

STATE OF NEW YORK
COUNTY OF WARREN
TOWN OF BOLTON

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

REGULAR MEETING

Supervisor Gabriels called the regular meeting to order at 7:03 pm.

Pledge of Allegiance – Councilman White

Announcements:

- Bolton United/Bolton Cares have scheduled Bolton Pride Day for Sunday, October 2, 2005 in Veterans Park.
- Meal Site Menu, brochures and public information documents are available in the Town Hall.
- There are now 2 Town of Bolton website addresses: town.bolton.ny.us and townofboltonlanding.com

Public in attendance:

Willie Bea McDonald, representing the Occupancy Tax Committee, said the Committee put together and distributed a brochure to Town Board members, regarding the Occupancy Tax including a breakdown of funding. She said there were many ideas they used to put together a plan for short-term projects to be funded by the Occupancy Tax, and they decided on the following: (1) new flower boxes are needed at the Chamber (4' length X 8" tall and wide) and the Museum (5' length X 8" tall and wide), they have found someone to make them for \$150.00, (2) new town banners are needed, they can get light canvas banners for \$50.00 each then have them designed/decorated at an additional cost, (3) the Chamber has asked for new brochure racks, (4) additional funding in the amount of \$2,000 for the cost of Town fireworks, (5) a new Town of Bolton welcome sign at Exit 24 at a cost of \$1,000.00, (6) bring back showing movies weekly at Rogers Park, which would include purchasing a projector, screen and other items totaling \$6,891.00, all supplies are currently available at Ray Supply, (7) purchasing and installing New York State Historical Markers for historical places in the Town of Bolton, like the George Reis home, The Villa Marie Antoinette and The Sembrich Museum, (8) purchase and installation of signage for the five main brooks in the Town of Bolton, and (9) funding for the 2005 Labor Day Song Fest, for increased number of bands, advertising and additional costs. She said that the Occupancy Tax Committee is also presenting the following long-term projects for which the use of Occupancy Tax Funds are being proposed: (1) additional public bathrooms at Rogers Park and (2) funding toward the purchase or operational expenses of NoRoWal Marina, which is to be acquired by the Town of Bolton.

Supervisor Gabriels said all of the projects, individually and collectively, fall within the explicit parameters of the potential uses of the Occupancy Tax funds for tourism promotion. He added in doing this, it protects the integrity of the Occupancy Tax itself, it protects the Town of Bolton and it protects Warren County from improper use of Occupancy Tax funds for any projects other than tourism promotion. He added that the long-term project of the public bathrooms at Rogers Park goes beyond the parameters of tourist promotion and that it is a capital investment that requires a different source of funding other than the Occupancy Tax revenue.

RESOLUTION #69

Councilman Saris moved, seconded by Councilman Andersen to accept the use of Occupancy Tax Funds as proposed in the total amount of \$19,603.04 for all of the presented items with the exception of (1) additional public bathrooms at Rogers Park and with the condition that for the proposed movie projector, that three bids be presented to the Town Board for review. All favorable. Motion carried.

☐ Ms. McDonald, representing the Bolton Landing Business Association, said the Town only gets one chance to make a first impression with tourists and she told the Town Board of the following complaints and requests that have been brought to her attention in an attempt to reinforce the current beautification efforts being conducted in the Town of Bolton: (1) many of the street lamp posts have broken globes, are too dirty to see into and they would like to see the posts painted, the broken globes replaced and have all the lenses cleaned on the globes, (2) the rounded front portion of the Town Hall needs to be repainted, (3) while they are aware of the efforts by the Town to keep up with sidewalk maintenance, there are sidewalks that need repair and (4) they are wondering if the grates where trees used to be are going to be removed or if new trees are going to be planted. Ms. McDonald said they feel Main Street has been taken care of very well over the winter.

Supervisor Gabriels said the Town Board will pass the concerns on to the Parks Department.

☐ Doug Houghton, resident of Lakeview Hill Estates (now known as Woodshire Estates) stated he got a letter from the President of Woodshire Estates stating they had come to the Town Board for help and the Town Board had not responded. D. Houghton said he knows that is wrong, that they never approached the Town Board. He added that there are some issues they have to deal with regarding Mr. Roberts and Mr. Paras. He said the rest of the landowners in Lakeview Hill Estates need to know Mr. Roberts and Mr. Paras have not approached the Town Board as they have stated.

Supervisor Gabriels said Lakeview Hill Estates was a subdivision created in the early 1970s that is not within the water district, but does receive municipal water, for which the individual property owners pay the same rate as anyone else in the water district and they have a private pump and private lines there.

Councilman Saris said Mr. Roberts did phone him once, about a month ago, specifically asking for clarification of a rumor Mr. Roberts had heard, that somehow the Town might have been interested in not supplying water to that subdivision. Councilman Saris said he assured Mr. Roberts that to his knowledge, the Town had no discussions of any intent to not supply water to

anybody and he told Mr. Roberts that most conversations among Town Board members have recommended that the Town supply as much water as possible to as many people as it could. Councilman Saris said Mr. Roberts seemed to have been reassured and that was the extent of their conversation.

Supervisor Gabriels said Mr. Roberts did approach the Town on this issue, but that was about two years ago.

Correspondence:

- ❑ A letter from Stuart Buchanan, the Regional Director of NYSDEC Region Five regarding NoRoWal. The letter stated the NYSDEC made a preliminary determination of real property interests on behalf of the State of New York and they remain committed to working with the Town of Bolton in pursuit of a mutually beneficial partnership that assures the long-term operation of NoRoWal Marina as a public access to Lake George. The letter then listed specific interests the State of New York is proposing to acquire in order to be certain that these interests do not conflict with certain plans for management of the marina. Once the NYSDEC has an agreement on the stated interests, they will move expeditiously to have an appraisal conducted and provide the Town of Bolton with a formal proposal, including a funding commitment. Supervisor Gabriels read the letter in its entirety.
- ❑ Letter from the State Emergency Management Office with a check to the Town of Bolton in the amount of \$148,432.57 for storm damage the Town had in August 2004.
- ❑ Letter from Margaret Sing-Smith of the Warren County Youth Bureau stating the term of office of Russell Ferris on the Warren County Youth Board expired in December, and they are requesting the Town to reappoint Mr. Ferris or appoint another member.
- ❑ E-mail from Mr. Ferris that he will not be able to represent the Town of Bolton on the Warren County Youth Board. Please feel free to find another representative.
- ❑ E-mail from Rich Kelly, Warren County Personnel Officer, in charge of civil service for the County, confirming Chester Dagles is being removed from position of Wastewater Treatment Plant Operator and being appointed to the vacant non-competitive class position of Water and Sewer Superintendent and requesting documentation from the Town.
- ❑ Letter from Bolton Central School Superintendent Ray Ciccarella regarding Rolf Ronning's proposed road for the Saddlebrook subdivision and the Town taking over the maintenance of the road, saying he supports the concept of allowing for the safest possible student situations.
- ❑ Letter from Meredith McComb regarding Rolf Ronning's proposed road for the Saddlebrook subdivision and the Town taking over the maintenance of the road, encouraging the Town Board not to proceed in a hurried basis and stating there are other alternatives. She also adds that the PB and Zoning Board of Appeals meeting minutes show that the Zoning Administrator suggests the Town Board not make a decision at its 04/05/05 meeting.
- ❑ Letter from the Lake George Association regarding Rolf Ronning's proposed road for the Saddlebrook subdivision, saying they already have concerns on file with the Bolton PB.
- ❑ Cover letter from Holmes and Associates with the survey data attached on the Park Commission's Recreational Plan.
- ❑ Letter from Miller, Mannix, Schachner and Hafner that they have forwarded to the representative of Rainbow Beach regarding the outstanding Tax Certiorari Case.

- Indication from Pumpernickel's that they are going to apply for the renewal of their liquor license.
- Mr. Lichtenstein will have to come before the Town for a septic variance, but it was received too late to make public notice to surrounding property owners, therefore it will not be heard at this time.
- Letter from [Kelly Snowman](#) requesting their outing club members be able to leave cars parked at Rogers Memorial Park during their canoe trip May 12-15th.
- Letter from Chris Gabriels regarding a septic permit application for Three Brothers Island.
- Copies of the 4th Quarter for 2004 sampling at the landfill.
- Letter from Richard Gilbert of 809 East Schroon River Road, stating he is holding the Town of Bolton responsible for costs to repair of his vehicles for dangerous road conditions on East Schroon River Rd. Copies have been forwarded to the Town Clerk and the Highway Superintendent.
- Information from the NYS Association of Towns regarding their establishment of a non-partisan group, the Property Tax Reform Task Force.
- Proposal in the amount of \$2,650.00 from New England Solar Guard for tinting the upper large windows of the Town Hall to protect the mural from deterioration from ultra-violet rays. Supervisor Gabriels said this is unbudgeted and it will need to be reviewed.
- Letter from Bolton Central School regarding a proposal for the school district to use some water district property on the east side of Edgecomb Pond Road between David Rehm's house and the David Smith Estate for potential athletic fields, details to be worked out later.
- Letter from the Algonquin that they are renewing their liquor license.
- The 2004 Financials and Membership Application from Hudson Headwaters.
- Letter from the Lake George Association in support of the Town's proposal to purchase NoRoWal Marina.
- An advanced listing, secured from the internet, of the guard rail replacement project on Route 9N in the towns of Lake George, Bolton and Hague this summer, as well as an indication that they propose to replace the bridge on Northwest Bay Brook in the Town of Bolton this summer.
- Information from Warren County DPW on the sewer project and federal funds.
- Letter from the Office of Comptroller on Town of Bolton's filing of the Annual Report.
- Indication from the Bolton Police Department that because of the change in the Warren County Sheriff's Office and their public dispatch communication system, the Town will incur an additional reprogramming of Bolton's communication system totaling \$1,298.00, which was not figured into this year's budget.
- Bolton United/Bolton Cares submitted a proclamation for the Town of Bolton to promote an event under the theme that "Parents Who Host Lose the Most" in an effort to decrease the amount of underage alcohol drinking in the Town, particularly during graduation time. Supervisor Gabriels read the resolution from Bolton United/Bolton Cares.
- Warren County Youth Court is proposing an essay contest, this year's theme is "Give Me Liberty or Give Me Death."
- Senator Little is hosting an Adirondack Housing Symposium, Friday, April 15, 2005 at The Lake Placid Holiday Inn.
- Indication from the Adirondack Park Agency of a minor project by Ernie Oberer on Edgecomb Pond Road.

- Letter from Assemblyman Chris Ortloff on the DEC's draft ATV Policy released earlier in the month.
- Correspondence from Senator Little on NYS Power Authority.
- Correspondence from Cornell Cooperative Extension.
- Indication that Warren County is holding a Solid Waste and Recycling Committee meeting on Thursday, April 21, 2005 to discuss a contract and franchise hauling by towns of the trash within the district.
- Correspondence on regarding suggested changes to the Town's Water District Regulations.
- Correspondence back and forth on the NoRoWal Purchase Plan.

Reports:

Councilman White:

ASSESSOR:

Kept up-to-date with daily maintenance of deeds and property transfers, also created new subdivision parcels and making map change corrections when they arrive from the county. Also met with County Senior Mapper, who assisted in making some of the corrections needed to the maps. Completed all field inspections, started the task of upgrading these changes on Town files and arriving at new values where warranted. New exemptions and changes were received by March 1st, thereafter these changes are updated on the computer for filing on the new role. On March 7th, the Warren County Assessors met for the monthly meeting. Ongoing litigation cases: there continues to be no reply from Rainbow Beach and a meeting is being scheduled with Killeen.

WATER DEPT:

Water made: 6,704,454 gals Daily average: 216,272 gals. Pond level over spillway, due to the excessive run-off. They have been busy at the Water Plant. The Department of Health conducted their annual sanitary survey and the Water Plant did very good, there are a couple of items that will be corrected at a later date. The Water Department fixed the water leak in front of the Chamber of Commerce building.

JUSTICE COURT:

A/R: Judge Demarest - \$2,055. Stewart - \$3,375. Total: \$5,430.

POLICE DEPT:

Hours officers worked: White – 110.5, Howse – 115.0, Schroeder - 61.0. Miles patrolled: 1,075 miles. Fuel used: 108.29 gallons. Officers investigated 1 criminal report, 1 motorists assist, 2 assists to other agencies, 3 security alarms, 6 uniform traffic summonses, 4 parking tickets, 4 auto accidents investigated, 2 domestics, 4 court securities, 2 arrests, 4 emergency medical assists, 5 misc. complaints and 1 missing persons.

Councilman Saris:

HIGHWAY DEPARTMENT:

Transitioning from winter to summer activities. Last month responded to 4 snowstorms (12", 8", 4" and 1"). One clean-up of downtown removing snowbanks and full sweeping of downtown including back-streets. Steamed out culverts on Ridin' High Road, Hendricks Road, River Road, New Vermont Road and Trout Falls. Delivered and distributed stone dust on South Trout Lake Road, Trout Lake Road, New Vermont Road and Trout Falls Road. Hauled gravel to, graded and raked on Hendricks Road, Ridin' High Road and Dickinson Hill Road. Cut brush on Hendricks Road and South Trout Lake Road.

SEWER DEPT:

The Plant took in 4,156,390 gals of wastewater for a daily average of 138,546 gals. Stopped testing for ammonia and nitrates, because three of the testing wells have gone dry. The program is on-going, so when water re-appears in the wells, they will continue testing. Hauled 8,000 gals liquid sludge. Mr. Dagles has asked the Town Board to look into the disposition of the trash pump.

Councilman Andersen:

PLANNING OFFICE:

Permits applied for: 14 certificates of compliance / 16 variances / 3 site plan reviews / 3 subdivision / 4 stormwater permits. A/R: \$2,560.95.

Regarding the Greenmeir/Hubbell issue, Councilman Andersen said Zoning Administrator Pam Kenyon advises, "...based upon the court order, Attorney John Ray applied for the required subdivision lot line adjustments last month. I did not accept the application, in part, because it was not complete. More importantly, it was agreed upon by all parties, that before filing the application, all parties would sign off. To date, Kingsleys have not signed off and I am told they refuse to do so. This is against the Court Order and we need advice from Town Counsel on how to proceed."

Counsel Michael Muller said he is not involved in this litigation, but he is well aware of what it is all about. He added that if Mr. and Mrs. Kingsley, as parties under Court Order, are not in compliance with the Court Order that would be a contempt violation. The Kingsleys would have to comply or deal with the ramifications which could be a monetary fine or going to jail. Counsel, Michael Muller, said he will call Mike Hill and Cathi Radner to find out the current status of the situation and will report back to the Town Board.

CODE ENFORCEMENT:

32 pages of field notes – Copy of entire report is on file in the Code Enforcement Officer's office.

BUILDINGS & GROUNDS DEPT:

Getting ready for spring. Patch work at Veterans Park from winter ATVs and snowmobiles over the lawn, not a big issue.

Recreation Department has most of its employees for the Summer, most lifeguards coming back, schedule will be out next month, still looking for staffing for childcare.

Councilman MacEwan:

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TRANSFER STATION:

A/R: \$3,889. Lisa French inquired on start date of summer hours. Councilman MacEwan checked with the Town Clerk and was told the annual start date for summer hours is around May 16th. Lisa French advises they may need another person to cover days off if Dan Hayes will remain unavailable to do so. She is still having a problem getting a response from Albany Hydraulics, Councilman MacEwan will follow-up with Albany Hydraulics. Lisa French also said they will be painting the outside of the building yellow. She also wanted to thank the Parks Dept. for fixing their steps and railing.

Supervisor Gabriels:

SUPERVISOR:

Total receipts: \$385,012.43. Total disbursements: \$391,030.42. Warren County: nothing to report.

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Unfinished Business:

Free C&D days in May– Free Pick up for seniors – will begin in the middle of May, dates to be decided.

Transfer Station Summer Hours will begin on May 16, 2005, with Wednesdays being open in the afternoon (remaining the same as last year).

Pending Public Hearing on all Zoning Amendments - no action, remains open.

Regarding Rolf Ronning's request for the Town to take over Saddle Brook Road, which is to be developed, Rolf Ronning said the proposed road (1) would enter from County Route 11 and exit at the High Meadow Farm Road, (2) would be 22' wide and paved entirely, and (3) will be built to Town standards. He said the road will be used by many people; (1) the residents of the road, which he said is a potential for 40 homes, (2) New Vermont Road residents, (3) fire and emergency crews and (4) the school. Rolf Ronning added that the Town will have no expense in constructing the road and the Town will benefit from the extra tax base from the homes that are created. He said he spoke with Superintendent Ray Ciccarelli who supports the Town taking over the road and to Highway Supervisor Tim Coon who is not opposed to the Town taking over the road. He asked the Town Board to consider taking over the road, to give him feedback and to recommend the PB not require a Homeowners' Association until the Town Board sees the final product and decides whether the Town Board has an interest in taking the road over.

Councilman Andersen asked (1) what the definition of Town standards for roads are, (2) if Town standards are developed by the State of New York and (3) if there are different specifications for different roads, to which Rolf Ronning said the zoning ordinance for the subdivision regulations show specifications. Rolf Ronning said most Town Zoning Ordinances have the same kind of road requirements, but he is not sure if they are similar to the requirements for state, federal, or county roads.

Councilman Saris asked if “taking over the road” means the Town would own the road, to which Rolf Ronning answered yes, he would deed the land over to the Town and he said the Town would be getting no LESS than a 50’ strip at any given point. Rolf Ronning said that he is also putting in a 120,000 gallon pond for access to fire trucks in case of a fire, per PB request. He added that the Town would be getting this pond with the road, which would be more fire protection to the Town for any potential fires in or near the proposed subdivision. He said whoever gets the road, gets the pond along with it.

Councilman Saris asked if there is currently a stormwater plan for the road and Rolf Ronning said yes, it is being reviewed by Town Engineer, Tom Nace. Councilman Saris said he would like to know what stormwater devices there are that the Town would then be obligated to maintain and whether or not that is within the Highway Department’s ability. Rolf Ronning said the whole idea of stormwater is that after development, water should not go anyplace else than it would have gone before, which he has done effectively and submitted to Tom Nace. He said he cannot get approval from the PB for his subdivision until the stormwater plan is signed off on by Tom Nace. Rolf Ronning said the Town does not have to comply with stormwater maintenance for Town roads, but that for private roads, the owners do have to comply with stormwater maintenance. He said one of two things can happen: (1) the Town can take over the road and say stormwater doesn’t apply, because they are the Town, even though he will build it to stormwater regulations or (2) if the Town takes over the road, the 24 private individuals could take care of stormwater regulations. Councilman Saris said (1) the Town is not exempt from stormwater, and if the Town were to build a new road, it too, would be subject to stormwater controls, just like owners of private roads and (2) the stormwater measures have to do with grade of the road, and more maintenance, to which he does not know what maintenance is required. Rolf Ronning said the required maintenance is to make sure the culverts, ditches, catch basins and retention basins are clean and not obstructed in any way, which is not a major cost.

Councilman Saris asked if there are any other agencies that still need to approve the road other than the PB, to which Rolf Ronning said they are waiting for a formal non-jurisdictional letter from the APA.

Counsel said whether or not what Rolf Ronning wants to build is acceptable to the Town is a matter of their discretion, but what he would be looking for as legal counsel is: (1) that the Town owns it, which is guaranteed by a title policy, (2) that there is a dedicated survey, and (3) that the road is to the Highway Superintendent’s satisfaction. Counsel said that the ultimate decision on whether or not the Town wishes to obtain the proposed road is the Town Board’s decision -- not a legal decision and not an engineering decision.

Supervisor Gabriels said that Highway Supervisor Tim Coon indicated that adding the approximate two-mile proposed road into public inventory would not be a problem in regards to snow plowing. He said they did not ask Tim Coon about stormwater maintenance that goes along public roads.

Councilman White asked if there are any existing roadways that would be affected by construction of the proposed road, to which Rolf Ronning said his title is clear and there are no right-of-ways through either of these properties, other than at the very end of High Meadow

Farm Road, where Budner and Demeo have ROW's for ingress and egress and Mowery's home itself, but no logging or weird right-of-ways.

Councilman White said regardless of the project, whenever 27 homes are built and those people pay taxes, they are entitled to some services. Councilman Saris said conceptually, the road has merit and if there is a quicker way between two points people will use it and it definitely would be a benefit in that respect. He added that before the Town Board committed to anything, he would like for Tim Coon and Tom Nace to confer just so everyone is comfortable with whatever would be required to maintain that road in all ways, including stormwater measures.

Supervisor Gabriels asked Counsel if the Town Board would be required to conduct a public hearing on the acquisition of this road if the Town Board was heading in that direction, to which Counsel said a public hearing on the matter is discretionary, because the action that the Town Board takes has some public interest. Counsel said he would feel better if the Town Board goes through the self-analysis SEQR form, especially looking at the question of public interest or public controversy, if the Town Board decides there is, then there needs to be a public hearing, if the Town Board decides there is not, then a public hearing is not needed.

Henry Caldwell, member of the PB, said the Town Board is getting ahead of the PB, as the PB has not even had a public hearing on this major subdivision and the road is very controversial. He said the road comes down from County Route 11, follows a stream, then crosses Indian Brook and one of the property lines is in the middle of the meandering stream. Henry Caldwell said that property line determines how much land Rolf Ronning has right there and it is a really narrow spot. He said the PB has hired an independent contractor, whose services will be paid for by Rolf Ronning, to make a determination of where the property line is, because if there is not enough space there, that road cannot go across the stream. He said there are lots of wetlands on the property and it is not an easy property to build a subdivision on. Henry Caldwell said it puts the Town Board in an awkward position of approving a road that the PB hasn't even approved. Councilman Andersen said if all of the questionable items line up, he would look favorably on the Town taking over the road. Henry Caldwell said he can understand the Town seeing some good reasons for taking the road over, but he said that the Town has never taken over any roads and he said there are an awful lot of roads out there that are cul-de-sacs that have been built to Town standards, that haven't been paved, but they haven't been taken over. He said those people are paying taxes too. Councilman Saris said that if you have a road that goes into a subdivision to be used only by those people of the subdivision, that is a very different set of circumstances from the proposed Saddle Brook Road. Councilman Saris said he has no intent at all to influence the PB in any way, shape or form and he said the Town Board has no authority to approve the proposed Saddle Brook Road or not, but he said he is sympathetic to Rolf Ronning's comments that it would serve no purpose ultimately if the road was approved and the Town was interested in taking it over, for Rolf Ronning to have wasted the time and effort in forming a Homeowners' Association. Henry Caldwell said that is fair enough. He said the PB's request for the 22' width for the road and the pond is both under the guidance of the Bolton Fire Company

Supervisor Gabriels asked Counsel if it is a possible step to be taken for the PB to look at the configuration and topography of the road without necessarily requiring at that stage the formulation of a Homeowners' Association. Counsel added there are many other items that are

not yet in place. Counsel said hopefully on April 28th, Mr. Bolster, an independent surveyor chosen to determine the accuracy of the property line in question, will report his findings.

Rolf Ronning asked the Town Board to put the matter of the Town taking over the proposed Saddle Brook Road on the May agenda and have the Town Board ask Town Engineer Tom Nace and Highway Superintendent Tim Coon to review the road and report back to the Town on whether it is acceptable for the Town to take over the proposed Saddle Brook Road. Supervisor Gabriels said this item would remain as unfinished business.

BOARD OF HEALTH

Septic Variance request for Lichtenstein [157.05-1-40] by Jarrett-Martin Engineers, PLLC – mound leaching system – it has been referred to Tom Nace – Public Notice has NOT occurred 3/18/05.

Supervisor Gabriels said (1) the Town Board has not received any correspondence from Tom Nace yet, (2) the Town has not made public notice of the variance request and (3) the Town will have to make public notification for this for the May meeting.

Referrals from Code Enforcement Officer for Alternative Remedy

Joe Mammola of Woodland Ridge Association, given the developing nature of this situation, Supervisor Gabriels put this item on the April 5, 2005 TB meeting agenda.

Joe Mammola said he submitted a letter to the Town Board regarding the situation then he summarized the situation and he said the deck was renovated in 2003 and he didn't know there was a problem until approximately 2 months ago when he visited Code Enforcement Officer Mitzi Nittmann. He said he was asked if he had gotten a building permit for the deck renovations, to which he said he did not, because he didn't think he needed one. He said Mitzi Nittmann told him that was a potential violation. He said he acknowledges that he made a mistake and it was not his intent to be evasive or malicious. He said he regrets the mistake and since he has been notified of the situation, he has tried to rectify the situation.

Supervisor Gabriels asked about the extent of the work that was done on the deck, to which Joe Mammola said the original deck was a landing, parts of it were demolished and the deck was then expanded 5 or 6 feet. Joe Mammola said the original property line was very tight and last spring, it looked to him as if part of the deck may have gone over the property line, so he approached his Homeowners' Association, who adopted a resolution stating if there was a problem, the Homeowners' Association would grant him the amount of land needed from the association common lands to correct the problem. Joe Mammola said he then approached Mr. Dickinson to do a new survey, which verified that there was a problem going over the property line, which he said, prompted him to meet with Mitzi Nittmann to get a property line adjustment.

Councilman Saris asked if a variance would still be required even if the property line adjustment was granted, since the setbacks would not be met, to which Counsel said yes, it needs a boundary line adjustment to satisfy the setback requirements. Counsel said if Joe Mammola can get his additional property from the Homeowners' Association, which the Homeowner's Association resolved to do in their presented resolution, then he will meet his setbacks requirement and he said right now Joe Mammola doesn't meet his setback requirements and is over the property

line. Counsel said the distribution of common areas from a Homeowner's Association would entail getting a lot line adjustment for the previously approved subdivision and it will need PB approval.

Supervisor Gabriels said the Code Enforcement Officer is not singling out Joe Mammola, and he said that many homeowners inadvertently stumble into setback issues or other problems in addition to the lack of building permits. Councilman Saris said at the time the deck was built, Joe Mammola was in non-compliance with the zoning and did not have a building permit. Joe Mammola said he did not know he needed a variance, since the deck was on common lands.

Counsel said the Code Enforcement Officer did everything correctly in getting Joe Mammola to appear in front of the Town Board to find alternative remedies and he said Joe Mammola presented to the Town Board a resolution of the Homeowner's Association giving him the amount of land he needs to be in compliance with his setbacks. Councilman Saris said there are times when the PB sets aside common area for subdivisions and they have reasons for not decreasing the size of that common area.

Councilman White said there is an established policy for remediation of situations like this and they have previously dealt with similar situations.

Counsel said if the Town Board assesses a civil penalty, it is an expectation that Joe Mammola will (1) pay the Town the amount assessed, (2) swiftly apply for whatever administrative relief is needed for a lot line adjustment from the PB, (3) be eligible to obtain a certificate of compliance and simultaneously be getting the deed/grant of property from the Homeowner's Association and (4) finally, if approval has been granted by the PB, apply for a Building Permit to keep everything that he has.

Counsel said if the PB does not grant the lot line adjustment, then Joe Mammola has no need to acquire the common land property from the Homeowner's Association and he must remove the deck, and he will still have to pay the civil penalty.

RESOLUTION #70

Councilman White moved seconded by Councilman Andersen to propose a \$1,000 civil penalty with a 30-day deadline, but not the removal of the deck, pending PB approval. If the PB does not give approval, then the deck will need to be removed. All favorable. Motion carried.

Regarding Brian Allen of 716 Trout Lake Road, conversion of "storage shed to living quarters," per notice of violations dated February 25, 2005. Supervisor Gabriels said Brian Allen's attorney requested the agenda item be tabled for a month. Supervisor Gabriels granted the request and the item was tabled.

Regarding Barracks/ Smith - Edgecomb Pond Road (171.00-1-29), V04-18, - alleged construction of a primary residence situated on Smith property without a building permit. Counsel said the item is still pending and it requires on-site review by Mark Rehm, Counsel and the surveyor.

Regarding the referral from Bolton PB of 10/18/04, seeking alternative remedies and/or remedial action (Nicoletti) – Noise complaint pursuant to Noise Ordinance. Counsel said it is still pending. He said the Nicolettis verbally agreed to the stipulation and he is trying to get signatures. He said Nicoletti's Attorney Joe Nichols, informed him that the Nicoletti's are planning on getting out of the business and Counsel stated whatever the circumstances are now he still needs their signatures.

New Business

Regarding the consideration of professional services for Highway road repairs for 2005 season, Supervisor Gabriels said it is an unbudgeted item, but it has been suggested that the Town needs a civil engineer to help with 2005 road repairs. Councilman Saris said he suggests that the resources of the Town Engineer be available to the Highway Superintendent if he feels it is warranted and the Town Board agreed unanimously.

Regarding Town Roads to pave for 2005 for agreement with Highway Superintendent, Supervisor Gabriels stated a section of S. Trout Lake Rd., Lamb Hill Rd and our portion Trout Lake Road have been discussed. The estimate is for approximately 1.55 miles of Town road to be repaved with asphalt at an estimate of \$30/ton (based on last year's pricing), but as oil prices increase, the amount of roads that are budgeted to be paved decreases.

Councilman White said (1) it is important the Town Board set a policy to meet with the Town Highway Supervisor in the fall and spring to establish the road conditions and needs for improvement prior to the following year's budget being set and (2) a report from the Town Highway Superintendent with a prioritized listing of which town roads need work. Councilman Saris said one of the problems trying to determine the roads that need work, is that very often the priorities change after the winter and it is important to realize there are some roads that needed repair work that will now require repaving certain sections of the road, not the entire road. Councilman Andersen said the Town Board should set up a meeting with Tim Coon within the next couple of weeks.

Regarding the ARHS Outing Club request to park 6-8 cars (40 students) in Rogers Park overnight - May 12th - May 15th (Kelly Kyker-Snowman email of 3/23/05).

RESOLUTION #71

Councilman White moved seconded by Councilman MacEwan to approve the ARHS Outing Club request for parking 6-8 cars at Rogers Park on May 12 through the 15th. All favorable. Motion carried.

Supervisor Gabriels said we would need to solicit a new representative for the Warren County Youth Board as Russ Ferris would like to resign and a copy of the letter from Russ Ferris was sent to Recreation Commission for input.

Request to return \$25 to Schoder River Associates for King Subdivision per Zoning Administrator's request - lot line adjustment – unnecessary.

RESOLUTION #72

Councilman Andersen moved, seconded by Councilman MacEwan to authorize the return of \$25.00 to Schoder River Associates for the King Subdivision for a lot line adjustment that was proven to be unnecessary. All favorable. Motion carried.

Status of contract between LDC & NoRoWal and lot line adjustments and notice of authorization of survey of NoRoWal Marina property for LDC – Van Dusen & Steves and proposed property line adjustments, Supervisor Gabriels said the Town Board received several copies of a survey by Van Dusen & Steves showing the proposed property line adjustments. Counsel said he will provide the map to Mr. Lamb’s attorney. Councilman Andersen said he would provide Mr. Lamb with a copy and ask him (1) for clarification on a specific dock and its relevance to the acquisition and (2) an easement for the proposed lot line coming to the end of the large dock. Supervisor Gabriels said he gave a copy of the map to Pam Kenyon and asked her to provide the Town Board with a list of step-by-step procedures necessary to affect the lot lines. Counsel has agreed to represent the Town in the acquisition.

Regarding the Authorization for Town Counsel to appear for the Highway Superintendent in the matter of replying to a civil litigation subpoena billable to the Town at \$125.00 per hour.

RESOLUTION #73

Councilman Saris moved, seconded by Councilman MacEwan to authorize Town Counsel to appear for the Highway Superintendent to a civil litigation subpoena at a rate of \$125.00 per hour. All favorable. Motion carried.

Regarding the authorization to change the title from Wastewater Treatment Plant Operator (a competitive position) to Water & Sewer Superintendent (a non-competitive position) temporarily and to request WC Personnel Office to change the title to make two positions, Water Superintendent (non-competitive) and Sewer Superintendent (non-competitive) to comply with Civil Service. Supervisor Gabriels said there would be no change in benefits and no change in salary, just a change in titles to make it civil service compliant, until the employee takes the civil service exam.

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RESOLUTION #74

Councilman Andersen moved, seconded by Councilman Saris to authorize the change in title from Wastewater Treatment Plant Operator (a competitive position) to Water & Sewer Superintendent (a non-competitive position) temporarily and to request WC Personnel Office to change the title to make two positions, Water Superintendent (non-competitive) and Sewer Superintendent (non-competitive) to comply with Civil Service. Supervisor Gabriels said there would be no change in benefits and no change in salary, just a change in titles to make it civil service compliant, until the employee takes the civil service exam. All favorable. Motion carried.

Establishment of a sewer hookup fee for new services:

Supervisor Gabriels said (1) he is told the Town does not have a provision in the Town sewer ordinance to bill someone for a sewer hookup and (2) the Town will be responsible to pay for the hookup at sewer district cost if a fee is not imposed. Councilman Saris said he would like to find out what the cost would be and if this is a project that could be out-sourced. Councilman Andersen said it is prudent the Town Board meet, come up with a fee and monitor this cost. Councilman Saris said the ordinance states the hookup will be available, but not that the Town will conduct the actual hook up procedure. Counsel said there is currently no policy on fee, but he is unsure of the policy of who hooks it up. Counsel asked the Town Board if they are fearful of letting private contractors conduct the hookup to Town specifications at the homeowner's cost, to which many Board members said they are not fearful and that is how they would like it to be handled. Counsel said that would be a good way to handle the situation now and encouraged the Town Board to try to have the hookup fee put into the sewer ordinance.

RESOLUTION #75

Councilman Saris moved, seconded by Councilman Andersen that private contractors are required to conduct the sewer hookup at the homeowner's expense under Town Sewer Department supervision to ensure the hookup is to Town standards. All favorable. Motion carried.

Regarding a proclamation for Mary-Arthur Beebe's years of service as Executive Director of Lake George Association.

RESOLUTION #76

Councilman White moved, seconded by Councilman Andersen to have the Town Supervisor draft and the Town Board adopt a proclamation for Mary-Arthur Beebe years of service for the Lake George Association. All favorable. Motion carried.

The board discussed the expenditure for two (2) basketball backboards for Veterans Park Councilman White stated the approximate cost is about \$700 each.

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RESOLUTION #77

Councilman Andersen moved seconded by Councilman MacEwan to authorize the expenditures for two (2) basketball backboards for Veterans Park at a cost not to exceed \$700. All favorable. Motion carried.

Salt Storage Shed at Highway Garage: Three (3) generic types of plans available, location, cost & financing from Highway Fund Surplus. John Gaddy, from the public, asked the Town Board for permission to cover the salt pile in the same manner at the previous year with securely anchored tarps. The Town Board unanimously granted permission.

Regarding Bolton United/Bolton Cares proclamation “Parents Who Host Lose the Most,” Councilman Andersen said the proclamation says that the Town Board supports the fact that parents won’t supply alcohol to their kids or hold parties for underage kids, and he said the Town Board should endorse the proclamation.

RESOLUTION #78

Councilman Andersen moved, seconded by Councilman White for the Town Board to endorse the Bolton United/Bolton Cares proclamation

WHEREAS, adults who provide alcohol to those below the legal drinking age of 21 are placing those youth at risk for health, safety and legal problems, and

WHEREAS, alcohol kills 6.5 times more young people than ALL other illicit drugs combined, and usage among teens often accompanies traffic fatalities and other high risk behaviors such as unsafe sexual activity, tobacco and other drug use, and contributes to illegal activity such as vandalism and theft, and

WHEREAS, alcohol use by young people is dangerous, not only because of the risks associated with acute impairment, but also because of the threat to their long-term development and well-being, and

WHEREAS, it is illegal to give or allow teens other than your own, to drink alcohol in your home, even with their parent’s permission, and

WHEREAS, anyone found guilty of providing alcohol to youth can face up to a \$1,000 fine and or one year in jail, in addition to any civil action that can be brought as a result of damages or injury related to the offense, and

WHEREAS, any citizens who are aware of underage drinking at teen house parties are responsible to report such activity to their local law enforcement agency by calling Warren County Anonymous Tip line 518-761-9800, and

WHEREAS, adults have the authority and responsibility to our youth to provide them with alternative opportunities by creating alcohol free activities, and

WHEREAS, parents and the community must take responsibility to give teens the clear message that there is no safe way to drink alcohol, and

WHEREAS, the Town of Bolton encourages residents to refuse to provide alcoholic beverages to underage youth and to take the necessary steps to discourage the illegal and unhealthy practice, including the reporting of underage drinking by calling your local police, and

NOW, THEREFORE, be it resolved that the Town of Bolton not only discourages the use of alcohol by those below the legal age of consumption but also exhorts all residents of Bolton to

refuse to provide alcoholic beverages to those underage youth, and will continue to take the necessary steps to discourage this illegal and unhealthy activity.

NOW, THEREFORE, I, Alexander G. Gabriels III, Supervisor of the Town of Bolton State of New York do hereby proclaim, the 2nd to the 8th of May 2005 to be: Parents Who Host, Lose the Most Week 2005. All favorable. Motion carried.

Regarding Septic Maintenance – referencing a letter from Chris Gabriels regarding a steel septic tank on Three Brothers Island that they are trying to replace. Supervisor Gabriels said Pam Kenyon questioned if the Town Engineer should take a look at the project since the septic tank is located approximately 50’ from the lake. Supervisor Gabriels said he is uncomfortable with the situation. Councilman Andersen said he thought the Town Board already passed a resolution that it has the authority to enforce a policy that for any pre-existing non-conforming septic system that needs repair, the contractor would need to have an engineer review the plans for the best possible remedy.

RESOLUTION #79

Councilman Andersen moved, seconded by Councilman MacEwan to authorize the following April 5, 2005 budget transfers:

GENERAL FUND:

FROM	TO	AMOUNT
12204 Supervisor Contractual	12002 Supervisor Equip.	\$ 700.00
31204 Police Contractual	33104 Crossing Guard	46.00
71802 Ballfield Contractual	71804 Ballfield Equip	500.00
Surplus, increase in budget	64604 Local Development Corp.	32,000.00

Pubic in attendance:

John Gaddy said he submitted a letter to the Town Board asking (1) for an appeal for review of the Town road right-of-way clearing procedures, (2) the Town to start to implement the master plan recommendations and (3) the Town to enforce stormwater regulations. He said he is looking to encourage wildflower growth on roadsides and have the Town comply with its own laws in an effort to enhance the town through saving what is naturally growing.

Councilman Saris said he agrees the Town is not exempt from stormwater regulations and the Town Engineer will develop a stormwater plan for the Town’s roadside clearing.

John Gaddy said in his history with the Town right-of-ways, things get done the same way they have always been done and he understands the need to cut back woody vegetation, but in his conversations with the Warren County Highway Commissioner, the Town of Bolton could be cutting back on a lengthier schedule, like every other year.

Supervisor Gabriels said the Town Board looked at the cutting of roadside vegetation and it is a state law that is done annually, to which John Gaddy said, it is not a matter of doing it, but a matter of when and he suggested the cutting back take place in the fall.

□ Bob Weisenfeld said he was pleased to receive a copy of the Code Enforcement Officer's letter dated 03/11/05 to Bell Point Shores Homeowners' Association requesting a response by 04/01/05. He said if response has not been received, he suggests an issuance of a notice of violation under the stormwater ordinance. He said the Homeowners' Association has been aware of the problems, the most serious being erosion into the lake, since spring 2004.

Approve payment of Lake George Watershed Conference Bills:

Voucher submitted by Dave Decker 3/31/05 @ \$ 28,658.19 as approved by K. Millington (DOS) and pending availability of funds payable from NYS. For payment under contract C006305 - LGWC and Plan for the Future.

RESOLUTION #80

Councilman Andersen moved, seconded by Councilman Saris to pay the Watershed Conference Bill in the amount of \$28, 658.19. All favorable. Motion carried.

RESOLUTION #81

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

Executive Session: none

Councilman Saris moved seconded by Councilman White to adjourn at 10:53 pm. All favorable. Motion carried.

Minutes transcribed by:

Jennifer Torebka
Recording Secretary
04/13/2005

Respectfully submitted by:

Kathleen Simmes
Town Clerk