack Runners permission to hold its 28th Annual Adirondack Distance Run on Saturday, July 3, 2004. There will be a no parking zone on the east side of Route 9N from the Library to Tops Grocery store. All favorable. Motion carried.

In response to the Barbershop Quartet Festival organizers' request to use Veterans Park for the festival again this year, the Board decided to set up a meeting (TBA) with them, as they feel the festival organizers did not follow through with what they were supposed to last year.

RESOLUTION #96

Councilman Saris moved, seconded by Councilman White, to adopt the Resolution for Support for the Elimination of the Sunset Provisions of the Local Government Records Management Improvement Funds (LGRMIF) and Cultural Education Fund (CEF). All favorable. Motion carried.

Regarding the request to support or oppose the Town of Arietta's resolution in conjunction with the NYS DEC Snowmobile Plan, the Board tabled the matter until the next meeting to provide Councilmen Andersen and MacEwan the opportunity to comment.

The Board tabled the matter of a proposed street numbering law for 911 assigned numbers.

Public in attendance:

q Planning Board member John Gaddy urged the Board, as he has in the past, to address certain Planning issues such as developing a lighting policy, establishing a moratorium on ridgeline development, and regulating house colors. Regarding the Highway Garage, he expressed concern over light pollution and the fact that the salt pile is not yet properly covered/contained. He offered to have his high school students address the salt pile issue as an academic project. Additionally, he expressed concern over the degree of roadside clearing that was done by the

Highway Dept along South Road (near the Kingsley and David Smith properties). Lastly, he would like the Board to consider having the Highway Dept use wildflower mix along Town roadway banks when doing annual roadside maintenance.

q Bob Weisenfeld spoke on the issue of whether the escrow funds had been deposited with the Town for Northwest Bay Partners' site plan review application pending before the Planning Board. Counsel indicated that no money has been deposited to date. Mr. Weisenfeld requested to be kept apprised of any change in status.

RESOLUTION #97

Councilman Saris moved, seconded by Councilman White, to appoint John Gaddy as a member of the Comprehensive Master Plan Implementation Committee. All favorable. Motion carried.

RESOLUTION #98

Councilman Saris moved, seconded by Councilman White, to pay the LG Watershed Conference bills in the amount of \$8,247.83. Voucher was submitted on 4/5/04, as approved by K. Millington (DOS), pending availability of funds from NYS, for payment under contract C006305 - LGWC and Plan for the Future. All favorable. Motion carried.

RESOLUTION #99

Councilman White moved, seconded by Councilman Saris, to pay the Town bills. All favorable. Motion carried.

Councilman Andersen moved, seconded by Councilman Saris, to enter executive session at 9:39 pm for the purpose of discussing Article 78 procedures with respect to a potential conflict for legal counsel. All favorable. Motion carried.

Councilman Andersen moved, seconded by Councilman Saris, to adjourn executive session and reconvene the regular meeting and adjourn at 9:55 pm. All favorable. Motion carried.

Transcribed by:

Respectfully submitted by,

Melanie Quigan
Recording Secretary
04/20/04

Kathleen Simmes
Town Clerk
04/22/04