

STATE OF NEW YORK
COUNTY OF WARREN
TOWN OF BOLTON

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

PUBLIC HEARINGS: *Revisions to Water Ordinance #39 and Ordinance #8 Open Container - Revised Penalties*

Supervisor Gabriels opened the public hearings at 6:30 pm by reading the published notices for both.

Regarding Ordinance #8, Supervisor Gabriels explained that the Town proposes the following penalties: 1st offense: not to exceed \$100, 2nd offense: not to exceed \$200, and 3rd offense: not to exceed \$300. There were no comments from the public.

Regarding the proposed revisions to Water Ordinance #39, Counsel explained the clarifications to the language originally proposed a result of the Board's discussions last month. Supervisor Gabriels noted that DOH will likely be requiring 6" waterlines instead of 4" lines, as the Town Board authorized last month for the Farbaniec (Bluebird Cottages) subdivision and the Dittrich (Cobblestone) subdivision. There were no comments from the public.

On other business, Supervisor Gabriels discussed a 1983 map surveyed by Dennis Dickinson and approved by PB Chairman Bill Thomson showing the water details at the Gatehouse Association in Huddle Bay. It showed a "private" 6" plastic waterline that was approved by DOH. Supervisor Gabriels suggested the Town send a letter of inquiry to DOH as to this apparent change in policy. Counsel indicated he would draft such a letter.

Supervisor Gabriels noted that APA Commissioner Deanne Rehm, public in attendance, had requested a meeting with Zoning Administrator Pam Kenyon and members of the Town Board (as she is requesting of other towns with APA-approved local land use plans) to get towns' feedback on the Agency's role in zoning/planning issues. Ms Rehm suggested that the Chairs of the Planning and Zoning Boards also be invited, as well as board members if they wished. A meeting was scheduled for Tues, September 14, 2004 at 7 pm at the Town Hall.

Willie Bea McDonald addressed the Board with a problem she has with a parcel for sale in Town, located off of Brook Street Extension near the Sewer Plant (tax map #171.19-1-74). The property is in the sewer district, but they cannot hook into the municipal line because the closest line is a pressurized main, which they are not allowed to tap. The nearest point where they could connect is on the other side of adjacent property along Goodman Avenue, for which they would have to get permission and easements. Additionally, they would have to cross the

brook that runs between the two properties. Another option would be to run a line out to Brook Street Ext down to a point on Goodman Avenue where they could tap in.

Ms McDonald asked the Board to consider allowing the prospective buyer to install a septic system on the property, or offer another viable solution. Supervisor Gabriels referred to Counsel, who read from Ordinance #5 & 18, Section III, which indicates that the property owner is responsible for getting their connection to the main line. Under Section IV & V, it indicates that if a property is within a reasonable distance of the municipal sewer service, it would be a requirement to hook in. However, there is language in the ordinance indicating that if there are extenuating circumstances, such as difficult topography or extreme costs, a property owner within the district would be allowed to put in a private septic system.

Ms McDonald noted that they have the same situation with water service, as there is a main line nearby that technically people are not allowed to hook into, although she believes some of the homes in the area have. Supervisor Gabriels felt the matter was discretionary by the Town Board, but he requested the opportunity to first speak with Sewer & Water Dept heads.

REGULAR MEETING

Supervisor Gabriels called the meeting to order at 7:07 pm. Councilman White led the Pledge of Allegiance.

The public hearing on *Revisions to Water Ordinance #39* was left open.

There were no public comments re: proposed changes to *Ordinance #8 Open Container - Revised Penalties*.

RESOLUTION #175

Councilman Saris moved, seconded by Councilman White to close the public hearing on *Ordinance #8 Open Container - Revised Penalties*.

Lisa Nagel of ELAN gave a presentation on the implementation of the Comprehensive Master Plan. She distributed a hand-out that summarized the findings of the Plan's Implementation Committee, who met over the past 3 months. Top 5 priorities: revise and update zoning ordinance, hire code enforcement officer, hire a shared community planner, establish an affordable housing task force, and develop a short-term parking solution. Sub-committees will soon be formed to continue moving forward on implementing the Plan. Councilman Saris thanked all who contributed thus far and invited citizens to join the sub-committees as they move forward. Ms Nagel indicated she would see about getting tonight's hand-out posted on the Town web page.

Announcements:

Stormwater work being done by the State near the Huddle (across from the cemetery) is on hold, as they believe they will need to blast to achieve the drainage pattern they want. There

will be an on-site meeting with state and local officials to discuss how to move forward, as the Town water main is nearby.

Ben Rae withdrew his proposal to lease his Horicon Ave property to the Town for public parking

The LGA will give a presentation next month re: proposed Indian Brook remediation project

Meal site menu available

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 expressed concerns over road widening and clearing throughout Bolton, as some roads seem to have been cleared beyond what is necessary to accommodate stormwater drainage, safe visibility, and sunlight exposure. He asked the Board to look at ways to maintain roads for safety, while preserving rural character. He suggested discussions be initiated with Hwy Superintendent Tim Coon and Liason Jason Saris.

Chris Navitsky of the LG Waterkeeper Program expressed concern over construction underway at the Wright's Farm Subdivision site off Federal Hill Road. He realizes the Town Engineer is being consulted, but work has been undertaken that was not part of the approved plan, and not in accordance with the SPDES permit. He would like to see work cease at the site until such time an as-built plan is submitted and re-approved by the PB.

Correspondence:

E-mail from Dave Decker of the LG Watershed Conference re: regulatory review project

Letter from Jim Lieberum: WC Soil & Water Conservation District re: dry hydrant program

Letter from WC Board of Supervisors re: sales tax

Copy of resolution from July 22, 2004 PB meeting wherein the Board requested the Town hire a code compliance officer ASAP

Info from Dept of Public Service re: energy conservation

Request from the Senior Citizens to use the space in front of the town hall for selling crafts

Correspondence re: bridge/culvert work near High Nopit

Correspondence from Public Service Commission re: identification of stray voltage

Inquiries about helicopters in the area the evening of Sat, July 24, which was the result of a hiker who became injured and needed to be airlifted out

Notice from Deanne Rehm re: proposal to engage the services of a regional planner

Correspondence from Counsel to Atty Gary Bowitch re: groundwater at the Donohue property at 38 Mohican Road

Letter from Dan Daniger of Coolidge Hill Road re: lack of public parking for extended/overnight Lake access

Quarterly franchise payment from Time Warner

Correspondence from Tourism Promotion Citizens Advisory Committee re: bed tax disbursement

- Letter from Brian Quinn re: the school's property acquisition
- Correspondence re: Lake Champlain/Lake George Regional Planning Board
- Literature from NYS DOS
- Notice of violation from DOH re: violations at highway garage
- ARCC 2003 annual report
- Letter from Matt Finley re: problems with parking along Cotton Point Road
- Final Generic Impact Statement on LG Delta Sediment Removal Process
- Letter from ARH Construction Co alleging non-adherence with PB conditions of approval at the Alfredo site (tax map #213.09-1-4)
- Letter from Niagara Mohawk re: availability of trees for planting under powerlines

Reports:

Councilman White:

WATER DEPT:

- Water made: 11,653,511 gals, average daily use: 375,919. Pond level is well over the spillway due to heavy rains. Dept has been busy with reading and repairing meters. Employee Tom Torebka was recently approved as a licensed water plant operator

JUSTICE COURT:

- A/R: Judge Demarest - \$7,905. Stewart - \$3,355. Total: \$11,260.

ASSESSOR:

- Final assessment roll was filed on July 1. Negotiations continue with Rainbow Beach Association re: tax assessment. Old tax maps were sold.

POLICE DEPT:

- Hours officers worked: White - 135, Howse - 188, Schroeder - 48. Miles patrolled: 1,764. Fuel used: 167.6 gallons. Officers investigated 3 criminal reports, 3 found property, 2 assists to other agencies, 2 security alarms, 3 traffic summons, 32 parking tickets, 9 auto accidents, 1 boat accident, 1 domestic complaint, 2 abandon vehicles, 4 court securities, 15 emergency medical assists, 1 fire dept assist, and 25 misc complaints, 2 open containers, 1 criminal summons and 1 rescue. All police personnel are rescue trained.

Councilman Saris:

HIGHWAY DEPT:

- The Dept was busy with road maintenance, several emergency washouts and assisting the Sewer Dept with the trash pump.

TOWN CLERK:

- Total local shares: \$25,479.73. Non-local: \$406.42. Total state, county and local revenues: \$25,886.15.

SEWER DEPT:

The Plant took in 7,817,160 gals of wastewater for a daily average of 252,166 gals. Nitrate and ammonia testing continues. The Dept continues to deal with the presence of grease in the system. 12,000 gals of liquid sludge hauled away. New employees are working out very well.

Councilman Andersen:

PLANNING OFFICE:

Permits applied for: 9 Certificates of Compliance / 8 Wastewater disposal systems / 4 Variances / 3 Site Plan Reviews / 3 Subdivisions / 6 Stormwater permits. 200 miles traveled. A/R: \$3,175.75. Outstanding issues: *Hubbell-Greenmier*: illegal subdivision - nearing resolution through recent submission of subdivision application.

BUILDINGS & GROUNDS DEPT:

Dept repaired sidewalks and kept parks in good shape.

RECREATION DEPT:

Continues to have good participation in programs.

Councilman MacEwan:

TRANSFER STATION:

A/R: \$9,115. Lisa French continues to request that the C&D bin get repaired for safety reasons. She suggested the Town do something to recognize Frank French and Clara Cameron, who were dedicated transfer station employees, both of whom have passed on.

Supervisor Gabriels noted that the Town Sewer Dept would be receiving funds under the Jerry Solomon Grant for the new sewer pump near Norowal Road.

Supervisor Gabriels

SUPERVISOR:

Total receipts: \$576,810.17. Total disbursements: \$510,827.92.

RESOLUTION #176

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

Supervisor Gabriels noted that there are 2 requests for septic variances this month

(Deanne Rehm-171.19-1-22 & James Butler-171.12-1-4), both systems designed by Engineer Carl Schoder. Town Engineer Tom Nace gave preliminary review of both, noting that Rehm's was critical since it involved a failed septic. He suggested that if the Board moved to approve it, a condition be imposed that he give final approval prior to construction (this applied to both systems).

Deanne Rehm gave a presentation, including a history of the parcel, supporting her need for the septic variance. She listed alternatives to the variance request, but felt that what she was proposing was the best and safest solution, given the site conditions. The following variances (6 total) were requested for placement of the new system in the exact same location as the old: 1) setback from the church property line: 10' required, 6' proposed; 2) setback from the westerly (McDonald) property line: 10' required, 5' proposed; 3) setback from the southerly (also McDonald) property line: 10' required, 4' is proposed; 4) separation distance between laterals for a system in excess of 20% grade: 10' required, 7' proposed; 5) separation distance between bedrock and leaching line(s): 4' required, 2' & 3' proposed; 6) separation distance from cottage on McDonald property: 20' required, 10' proposed. It was noted that these requirements are for Bolton's code, which is more restrictive than DOH. Supervisor Gabriels noted that Counsel suggests in situations of septic variances that neighbors are consulted, as was done here.

RESOLUTION #177

Councilman Saris moved, seconded by Councilman Andersen, due to practical difficulty and hardship, to grant Deanne Rehm's request for the following septic variances (tax map #171.19-1-22), contingent upon Town Engineer Tom Nace's approval and recommendations: 1) setback from the church property line: 10' required, 6' proposed; 2) setback from the westerly (McDonald) property line: 10' required, 5' proposed; 3) setback from the southerly (also McDonald) property line: 10' required, 4' is proposed; 4) separation distance between laterals for a system in excess of 20% grade: 10' required, 7' proposed; 5) separation distance between bedrock and leaching line(s): 4' required, 2' & 3' proposed; 6) separation distance from cottage on McDonald property: 20' required, 10' proposed.. All favorable. Motion carried.

The other septic variance request, represented by Chris Gabriels, was for new construction at the James Butler property on Crown Island, and involved a proposed camp in a location that was approved by the ZBA. Mr. Butler requires 2 setback variances as follows: 1) 10' required for leach field from side property line, 1' is proposed; 2) setback for the location of the septic tank from side property line: 20' required, 10' is proposed. Two test pits were done at the site. Mr. Gabriels noted that this system would be 1 of 3 engineered systems on Lake George. He added that neighbors were consulted and indicated their satisfaction with the plan.

RESOLUTION #178

Councilman White moved, seconded by Councilman MacEwan, due to practical difficulty and hardship, to grant James Butler's request for the following septic variances (tax map # 171.12-1-4), contingent upon Town Engineer Tom Nace approval and recommendations: 1) 10' required for leach field from side property line, 1' is proposed; 2) setback for the location of the septic tank from side property line: 20' required, 10' is proposed. All favorable. Motion carried.

Phil Farbaniec of Bluebird Cottages Subdivision addressed the Board explaining that this afternoon he learned that the DOH would likely be requiring a 6" waterline going into the subdivision from the Town main instead of the 4" they proposed. Counsel did not feel the matter had to go back to the Planning Board if indeed the DOH required the 6" line, noting that this would exceed the Town requirements. Supervisor Gabriels wondered if this would affect the water pressure of properties to the south. Councilman Saris felt that if the request didn't violate

the Town's ordinances, there shouldn't be a problem. Supervisor Gabriels requested that Mr. Farbaniec have his engineer provide revised pressure volume calculations for the record.

RESOLUTION #179

Councilman Saris moved, seconded by Councilman Andersen, noting that the Town's requirement for private water mains is 4", to accept DOH's requirement if it exceeds the Town's, specifically herein to approve 6" water mains for Bluebird Cottages and Cobblestone Subdivisions. All favorable. Motion carried.

RESOLUTION #180

Councilman Andersen moved, seconded by Councilman MacEwan, to adjourn as Board of Health and reconvene as Town Board. All favorable. Motion carried.

Unfinished Business:

Regarding the Jensens' failed septic, it was Counsel's understanding the Jensens were going to correct the problem through their own finances, as they had sought financial assistance unsuccessfully before. It was noted that they relocated their well in an effort to address the septic problems, but it was uncertain as to whether Zoning Administrator Pam Kenyon has determined that everything is in compliance. Counsel will follow up with correspondence to the Jensens after checking with P. Kenyon to see if they have addressed the matter.

Regarding the Zill property (tax map #140.00-1-31), where there is a public health problem associated with garbage at the site, an attempt was made by friends of the Zills to clean up the property, but they encountered bees, and were unable to complete the job. Counsel suggested the services of Bapp Trucking, a company who claims they'll pick up anything and dispose of it legally, the cost for which could be placed on the Zill's tax bill.

RESOLUTION #181

Councilman Andersen moved, seconded by Councilman Saris, to engage the services of Bapp Trucking, or a similar garbage removal company, to haul away the garbage at the Zill residence (tax map #140.00-1-31), the cost for which will be placed on the Zill's tax bill.

Supervisor Gabriels noted that the Town Board's offer to purchase a 56+ acre parcel off CR11 (known as part of 139.00-1-46.1) from developer Rolf Ronning (dba Ronning, Inc.) in the amount of \$387,500, was rejected last month. In the meantime, negotiations were underway between the school and Mr. Ronning to do a land swap, with the school subdividing off a 1.5-acre commercially-zoned lot abutting Route 9N in exchange for the CR11 property. Following a petition being circulated throughout Town indicating voter opposition, discussions took place between the school and the Town in an effort to acquire the property for both parties' benefit.

Supervisor Gabriels stated that the issue pending with the Town Board is whether to acquire the land for recreational and municipal purposes, noting that the Town has unappropriated surplus that would cover the purchase. He noted that other investments and/or projects under consideration would likely have to be tabled if the Board were to purchase the land.

Mr. Ronning spoke, stating that he assumes the Town is considering only the purchase the land, not incorporating the idea of building a road through the property, as was contemplated before. The parcel is 1 of 3 lots in a subdivision of the parent parcel (of approx 90 acres), for which Mr. Ronning got subdivision approval contingent upon the school or the Town purchasing the subject parcel within 6 months, after which time the subdivision becomes null and void. Mr. Ronning indicated he would accept the Town's offer to purchase the property if they closed before the 6-month expiration date of October 22, 2004.

Supervisor Gabriels invited comments from the public. Dan Daninger of Coolidge Hill Road, stated that he didn't understand why the Town would want to purchase the land if the school district voters turned it down. Councilman White explained that at a previous Town Board meeting, the Board considered the purchase to be a very good investment, in addition to providing recreational uses for the Townspeople. Mr. Daninger pointed out existing recreational uses in Town: the Lake, 4 beaches, Edgecomb Pond, anticipated trail systems, and surrounding State land, all available without the Town having to purchase anything.

Councilman Saris noted that the Town Board intends for the land to be open for public use. He further noted that the Town must consider future growth and the need to expand municipal facilities. Referring to land value trends, he stated that the purchase would likely be a secure investment, better than leaving the money in the bank, noting that it could always be liquidated at a future date should the Town have a need for cash as opposed to the land. Supervisor Gabriels noted that the purchase was subject to a permissive referendum. (He later indicated he researched the matter at the County, and was told that there would need to be a minimum of 198 signatures acquired to prompt a permissive referendum.)

From the public, John Gaddy of New Vermont Road, spoke in support of the acquisition of the land, voicing his dismay at the apparent inability of the School Board and Town Board to join together in a common goal. He felt that regardless of which party acquires the land, it is an important investment for the future of the Town. He felt that the current purchase price (\$387,500) is much more reasonable compared to the package the school was proposing. Supervisor Gabriels noted that the Town would continue negotiations with the school, and the public would be kept abreast of all developments. Councilman White later pointed out that often times communities, townships, school boards, etc, do not have the insight to embrace projects similar to this, and later find themselves with inadequate municipal facilities.

Deanne Rehm, of Sacrement Lane, stated that she would be much more supportive of the land purchase if there were a co-operative effort being made between the school and town, which seems to be the case. She asked if it was the intent of the Board to hold a public meeting or just post a legal notice. Supervisor Gabriels felt that a public informational meeting would be a good idea. Furthermore, Ms Rehm asked if the subdivision was reviewed by any State agencies, as she believes a wetland is involved. Supervisor Gabriels was not sure, but Mr. Ronning spoke, stating that it was a minor 3-lot subdivision, in which the wetlands were contained on one parcel, which is a requirement of the APA. Therefore, he did not feel it was subject to Agency review. Ms Rehm suggested he make a jurisdictional inquiry, as it is her understanding that unless the wetlands are being retained, the APA may have jurisdiction. Supervisor Gabriels asked if the

APA could complete the inquiry in a timely fashion. Ms Rehm replied that she felt it could be done within a 14-day period.

Bob Weisenfeld, of Bell Point Shores, asked how the purchase of the land might affect the public tennis courts adjacent to the firehouse. He would like to see public use of the courts remain.

There were no other public comments. It was noted that Counsel had drafted a proposed contract, a copy of which was supplied to Mr. Ronning, but was not yet reviewed by the Town Board. Mr. Ronning stated that there were a few minor mistakes in the contract that needed to be addressed, such as Mr. Ronning being listed as the owner of the land, whereas it should read Ronning, Inc. Additionally, the acreage is listed as 50 acres instead of 56.4 acres. Upon working on out the details, Mr. Ronning is confident that it would meet with Counsel's approval and could therefore be signed. Regarding the wetlands issue, Mr. Ronning could not believe that the issue could be raised 4-5 months after the APA was given notice of the subdivision.

Councilman Andersen had a procedural question as to how the Town would proceed if they were engaged in a contract, but the public voted for a permissive referendum prompted by resounding public opposition. Counsel noted that the contract includes a provision that if a permissive referendum petition is presented, the Town Board may opt out of the contract based on such public feedback. Mr. Ronning indicated he is willing to sell if he can do so quickly, before the October 22nd subdivision approval expiration date. He requested that the matter be expedited quickly, and if the process appears to be dragging out, he would likely take the property off the market and develop it, as doing so would be much more profitable to him.

RESOLUTION #182

Councilman Saris moved, seconded by Councilman White, to enter into contract with Ronning, Inc for \$387,500 for a 56.4-acre parcel of land (as shown on the map entitled "Eagle Park" dated 21 March 2004, under subdivision application SD04-04), known as (part of) tax map #139.00-1-46.1, to schedule a public informational meeting for Monday, August 23, 2004 at 7 pm. This resolution is subject to permissive referendum. All favorable. Motion carried.

During the motion, Mr. Ronning inquired with Counsel as to how he would advise the PB to handle the issue of wetlands, raised by Ms Rehm. Counsel noted that P. Kenyon is the person who determines, at the onset, if projects are subject to APA review, and lists it accordingly on the agendas. He suggested Mr. Ronning submit a jurisdictional inquiry form. Mr. Ronning was reluctant to do so, as he feels the statute that may allow this has expired. Ms Rehm stated that she was not trying to raise any red flags, but just wanted to be sure that proper procedure was followed, and if so, she is satisfied.

Regarding the groundwater situation at the Donohue property on Mohican Hill Road,

Town Engineer Tom Nace received a copy of the property owner's engineer's report and both he and Supervisor Gabriels made a site visit. The Town Board awaits Mr. Nace's response to that report.

Regarding the floating concrete pads at the Highway Garage, Councilman MacEwan has

been unable to contact Jeff Mann dba The Concrete Mann to see if he is interested in performing the repair work. He will continue trying to reach him.

Regarding the escrow monies and the outstanding zoning violations on the Robert Parrotta properties (171.11-2-11 & 12), no action was taken, as Counsel awaits a list of violations from P. Kenyon.

New Business:

Supervisor Gabriels read the County's proposal to assume centralized implementation of the new voting machines to comply with HAVA requirements by January 1, 2006. Councilman Saris indicated he spoke with one of the companies who sell these voting machines, which will be electronic, and he wanted to be sure that the Town would not be responsible for the cost of unproven technology of the new machines. Supervisor Gabriels believes the machines will be stored at the County when not in use.

RESOLUTION #183

Councilman Saris moved, seconded by Councilman MacEwan, to adopt the following resolution: REQUESTING NECESSARY LEGISLATION FOR CONSOLIDATION AUTHORITY FOR BOARD OF ELECTIONS VOTING MACHINES

WHEREAS, the Federal Government has mandated under Help America Vote Act the purchase and implementation of voting machines with approved technology by January 1, 2006; and

WHEREAS, without the action of the State of New York or the Supervisors of Warren County to consolidate the administration of these machines under the County Board of Elections, the individual Towns must accept the responsibility of purchasing, programming, training, and administration of the new machines; a cost of which could run as high as \$10,000 per machine for full implementation and voter education to be borne solely by the Town;

THEREFORE, BE IT HEREBY RESOLVED, that the Town Board of the Town of Bolton petition the Supervisors of Warren County to pass the necessary legislation to consolidate the authority of the Board of Election so that central administration of the new voting machines may be accomplished.

4 favorable. 1 (Councilman Andersen) abstained. Motion carried.

Regarding the WC Snow & Ice Removal contract for FY 2005, Hwy Superintendent Tim Coon was generally satisfied with it, but felt that the incremental raises were not high enough. Supervisor Gabriels doubts the County would consider increasing the figures. The list of roads (17.64 mi) is the same as last year, and the contract total is \$80,889.

RESOLUTION #184

Councilman White moved, seconded by Councilman Saris, to renew the Snow & Ice Removal contract with Warren County for FY 2005 for the same roads as were in last year's contract, in the amount of \$80,889. All favorable. Motion carried.

Regarding the County's request for the Town to sign an agreement re: bed tax revenues, Supervisor Gabriels indicated that it was strictly a Town decision as to how the revenues would be spent, providing the monies are applied under the guidelines of tourism promotion. The funds must be disbursed within 2 years of accrual. Supervisor Gabriels was uncertain as to what happens to the funds beyond that time.

RESOLUTION #185

RESOLUTION AUTHORIZING LOCAL TOURISM PROMOTION AND CONVENTION DEVELOPMENT AGREEMENT BETWEEN TOWN OF BOLTON AND WARREN COUNTY

INTRODUCED BY: Councilman Andersen
SECONDED BY: Councilman White

WHEREAS, Warren County derives revenues from the Occupancy Tax authorized by act of the New York State Legislature (Chapter 422 of the Laws of 2003) and, after deducting the amount provided for administering such tax, is to allocate the funds to enhance the general economy of Warren County and its cities, towns and villages through the promotion of tourist activities, conventions, trade shows, special events and other directly related and supported activities, and

WHEREAS, an Agreement between Warren County and the Town of Bolton (Agreement) is presented at this meeting, which Agreement proposes to provide funds to the Town for tourism promotion and tourist and convention development, and

WHEREAS, the Agreement provides for initial funds of ten thousand dollars (\$10,000) and for additional funds to be provided only in accordance with further Resolution adopted at the sole discretion of the Warren County Board of Supervisors with all funding subject to and in accordance with and the terms and provisions of the Agreement without the need to approve and sign additional agreements for additional payments, and

WHEREAS, the Agreement also contains provisions concerning allowable fund expenditures, accounting, recordkeeping and under certain circumstances, refunds of Occupancy Tax funds being paid to the Town, and

WHEREAS, the Town is ready, willing and able to provide for promotion of tourist activities, conventions, trade shows, special events and other directly related and supported activities, and possesses or can make available all necessary qualified personnel, licenses, facilities and expertise to carry out the terms of the Agreement,

NOW, THEREFORE, BE IT

RESOLVED, that the Bolton Town Board hereby authorizes the Local Tourism Promotion and Convention Development Agreement between the Town of Bolton and Warren County substantially in the form presented at this meeting and authorizes and directs the Town Supervisor to execute the Agreement for the receipt of funds in the amount of ten thousand dollars (\$10,000) with the understanding that:

1. additional funding may be made by Warren County in accordance with the Agreement as occupancy tax revenues shall become available and in such amounts as the Warren County Board of Supervisors shall, in its sole discretion, determine appropriate in accordance with a municipal sharing formula to be approved by the Warren County Board of Supervisors; and

2. all funds received in accordance with the Agreement shall be subject to the terms and provisions of the Agreement without the need to approve and sign additional agreements; and

3. the Town of Bolton shall refund such funds to Warren County if such funds are not expended by December 31st, 2005 or used for eligible expenditures; and

BE IT FURTHER,

RESOLVED, that specific expenditure of the funds provided under the Agreement shall be subject to further authorizing Resolution of the Bolton Town Board, and

BE IT FURTHER,

RESOLVED, that the Town Board further authorizes and directs the Town Supervisor to forward certified copies of this Resolution to the Warren County Attorney's Office and Warren County Board of Supervisors and take such other and further action as may be necessary to effectuate the terms of this Resolution.

All favorable. Motion carried.

RESOLUTION #186

Councilman Saris moved, seconded by Councilman Andersen, based on Zoning Administrator P. Kenyon's request, to refund a \$65 filing fee to Tom McGurl on behalf of Twin Pines for a variance that was withdrawn. All favorable. Motion carried.

Supervisor Gabriels referred to draft language, taken from WC civil services, for the code enforcement officer position, which does not include performing building inspections. Supervisor Gabriels brought up the idea of combining the position with that of town engineer, noting that current Town Engineer Tom Nace has served the Town well. He added that Mr. Nace recently submitted a bill in the amount of \$13,000 for the last 9 months of services.

Councilman Saris and Andersen were of the opinion that combining the two positions would create a very difficult position to fill. Councilman Saris felt that it would be difficult for the individual to enforce the code, while at the same time trying to help engineer projects. Councilman Andersen indicated the need for better review of applications to determine completeness and accuracy prior to their being submitted to the Planning and Zoning Boards. Councilman Saris agreed, citing the importance of also supplying board members with the history of parcels under review. Counsel believes the position will have to be a civil service position.

RESOLUTION #187

Councilman Saris moved, seconded by Councilman Andersen, to advertise for a code enforcement officer, setting an application submission deadline of August 24, 2004 (interviews for which will be scheduled in September). It will be a civil service position. All favorable. Motion carried.

RESOLUTION #188

Councilman White moved, seconded by Councilman MacEwan, based upon it being a budgeted expense, to authorize the purchase of a new valve exerciser, declaring the old one as surplus. All favorable. Motion carried.

RESOLUTION #189

Councilman Saris moved, seconded by Councilman Andersen, to authorize the placement of a sign in Veterans Park signifying the location of the CADET shipwreck in the waters of Lake George near Northwest Bay. All favorable. Motion carried.

Regarding the prospect for getting a salt storage shed at the Highway Garage, the matter was tabled so that Councilman Saris could consult Hwy Superintendent Tim Coon to discuss options.

RESOLUTION #190

Councilman Andersen moved, seconded by Councilman Saris, to allow the Senior Citizens to use the area in front of the Town Hall to sell their crafts during the dates of the Arts & Crafts show as follows: Sat & Sun, Aug 14 & 15, Sept 4 & 5, and Oct 9 & 10. All favorable. Motion carried.

Regarding Dan Daniger's request to allow overnight parking in Town parking lots for Town residents during their excursions on the Lake, the Board felt that doing so would defeat the purpose these parking lots serve for short-term parking. The Board understood Mr. Daniger's concern, but felt it would be a mistake, given the limited available public parking and the inability to monitor whether Town or non-Town residents were parking overnight.

Regarding Deanne Rehm's suggestion that the LG Watershed Conference create a new position of Regional Planner to assist all towns within the watershed with subdivision, site plan, and variance reviews, Ms Rehm noted that they have received feedback from PB members that agendas are lengthy and often times applications are incomplete. The idea for the position was raised when the Conference was considering expenditure of grant money. The planner would work with PB members, but would most closely work with applicants, guiding them toward the community's goals.

Ms Rehm noted that it is only conceptual at this point, but the Conference would appreciate the Board's feedback in the near future. The Board was receptive to the idea, noting that hiring a community planner was one of the priorities in the Comprehensive Plan. Councilman White felt that the idea paralleled the idea of requesting contractors to be licensed. Ms Rehm responded that the LGWC has been contemplating suggesting this (licensed contractors) be done basin-wide within the next year or two, requiring the contractors to attend some type of on-site training for things such as stormwater management, for which they would receive a certificate.

Regarding the prospect of entering into contract with Tri-sales to utilize their new meter reader system, Water Rent Collector Simmes felt it would be money well-spent, noting that it would save her office a tremendous amount of time preparing water bills. Furthermore, she noted it would decrease the likelihood of inaccuracies, since it would utilize a scanning system, eliminating the need to physically key in meter readings. Although the Water Dept staff is hesitant to change systems, the Board felt that one benefit of the system would be that it would ease the burden of staff when co-workers are on vacation.

RESOLUTION #191

Councilman White moved, seconded by Councilman MacEwan, to enter into a 5-year contract with Tri-sales (Neptune Technologies) to utilize their meter reader system at a rate of \$2,475/year for a total contract amount of \$12,375. All favorable. Motion carried.

The Board chose to take no action on the matter of sales tax distribution to the County.

RESOLUTION #192

Councilman Andersen moved, seconded by Councilman Saris, to approve the following budget transfers for August 2004:

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
GENERAL FUND: 19904 Contingency	14404 Engineer	\$6,000.00
HIGHWAY 90608 Health Insurance	90558 Disability Insurance	\$110.00
51484 Services to other Govts	51104 Road Repairs	\$15,000.00
WATER DISTRICT 90608 Health Insurance	90308 Social Security	\$1,000.00

All favorable. Motion carried.

Supervisor Gabriels noted that the school crossing guard position still needed to be filled. It was decided that the position would be advertised in the Adirondack Journal for the next 2 weeks.

Councilman Saris requested that Supervisor Gabriels try to arrange a meeting between the TB and the LGPC re: some studies the Commission is undertaking having to do with recreational uses on the Lake, which may affect Bolton.

Councilman White asked if the second sign recognizing the Bolton Boys Varsity teams had been made yet. Supervisor Gabriels indicated a County permit must be obtained in order to place the sign at the base of CR11.

Public in attendance:

Bob Weisenfeld requested that the status of the NW Bay Partners dissolved corporation be addressed. Referencing the Bell Point Shores roadway, he also noted that enforcement has been lacking due to the overload of work in the zoning office. He supports the Town's quest to hire a code enforcement officer.

The Board did a SEQR analysis on the proposed revisions to Ordinance #8 - Open Container, resulting in a negative declaration.

RESOLUTION #193

Councilman White moved, seconded by Councilman MacEwan, to make a negative SEQR declaration and adopt Ordinance #8 Section IV - Open Container as revised: *Any violation of this ordinance shall constitute an offense punishable by a fine on the first conviction in an*

amount not to exceed \$100.00; by a fine on a second conviction in an amount not to exceed \$200.00; by a fine on any third or subsequent conviction in an amount not to exceed \$300.00 or upon any conviction in any appropriate case, in addition to any appropriate fine, a term of imprisonment in the Warren County jail for a period not to exceed fifteen (15) days.
All favorable. Motion carried.

Counsel informed the Board that the ZBA made a determination consistent with Zoning Administrator P. Kenyon's determination that a Bilco door constructed at the Stephen Byers' property (tax map #171.08-1-17) required an area variance. The applicant's attorney, Mark Schachner, on behalf of the applicant, has requested an extension of the time in which he can appeal the Board's decision.

RESOLUTION #194

Councilman Saris moved, seconded by Councilman Andersen, to grant Stephen Byers' request for extension of the 30-day code appeal limitation time in which he can appeal the Board's decision and final determination on the July 22, 2004 "zoning interpretation" of the ZBA. This is extended by agreement between counsels. All favorable. Motion carried.

Town Clerk Simmes requested Counsel review the hawkers and peddlers license ordinance to clarify ambiguous wording.

RESOLUTION #195

Councilman Saris moved, seconded by Councilman White, to pay the LG Watershed Conference bills in the amount of \$10,215.23. Voucher was submitted on 08/03/04, 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 #196

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

Councilman Andersen moved, seconded by Councilman Saris, to adjourn at 10:36 pm. All favorable. Motion carried.

Transcribed by:

Respectfully submitted by,

Melanie Quigan
Recording Secretary
08/18/04

Kathleen Simmes
Town Clerk

