

TB – Minutes  
April 4, 2006

STATE OF NEW YORK  
COUNTY OF WARREN  
TOWN OF BOLTON

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

Absent: None

#### PUBLIC HEARING

Supervisor Gabriels opened the public hearing at 7: 02 p.m. on proposed Local Law No. 2 of 2006 entitled "A Local Law Providing for the Maximum Exemption Allowable for Alternative Veterans Exemption from Real Property Taxation in the Town of Bolton:" This law if adopted would allow for a higher exemption for Veterans that own property than exists on the books now. The hearing was opened to the public. No comments.

Supervisor Gabriels opened the public hearing at 7:06 p.m. on proposed amendments to Ordinance #39 entitled "Rules and Regulations of Water Department for the Town of Bolton. The hearing was opened to the public. No Comments

#### REGULAR MEETING

Supervisor Gabriels called the regular meeting to order at 7:08 pm.  
Pledge of Allegiance – Councilman Andersen

#### Special Presentation:

Ed White of the Citizens Committee gave a special presentation on the possible exchange of land between the Water District, the School and the Fire District. Ed White gave an overview of the make-up and purpose of the Citizens Committee. He said that the Town needs parking, the school needs recreation and ball fields and the Fire Dept. needs room for future expansion. The Citizens Committee is proposing a land exchange which would include a piece of land owned by the Water District that would be given to the school and the Town would receive the piece of land owned by the School that would include the tennis courts. He added that this land exchange would satisfy the needs of the school, the Town and the Fire Department. It would be a community project, not a Town, school or Fire Dept. project. No money would change hands. The School Board is favorable to the proposal and it would be a win-win situation for the Town.

Several Board Members asked for clarification on areas shown on the maps. Ed White answered the Board Members' questions. He said that with this proposal, the Fire Dept. would stay in its current location; the Town would have use of the ball fields in the off-season, and a parcel for 41 parking spaces. The location of the current tennis courts and parking area would become Fire Dept. property for additional expansion in the future.

Supervisor Gabriels asked if the land that the Fire Company building sits on has a clause regarding use of land. Ed White said he is unsure. Supervisor Gabriels said he thinks this is a conceptual plan that needs more work. Ed White said he is here to find out if this proposal is a viable option before going any further.

Supervisor Gabriels asked if Counsel could represent both parties and Counsel said if it remains acceptable that it is unified, then he can represent one entity, but if it is two, then he cannot. Counsel added that given the generalized presentation of the proposal, the land swaps need further study. Ed White has not presented anything substantiating the inability to proceed. He is sensitive to what has been discussed and is ready to go forward if the plan is acceptable to the Town Board.

Councilman Saris said that if the proposal goes to the next level, there needs to be some contractual vehicle to take the use of the ball field into account, as his concern is for future boards. Ed White agreed.

Don Volkmann said the proposal is for the Fire District to keep that piece of property. Nothing is concrete; as the Fire Commissioners haven't sat down to discuss the proposal. In his talks with individual commissioners, they have shown interest in further research being done. Just so people understand the Fire Dept. and the Fire District are two separate governing bodies. The Fire District funds that are received from the Town are used for upkeep of the building, gas, and maintenance, etc. Fire Dept. money are donations that are used for community support and other things.

Ed White said the concept of the proposal is for 2 ball fields (one soccer and one baseball), not 6 like some people are saying. The positive economic impact on the community would be greater as more people would come to the Town to see the games. The current local sports excitement in Bolton is high. Classes are getting larger so more fields are needed to accommodate the increase in students. He hopes the Town Board can refer the matter to Town Counsel for review.

Jeannine Weichbrodt, Bolton Booster Club Member, said the Bolton Booster club supports the proposal.

Dave Rehm asked that the Engineer's letter be read. Ed White read the letter that said that the property could be developed for fields.

Supervisor Gabriels asked for the name of the Engineer. Ed White said the Engineer who looked at the site was Richard Jones.

Supervisor Gabriels voiced his displeasure in dealing with that Engineer, due to problems that Town has had with him in the past.

Fred Brown asked what would happen to all of the water that would go into the brook. Ed White said that is an engineering question that he is unable to answer.

Dave Rehm said there are three ponds on the Smith Estate. If the property is disturbed, the brook will be disturbed. Several people have told him of others who are not in favor of the proposed plan. He has had a meeting with the LGA and has also contacted the APA. He asked if the property in the proposed land swap is Water District or Watershed property and if there are restrictions for clear cutting. He also asked about our noise ordinance. Supervisor Gabriels said that his recollection is that the noise ordinance only applies to amplified outdoor music.

Dave Rehm said one soccer field and one baseball field is just the beginning. There will be more fields in the future. The proposed area is a heavily wooded area. It will de-value my property if the project goes through. Ed White said that the Citizens Committee is not interested in multiple fields, just the two proposed even though the plan shows potential field sites.

Dave Rehm said there are areas of wetlands on that parcel, so this proposal will have problems with the APA. Ed White said the proposal tonight is conceptual.

Dave Rehm asked if the proposal for 2 ball fields would ever come up for referendum. Supervisor Gabriels answered by saying that the attorneys need to determine if this proposal can go forward. If a referendum is warranted elected officials won't be able to make a decision on this proposal without public input. Councilman Andersen said the proposal has a lot of unanswered questions, but he would like to

start the ball rolling to see if the proposal is feasible. Councilman Saris said he agrees with Councilman Andersen that this is not something he would support unless all interests are protected.

Councilman Maranville asked if it is correct that the proposal is for the Town to swap 50 acres for the parking and tennis court area and Ed White said yes.

Pam Quigan said this is a community project. There is a need to support the youth in the community, and support them in returning to the community as adults.

#### RESOLUTION #67

Councilman Andersen moved seconded by Councilman MacEwan to authorize Town Counsel to begin research on the Citizens Committee proposal for a land swap between the Water District, School and Fire District. All favorable. Motion carried.

#### Announcements:

- The Bolton Chamber of Commerce is sponsoring the Lumberjack Show scheduled for June 16-17, 2006 in Vet's Park in conjunction with the Fire Chiefs Convention. Funds from the 2005 Bolton Bed Tax have been committed to the Lumberjack Show in the amount of \$8,000.
- Norowal Marina hired Joan Baldwin and Linda Bennett to be co-managers. The facility will open approximately May 1, 2006.
- Supervisor Gabriels and Chet Dagles will be meeting with Alex Rhodes of CT Male Associates regarding improvements to the Sewer Plant on April 5, 2006 at 4:00 pm. Town Board members are invited to attend.
- The Meal Site Menu is available in the Town Hall.
- There are now 2 Town of Bolton website addresses: [town.bolton.ny.us](http://town.bolton.ny.us) and [townofboltonlanding.com](http://townofboltonlanding.com).

#### Public in Attendance:

John Gaddy said that he would like the Town Board to become more involved in road clearing. He was pleased to see some improvement last year, but is looking for a policy on road clearing and possibly for the Town to hire someone for flower maintenance on roadsides.

Councilman Saris said the Town usually waits until the snow is gone and then prioritizes projects like road clearing.

John Gaddy: Regarding the Bethon violation, he wants to know how the Town can increase muscle to protect the environment. Regardless of the efforts the Town is being taken advantage of by the public. People are coming into Town looking to build for investment purposes, not to become part of the community. He is looking for increased civil penalties that may be available and asked which board should take the lead.

Supervisor Gabriels said he presumes local law enforcement would take the lead through the zoning code. John Gaddy asked if civil penalties can be increased, he knows it is a difficult task to have to impose civil penalties, but he would like discussions from the Town Board to the PB or ZBA on this matter.

Councilman Saris said he agrees that enforcement is important. He also knows the frustration people feel while going through the process to do things right. The biggest first step was the Town getting a Code Enforcement Officer, which is working better and better. The Town Board has dealt with several civil penalty issues since the Code Enforcement Officer came on board.

Supervisor Gabriels asked if there is a maximum cap for civil penalties and Counsel answered by saying that penalties can be compounded.

John Gaddy asked about the clearing on County Route 11. Councilman MacEwan asked if the clearing is visible from the road and John Gaddy said yes. Councilman Maranville said he went to the area yesterday and the clearing can be seen on the right side. John Gaddy said that double clearing is contributing to water problems and used Saddlebrook as an example.

John Miller said he is concerned about Trout Lake Road in the area by Camp Walden. The road narrows dangerously and there are no shoulders and there is increased traffic. He would like the Town Board to look into it.

Supervisor Gabriels said the Town will look into its legal right-of-way at that location. The County won't take over that portion of Trout Lake Road because it doesn't meet County specifications.

Correspondence:

- Letter from Margaret Riley resigning from the Recreation Commission.
- Letter from Calista Murray regarding her retirement from the meal site.
- Supervisor Gabriels read the recognition letter sent to Calista Murray for all the years she worked at the meal site.
- Letter from Ray Oliver regarding tree cutting in his area.
- Letter from Kathy Converse regarding New Vermont Road dangerous road conditions.
- Letter from Vinette Seidler requesting to be exempt from having to hook into the Town water system
- Letter from Helena Holod voicing her objection to the removal of trees in Rogers Park and at the Town Hall.
- Letter to George Mumblow from Jim Lieberman stating that the Christmas tree in Rogers Park is in good condition.
- Letter from Nixon Peabody Limited regarding an application to the LGPB from Verizon to build a telecommunication facility in Lake George.
- Letter from Don Kingsley regarding a stormwater issue with a neighbor.
- Letter from Laura Saffer in opposition to the telecommunications tower proposed for Wall Street.
- Copy of annual SPEDES report for the Sewer Plant.
- Letter from Lindsey Gates regarding the use of Rogers Park for production of a play.
- Letter from the Town Clerk requesting the return of \$160.00 to Blessed Sacrament Church for Bingo dates that were not used.
- Letter from Town Clerk regarding the collection of tax monies for the 06-collection period that totaled over 4 million dollars.
- Letter from Schoder River Associates regarding his estimate for repairs to the stonewall at Rogers Park.
- Request from James Mackey for the installation a holding tank to be used for a washing machine.
- Letter from Dave Decker regarding mileage rates.
- Notification that Pumpnickel's Restaurant is renewing their liquor license.
- Notification that Green Island Associates is renewing their liquor license.
- Notification that Villa Napoli is renewing their liquor license.
- Free landfill pick-up days for seniors are scheduled for May 15<sup>th</sup> and 16<sup>th</sup>.
- Copy of shoreline restrictions from the APA.
- Miscellaneous correspondence from Cable TV, WC Tourism.

Reports:

Councilman Maranville:

ASSESSOR:

- Fieldwork is done, in the process of entering data—should meet deadlines, and reminder of Alternative Veterans Exemption needs to be adopted.

POLICE DEPT:

- Hours officers worked: White 118, Howse 110.5, Schroeder 72. Miles patrolled: 1528 Fuel used: 146.4 gals.

JUSTICE COURT:

- A/R: Judge Harry Demarest - \$4,735.00. Judge Edward Stewart - \$2,070.00. Total: \$6,805.00. There is an itemized list located in the court breaking down the amounts.

Councilman Saris:

TOWN CLERK'S OFFICE:

- Total Local Shares Remitted: \$7,247.49. Non-local Revenues: \$130.97. Total State, Local and County Revenues: \$7,378.46.

SEWER PLANT:

- The Plant took in 4,759,800 gals of wastewater for a daily average of 153,541 gals. No violations, did well on the annual DEC inspection, all beds are dry, increased grease problems at the pump stations.

HIGHWAY DEPARTMENT:

- Plowed twice, swept downtown and back streets, February storm clean up, steamed culverts, and picked up roadside garbage on Mohican Hill, Potter Hill.

Councilman Andersen:

BUILDINGS & GROUNDS DEPT:

- Rogers Park tree will remain. They are working on lights on Main Street. 9 new lights are needed at cost of \$10K. They are requesting high speed internet for e-mail purposes.

Councilman MacEwan:

TRANSFER STATION: A/R: \$4,327.00. Busy with C&D Ramp, tires taken to the burn plant, and looking to paint or side the small building.

Supervisor Gabriels

SUPERVISOR:

- Total receipts: \$225,619.18. Total disbursements: \$412,752.90.
- Stormwater: No report.
- Warren County: The County building and court system are looking to expand.

Unfinished Business:

Public Hearing on proposed Local Law #2 of 2006 entitled "A Local Law Providing for the Maximum Exemption Allowable for Alternative Veterans Exemption for Real Property Taxation in the Town of Bolton.

There were no further comments.

RESOLUTION #68

Councilman Saris moved, seconded by Councilman Maranville to close the public hearing on the Alternative Veterans Exemption local law. All favorable. Motion carried.

RESOLUTION #69

Councilman Saris moved, seconded by Councilman MacEwan to adopt Local Law #2 of 2006 entitled " A Local Law Providing for the Maximum Exemption Allowable for Alternative Veterans Exemption for Real Property Taxation in the Town of Bolton. Copies of the law are available at the Town Clerk's office. All favorable. Motion carried.

Public hearing on proposed amendment to Ordinance #39 entitled "Rules and Regulations of the Water Department of the Town of Bolton, Warren County New York  
There were no further comments.

RESOLUTION #70

Councilman Andersen moved seconded by Councilman MacEwan to close the public hearing on the amendments to Ordinance #39. All favorable. Motion carried.

RESOLUTION #71

Councilman MacEwan moved, seconded by Councilman Maranville to adopt the amendments to Ordinance #39 "Rules and Regulations of the Water Department of the Town of Bolton as follows  
(3) New Service:

For all applications where mains lie within a public highway or right of way or where the Town has an easement, the Town shall tap the main and install the following equipment: corporation stop, stop and waste and curb box for a charge of three hundred and no/100 dollars (\$300). This charge will apply to all standard connections - up to one (1) inch in size. Any larger installation will be charged at a time plus materials cost. All copper in excess of 60 feet will be billed to applicant.

Service lines from curb box or property line to house are the customer's responsibility to install under the direct supervision of the water department's representative. The district will furnish a cost the appropriate sized meter and meter reader to be installed by the applicant, subject to supervision and by direction of the Water Department. There shall be no taps made to the main line or lines after November 15 nor until all frost has left the ground in the spring. There shall be no extensions of water mains outside of the water district without express approval of the Board of Water Commissioners. All Favorable. Motion Carried.

Town of Bolton/Sagamore Resort emergency water system

This item was tabled pending further information.

Adirondack Runners request for permission to conduct 30<sup>th</sup> Annual Run on July 2, 2006

This item was tabled pending further information.

(SCA) Carl Schoder – repairs to Rogers Park Stone Wall leading to pier

This item was tabled pending further information.

RESOLUTION#72

Councilman Andersen moved seconded by Councilman Saris to formally accept Peg Reilly's resignation from the Recreation Commission. She was a strong contributor and will be sorely missed. All Favorable. Motion Carried.

The Conservation Park building is still an ongoing issue.

The gas tank removal at the State Police Barracks: The Board agreed to have Councilman Andersen check on prices to have it removed.

The Highway Superintendent recommended to not address the issue of the hoist for the highway garage since the cost of paving for 06 will be higher than anticipated.

Referrals from Code Enforcement Officer

Michael Garguilo, Lot #8 Cobblestone Development-regarding if stop work order can be lifted by the Code Enforcement Officer.

Counsel said the Town Board should decide on three components: if it can be taken care of by the contractor, it is not for the contractor to solve, but to comply with and to come before the Town Board next month.

Councilman Saris asked if the stop work order could be re-instated if needed and Counsel said yes. Several Town Board members said they had no problem with lifting the stop work order.

RESOLUTION #73

Councilman Saris moved, seconded by Councilman Maranville to allow the Code Enforcement Officer, Mitzi Nittmann, to lift the Stop Work Order placed on Tax Map #171.07-1-64 Lot #8 Cobblestone Subdivision, if the following violations have remedied.

1. The installation of the permanent lower half of the driveway and its approved storm water controls.
2. The installation of the temporary control devices for the upper half of the parcel and the stockpiled dirt requires silt fencing.
3. A third requirement will be that the contractor will be required to attend the May 2, 2006 Town Board meeting for an Alternative Remedy. All Favorable. Motion Carried.

Pending Items:

Barry Burns' debt for dog euthanasia

Councilman Maranville asked if Town Counsel would proceed by sending a letter of collection for the debt and Counsel agreed to proceed.

Board of Health/Water Commissioners:

Vinette Seidler, 4709 Lake Shore Drive – variance request to drill a well rather than connect to the Town water system.

Don Kingsley, representing Vinette Seidler, said that Ms. Seidler was led to believe that she could drill a well from the Town Water Dept. Supervisor John Perry. It would be cost prohibitive for her to cross 9N and to drill through rock down far enough to put in a water line to her property.

Supervisor Gabriels said that since the ordinance was passed this is the first issue of this kind. .

Councilman MacEwan asked what the cost would be to attach to the Town line. Don Kingless said they would have to blast and blasting alone would cost \$12K.

Councilman Andersen asked if there is a permit issue with the State for crossing 9N and Don Kingless said yes. Councilman Andersen asked if they could go through the rock and Don Kingsley said no, you can't bore through rock—only soils—so that is not a feasible option. Supervisor Gabriels asked if the Town Board has the authority to proceed on this matter and Counsel said yes.

RESOLUTION #74

Councilman Andersen moved, seconded by Councilman Maranville to grant Robert & Vinette Seidler 4709 Lake Shore Dr. Tax Map #186.00-1-59.3 an exemption from Ordinance #39 and allow them to drill a well on their property due to the hardship of connecting to our Town water supply.

Rosamund Butler – request for a septic variance Tax Map #171.12-1-4 Crown Island

RESOLUTION #75

Councilman MacEwan moved, seconded by Councilman Saris to schedule a public hearing for a septic variance for Rosamund Butler. Property located on Crown Island. The hearing is scheduled for May 2, 2006. All favorable. Motion carried.

Robert Carpenter – request for a septic variance Tax Map #123.00-2-19, 299 New Vermont Road

RESOLUTION #76

Councilman Andersen moved, seconded by Councilman MacEwan to schedule a public hearing for a septic variance for Robert Carpenter, 299 New Vermont Road, Tax Map #123.00-2-19. All favorable. The hearing is scheduled for May 2, 2006. Motion carried.

James Mackey, 21 Island View Loop – request for conceptual septic variance

Councilman Andersen asked what the Town Board's responsibility is regarding holding tanks. Counsel said if it is new construction holding tanks are never permitted. If it is not new construction holding tanks can be granted by variance if the Town Board feels it is necessary and appropriate.

Councilman Andersen said if the applicant has gray water, then it means he has a leach field. Supervisor Gabriels referenced James Mackey's letter dated 01/28/06 stating that the Homeowner's Association has a designated leach field and the HOA has voted to eliminate washing machines from their Association. They still allow disposal units to be attached and feed into the septic system. The solution to Mr. Mackey's problem is the proposed holding tank for gray water on his parcel. Mr. Mackey's conversations with the Zoning Office, Town Engineer, DEC and DOH, a holding tank under his house, which is periodically pumped, is his only alternative.

Councilman Saris said if it is not a septic system, but a gray water tank, is the matter still under Town Board jurisdiction and Counsel said yes it is. It is a holding tank and it is for wastewater, it doesn't have to be septic.

Councilman Andersen said that he doesn't mind if Mr. Mackey has a holding tank, and asked that since Mr. Mackey is hooked to a system, is it prudent for the Town Board to look at the conditions of when that system was installed. Counsel said that he guesses Mr. Mackey doesn't have his own septic system, but pumps his septic waste into a community system. It sounds like Mr. Mackey is not allowed to put in a gray water leach field by deed of his covenant or HOA. If this is approvable what you would end up with is a septic system and an okay for one holding tank followed by the potential of many other holding tanks if they are requested within that HOA. If the Town Board does grant one it would be hard-pressed to deny others if they are identically situated.

Supervisor Gabriels said one concern per Pam Kenyon is the placement of the holding tank. Counsel said there would be two levels of approval then; (1)—if the Town Board is favorable as far as the holding tank for gray water is concerned and (2)—if the Town Board is favorable to granting a variance that is indeed closer than 10' to the house, since it would be under the house. It is up to the applicant to demonstrate that they are in need of the variance and that a variance is appropriate under the circumstances. Mr. Mackey needs to present a plan that includes engineered drawings as well as come to a meeting to present. The Town Board sitting as the Board of Health will be obliged to give notice to all of the parties within 500'. Then the groundwork will be set for the Town Board to make a decision, and if Mr. Mackey is seeking conceptual inquiry then the Town Board's answer tonight is not conceptual denial, it is give us more facts.

Councilman Andersen asked if it is an appropriate question or request that it would only be acceptable provided there is no other covenant saying Mr. Mackey can't do this. Counsel said absolutely and added that he has an expectation that the whole process here is to decrease the load that goes into the community septic system.

Dr. Bryan Smead – 03/06/06 letter regarding public health issue on East Schroon River Road  
Supervisor Gabriels said that Code Enforcement Officer, Mitzi Nittmann reported on 04/04/06 that the area was all cleaned up as of Friday 03/31/06.

New Business:

Authorize Refund of \$160.00 to Blessed Sacrament Church for bingo games not held

RESOLUTION #77

Councilman Maranville moved, seconded by Councilman Andersen to authorize a refund of \$160.00 to Blessed Sacrament Church for cancelled bingo games. All favorable. Motion carried.

Lindsey Gates' request to use Rogers Park one Saturday night in July for a performance of Shakespeare's Twelfth Night.

Supervisor Gabriels presumed there are no problems and the project can go ahead.

Bolton Bed Tax Committee recommendations of 03/22/06

Supervisor Gabriels said the Bolton Bed Tax Committee submitted a letter detailing Bed Tax money that has been committed to date in addition to other items for the board's consideration.

Doug Houghton, Director of the Chamber of Commerce, said they would like to have additional fireworks shows at \$4,000 each, and in order to do that they need to get on the fireworks company's schedule. They would like the Town Board to at least approve the Memorial Day fireworks show for Sunday, May 28, 2006 tonight.

Councilman Andersen said if the Bolton Bed Tax Committee is recommending that Bed Tax money be used for the additional fireworks shows. He doesn't want to go against that committee. Supervisor Gabriels asked is the BBTC is for the Memorial Day show and Doug Houghton answered by saying yes. The Bolton Bed Tax Committee is in favor of the Bolton Chamber of Commerce having the Memorial Day fireworks show. Supervisor Gabriels asked if the Bolton Chamber of Commerce would be paying for the advertising for the fireworks show and Doug Houghton said yes.

Councilman Andersen said that as long as the allocation of \$4,000 for the additional fireworks show to be put on the by the Chamber of Commerce is a group decision that is okay with the Bolton Bed Tax Committee then he thinks the Town Board should authorize the shows.

RESOLUTION #76

Councilman Andersen moved, seconded by Councilman Maranville to authorize Bolton Bed Tax Funds in the amount of \$4,000 be used for each additional fireworks show to be sponsored by the Bolton Chamber of Commerce based upon the Bolton Bed Tax Committee's support of this funding. All favorable. Motion carried.

Use of Rogers Park on Saturday, May 27, 2006 for a French & Indian War Reenactment as part of the Bolton Historical Society Opening Day

Supervisor Gabriels said the group does propose to put up a tent and put in a fire pit. Councilman Andersen asked if there would still be room for regular park use and Supervisor Gabriels said yes, this is a group of about five people.

No Town Board Member concerns.

Supervisor Gabriels said the Bolton Bed Tax Committee recommended that \$600.00 be spent on this project.

RESOLUTION #77

Councilman Saris moved, seconded by Councilman MacEwan to expend Bolton Bed Tax Funds in the amount of \$600.00 for the French & Indian War Reenactment based on the recommendation of the Bolton Bed Tax Committee. All favorable. Motion carried.

Hiring Part-time employee and/or contract for maintenance of Town flowerbeds

Supervisor Gabriels said last year Bed Tax money was allocated for a contractor to do the flower maintenance. The Town did allocate funds aside in the 2006 Town Budget to handle the Town gardens. Kathy Simmes' suggestion is for the Town to hire someone on a part-time hourly basis with the Town providing the plants or for the Town to contract someone to do all the work.

Councilman Saris said that the Town needs to make sure it advertises this opportunity this year so anyone interested is aware and gets a shot at it. There was one person he knows of that was unaware of the opportunity last year. He thinks it would alleviate the Town of responsibilities, payroll taxes, workman's compensation, etc. if we hire some on a contract basis. Counsel agreed that the preferred path would be for the Town to hire an independent contractor.

Kathy Simmes said Veterans Park is not included and the work they are seeking is for strictly taking care of the gardens. It does not include mowing. Councilman Andersen asked if the advertisement could tell people to see the Town Clerk for further details and Kathy Simmes said yes. Councilman Maranville suggested the advertisement also be posted on the Town website.

Supervisor Gabriels said that the Town Board needs to decide who will be required to water the gardens once the flowers are planted. Councilman Andersen said that if the Town is going through the expense of having a person take care of the gardens and that person is a professional, the Town may want to hold them responsible for the gardens. The contractor should be required to keep the gardens watered and all Town Board members agreed.

RESOLUTION #79

Councilman MacEwan moved, seconded by Councilman Maranville to authorize the Town Clerk to place the advertisement for bids for contractual service for the Town flower beds in the paper with bids to be returned by April 24, 2006 at 12:00 p.m. with a decision to be made at the May 2, 2006 board meeting. All favorable. Motion carried.

Payment of NYS AG fine (debt & interest) \$3,792.00 dated 02/04/06 (Account PV-05-001) for Highway Department

Counsel said that he contacted the people who wrote the collection letter and they denied having any knowledge of the letter or the citation. When he gave Attorney General's Office their file number, he was told the Attorney General's Office had no such file number. He asked to speak to the person who wrote the letter and was put through to the author's assistant who disaffirmed any knowledge of the letter. He suggested if he faxed the letter to them they could review it and get back to him, which they haven't done.

Time Clocks – possible future use by the Town of Bolton

Councilman Andersen said he contacted three separate companies that were provided by Jim Casaccio. He has not heard back from any of the suppliers. He will re-submit the correspondence. This item will remain pending.

Henry Nittmann's request for reimbursement for a water pump that burned out during the 2005 emergency

Supervisor Gabriels said he believes the water pump burned out because of lack of water, apparently during this emergency situation the water got turned back on, and John Perry indicated that Henry Nittmann would need to do what was needed to take care of the pump and re-charge the line.

Councilman Andersen said Henry Nittmann has called him twice. This situation happened in the summer—not during the winter. John Perry shut off the water and apparently Henry Nittmann is on an end of the line, which he believes runs a bit up-hill from where the water main is. John Perry notified Henry Nittmann to shut his pump off because he was going to shut the main off. Later on John Perry re-charged the line he told Henry Nittmann he should be all set because now the water was back on. Henry Nittmann's argument is that the water pump burning out is the Town's fault because John Perry asked him to shut the pump off. What really happened is because Henry Nittmann is up-hill, the pump was air bound. Henry Nittmann has since learned that he really needed to bleed his line in order for that pump to get water. Henry Nittmann's contention is that if the Town didn't have to shut off the water then he wouldn't have burned out his pump.

Councilman Saris asked if it is accurate that the Town told Henry Nittmann when the water was going to be shut off. Councilman Andersen replied by saying the Town told him when they were going to shut it off and when it was back on. Councilman Saris asked if it is accurate that the Town notified Henry Nittmann of the water being shut off so he could turn off his pump and Councilman Andersen said yes. The Town notified him so he could shut off his pump and protect it in order to help him. Councilman Saris asked if it is accurate that the Town told Henry Nittmann when the water was back on and Councilman Andersen said yes, but Henry Nittmann never re-checked his pump—he just assumed that it would be okay.

Councilman Saris said knowing what the Town knows now, if this situation were to come up again, whose responsibility would it be to bleed that line and to purge the air out of it. Councilman Andersen said that since most of it is on Henry Nittmann's property it would be Henry Nittmann's responsibility. Councilman Saris said that his understanding is that the Town's obligation is for bringing water to the edge of the right-of-way then the main and everything else becomes the owner's responsibility. Leak problems have always been the owners' responsibility—not the Town's. His concern is the Town will get into a situation where it is expected to be responsible for a whole slew of homeowners' maladies with their water systems.

Councilman Maranville asked where the pump is located. Councilman Andersen said at the end of Henry Nittmann's line. He believes the pump cost is \$112-\$114. He told Henry Nittmann that after speaking with Supervisor Gabriels and John Perry that it was clearly Henry Nittmann's issue. Councilman Maranville asked if the pump is the Town's responsibility and Councilman Andersen said no, it is a private pump on a private line.

Councilman Andersen said Henry Nittmann's argument is that if the Town didn't shut off the water he wouldn't have had a problem with the pump. Councilman Andersen was told twice by John Perry that he gave Henry Nittmann the courtesy of telling him the Town was turning the water off and also gave him the courtesy of telling him when it was back on, and in his opinion if you personally knock on somebody's door then from an obligation point of view, you've done your homework.

Supervisor Gabriels said this was not during an emergency, but during a time when the Town installed a valve to the waterline feeding those houses. In those situations where the Town turns the water off there are a number of reasons where there may be problems with hot water heaters that go dry or have burned out elements and the Town doesn't assume responsibility. Another example is sand in hot water heaters, which the Town is also not responsible for and gave several other examples and added that while he is very sympathetic to this situation he feels the Town Board would be setting a very bad precedent by assuming the responsibility for paying for this replacement pump.

#### RESOLUTION #80

Councilman Maranville moved, seconded by Councilman MacEwan to deny Henry Nittmann's request for reimbursement for a burned out water pump. All favorable. Motion carried.

Public hearing for proposed Ordinance #45 – Regulations and Provisions for Temporary Banner" per the Planning Board's recommendation

#### RESOLUTION #80

Councilman Saris moved, seconded by Councilman Maranville to establish a public hearing for proposed Ordinance #45 – Regulations and Provisions for Temporary s Banner" for May 2, 2006 at 7:00 pm. All favorable. Motion carried.

#### New Software Program for Water and Sewer Billing by NOS

Supervisor Gabriels said that NOS is the provider of the new software program for the Water and Sewer Billing purposes. The software has been installed and all the data for the Water and Sewer Billing has been installed and the software is almost ready to use. NOS has a program available on a PDA (cost of \$1,695 includes the software, PDA and necessary connections) where the usage would be entered into the PDA by John Perry then able to be downloaded into the computer system alleviating the need for re-entry. This is not a dedicated PDA; it could be used for other purposes.

Councilman Saris said he saw the program demonstrated and he believes all of these things are in the direction the Town needs to be moving regarding new technology. If there is a leak or a malfunction with the system the person taking the reading will know right away. The system in place now is very awkward to use and so far has not worked well out in the field. There is another piece of equipment (approx. \$1,200) to look to for the future where you would be able to read all the meters from the center of Town, without having to go to each individual site.

Supervisor Gabriels said that NOS is willing to let John Perry try the system out for his next reading in April to be sure that is going to work.

*Public in Attendance:* No comments

#### **Payment of Lake George Watershed Conference Bills:**

- Supervisor Gabriels said that David Decker submitted a voucher in the amount of \$50,722.99 that is pending approval by K. Millington. There is a problem with mileage rate and David Decker said he is willing to make any mileage changes on the next voucher.

Counsel said his advice would be that the Town couldn't do that. David Decker has to submit a correct voucher. He can't correct it on the next voucher. All Town Board Members were in agreement that a new bill be submitted and Supervisor Gabriels will notify Mr. Decker of the decision.

#### RESOLUTION #82

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

From the public, Donna Boggs asked if the Town would be advertising for the vacancy on the Recreation Commission. The Town Board Members agreed letters of interest is returned by April 21, 2006.

Executive Session: *None*

Councilman Andersen moved seconded by Councilman Maranville to adjourn at 10:07 pm. All favorable.  
Motion carried.

Minutes transcribed by:  
Jennifer Torebka  
Recording Secretary  
04/13/2006

Respectfully submitted by:  
Kathleen Simmes  
Town Clerk