

TB – Minutes August 1, 2006

STATE OF NEW YORK

COUNTY OF WARREN

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

REGULAR MEETING:

Supervisor Gabriels called the regular meeting to order at 7:00 pm.

Pledge of Allegiance – Kathleen Simmes

Announcements:

Supervisor Gabriels read the proclamation from the Town Board regarding the Bolton Free Library's 100th anniversary.

There will be a public hearing by the Warren County DPW on the repair of a bridge in Padanarum scheduled for Thursday, August 31, 2006 in the Bolton Town Hall.

The Lake George Loop Draft Corridor Management Plan is available for review and comment at <http://www.wcplanning.blogspot.com/>.

Meal Site Menu is available in the Town Hall.

There are now 2 Town of Bolton website addresses: www.town.bolton.ny.us and www.townofboltonlanding.com.

Public in Attendance: None at this time.

Correspondence:

Letter from Mike Murray resigning from the Bolton ZBA.

Letter from Julie Denison requesting to be reappointed as a marriage officer for the Town of Bolton.

Note from Officer Jim White that Ordinance #38 (Regulations of Parks and Beaches in the Town of Bolton) should include a reference to Bixby Beach.

Letter from Thomas Vacca regarding a particular tree on Rainbow Beach Road—this letter has been forwarded to Highway Superintendent Tim Coon.

Letter from the Rensselaer Outing Club requesting use of Veterans Beach from Friday, Sept. 22, 2006 through Sunday, September 24, 2006 for launching canoes.

Note from Lorraine Wooden of East Schroon River Road thanking the Highway Dept. for dust control on their dirt road.

Letter from Stephen Breault requesting to be paid two weeks vacation time he will not be able to use.

Letter from Margaret Williams requesting use of Veteran's Park to park approximately 50 cars on the weekend of August 25, 2006.

Request from the Bolton Rural Cemetery to increase their appropriations for an estimated \$500.00 per year for repair of two or three headstones.

Correspondence from Adirondack Park Motel thanking DOT for signs put up on that particular section of Route 9N.

From CT Male Associates, the Second Quarter 2006 monitoring report for the wells at the Bolton Transfer Station.

Court documentation from the APA conditionally approving Sandy Lane Estates.

Notice from APA of a major application: a four-lot subdivision on the west side of Route 9N and to create a shoreline parcel access lot for each of the lots on the east side of Route 9N in the neighborhood or Northwest Bay.

Correspondence from the APA seeking an understanding of the changes in the Sagamore ownership and rental agreement and whether or not it is in compliance with the PUD agreements and APA conditions.

Project approval for a dock on the west side of Green Island.

Correspondence from the APA denying a variance that the Bolton ZBA granted to Mr. Chandler.

From Jarrett-Martin Engineers, the Spring 2006 stormwater maintenance report for Norwood Drive.

Correspondence from Tom Ulaskewicz on the Lake Ridge Subdivision.

Correspondence from Paul Vega regarding a septic variance.

Correspondence from John Gaddy on the electric antique street lights.

Correspondence from Willie Bea McDonald concerning Bixby Beach.

Information from NYS Dept. of Environmental Conservation encouraging towns and counties to establish a household hazardous waste program.

From the Lake George Park Commission, a statement that the water-based recreation study plan is available for public comment and review—a copy is available at the Bolton Town Hall.

Correspondence regarding National Grid tree cutting for installation of telephone poles.

From CT Male Associates, the Pioneer Village Improvement Association's study of the water pressure and volumes at the north and south stations over the seven day period of the July 4, 2006 weekend as part of their application to the Town of Bolton for expanding the use of municipal waterlines to that particular facility.

Referrals from Zoning Enforcement Officer / ZBA / BPB:

Timothy Harrington, 4 Forbidden Lane—regarding extensive tree clearing without a permit—notice sent 05/15/06

Supervisor Gabriels noted that Timothy Harrington was not in attendance and said the matter would be postponed to the September 2006 Town board Meeting.

Neal McHugh, 206 Coolidge Hill Road—violations

Neal McHugh said he received correspondence from Zoning Enforcement Officer Mitzi Nittmann regarding a number of violations at 206 Coolidge Hill Road.

Zoning Enforcement Officer Mitzi Nittmann gave an overview of the matter and said: that Neal McHugh received all of the necessary permits to construct the house after which the excavating contractor cleared past the designated limits on the site plan resulting in almost a clear-cut of the entire lot. The lot is just under an acre and three quarters of it has been cleared. It is a narrow lot. She has several concerns about the grade of the entire lot, which ranges from 15%-22%. She and Neal McHugh have been working together to keep it remediated in order to keep the dirt on the lot and to keep it from going on Michael Murray's lot. There was an issue with separation of the septic and the wetlands area to the north which DEC and APA both inspected and both found non-jurisdictional. The contractor filled in substantially to let large vehicles get up to the site. Neal McHugh is in violation for over-clearing the driveway width, over-clearing the designated limits of the site plan, siltation coming off the site and a couple of other things, but the clearing is the major violation. She asked that both the excavator and Dennis Dickinson be present at tonight's meeting, but both are not in attendance. Neal McHugh said that Bruce Fifield was on his way and Dennis Dickinson's office is working on the major storm water. He has owned the lot for two years and he wants to do what the Town asks to make it right.

Mitzi Nittmann asked if all TB members have seen the file and the new letter from Town Engineer Tom Nace. Supervisor Gabriels said he received it, while other TB members said they received the correspondence and read it, but were unaware it was in reference to this situation. Mitzi Nittmann said she contacted Tom Nace on Monday and asked for a reply on his concerns with this project. She is concerned with the grades, as she doesn't feel the Dickinson measurements shown on the plan accurately describe what Mr. McHugh needed in order to build his house. There are some major problems with elevation changes, which have been verified by Tom Nace. Councilman Saris asked if this project went through site plan review and Mitzi Nittmann replied by saying no. It could have been kicked to a major storm water project. When she did calculations with the disturbances that are allowed by the

Town's clearing regulations she came up with the 16,500 square feet, but she doesn't know why they didn't ask for it.

Supervisor Gabriels asked what would happen if a project is unable to comply with the major stormwater and standards and Counsel answered by saying that the hypothetical answer to this hypothetical question is that in theory it would be considered a property that cannot be developed.

Supervisor Gabriels said that Town Engineer Tom Nace had only a quick review of this project and this should not be construed as a thorough review by the Town's Engineer on this particular project, Tom Nace does have problems with this project as reflected in his reply stressing his five points of concern.

Councilman Saris suggested that the TB's role in this is somewhat limited. The TB should establish specifically how many violations there are and whether or not a civil penalty is appropriate for them. He does not think that engineering, site plan reviews and major stormwater is the TB's area of expertise and suggests that the Bolton PB and the Town Engineer should deal with those items. Supervisor Gabriels said that there is the question whether the TB should consider modifications to the Zoning Code to assure that the construction techniques are also considered and plotted out for future developments on other lots so the Town doesn't run across this again. Councilman Saris replied by saying that this has been mentioned to Elan Planning who is currently reviewing the Town of Bolton's Ordinance.

Michael Murray, adjacent property owner, handed out the tax map showing the location of his and Neal McHugh's properties and said he doesn't think, until this evening, some of the TB members realize the seriousness of this situation. The silt fence has totally failed and it is leaching continuously. He raked up and shoveled 500-600 pounds of silt and shoveled it back onto Neal McHugh's property. On the left side of the property there is a stream where the silt goes in the ditch, the stream, the culvert, through the culvert, across the road, across the flat and down the next grade, so it is now within 100 feet of Edmonds Brook. He's asked the APA and the LGPC to take pictures and discuss the situation with Mitzi Nittmann to remedy the situation. He can't see how anybody with a clear conscience can allow silt to run into a tributary of Lake George. There is an old well on the property line that is still active. He filled in with stone and dirt so nobody would get hurt. The vein of water is still active. There should be no septic system put in that vein of water, as the current vein of water leaches onto his land. If it does, the NYSDOH said it would be a state health code violation. There are several other things he is concerned with and Mitzi Nittmann has been advised of his concerns. If any of the Town Board members are really interested in enforcing zoning and the principles that zoning is based upon they will find out if these accusations are true or not. If they are true then action needs to be taken immediately because if the Town Board members are going to allow silt to run into a tributary of Lake George then they don't care about Lake George. When this property was put up for sale he told Zoning Administrator, Pamela Kenyon that there was a stream to the north and a well to the south but she didn't investigate it. When Mr. McHugh applied for permission to build he (Murray) told the Zoning Administrator again, and again she did nothing. That is when he contacted the APA to reference that there are two ponds off the back of the lot that have run-off into the stream; and the question is if the Town of Bolton cares about zoning.

Supervisor Gabriels asked if it is correct that the stream on the north is the one referenced in her notes and Mitzi Nittmann said no. There was a small drain just north of Michael Murray's property line within 20-30 feet and there is another stream that is still north of that, but it is over 150 feet away. Michael Murray said the stream he is referring to on the map is the same one Mitzi Nittmann is referencing. It is less than 20 feet from the property line to the culvert and the whole corner where the property lines come together is filled with sand and silt. The culvert has silt in it and the silt comes down across the road and over the bank. Neal McHugh responded by saying that according to both the APA and DEC that is not a stream. He met with both people on site and that it is drainage. There might be another stream Mitzi Nittmann is talking about 150 feet way in the next valley. This is what he has been dealing with for a month and why he has been slowed down for a month. This is why he is not able to get his property to

where it's supposed to be before the time limit of the summer is gone. There is no way Michael Murray moved 500 lbs of wood chips and fill.

Bruce Fifield, project excavator, said that since the beginning there have been tons of accusations made that Mitzi Nittmann has checked out. Mitzi Nittmann gave them a verbal not to proceed, so they stopped. Everything Mitzi Nittmann was told was proven false, so they began work again. He talked with APA and DEC and there is one drainage ditch or leach that leads onto the ground, which only runs maybe 100 feet. The stream Michael Murray is talking about is over 100 yards from the septic system. It has been an ongoing battle. There was a question by Mitzi Nittmann and Pamela Kenyon regarding the house location and the house is exactly where the plans show. Originally the property was pitched toward Michael Murray's property, but they flattened the piece of land out and run-off water is contained. If anything, they helped Michael Murray's property.

Mitzi Nittmann said that she has responded to Michael Murray on the two letters he submitted and the TB has the full file of information and all her notes.

Bruce Fifield said the cuts and fills are as they are shown on the plan and Mitzi Nittmann disagreed. She said that it shows it at 16-foot disturbance and they were at 25 feet of disturbance when she measured it the first time. Bruce Fifield said that the lot is under construction and Mitzi Nittmann said she understands. She explained that he built a road capable of handling the equipment that Neal McHugh needed to build the house. She contacted the crane operators for a report as well as the Town Engineer for feedback. In a way she defends Neal McHugh because he, Bruce Fifield and Dennis Dickinson all thought they were doing the right thing, but none of it ties together. Bruce Fifield said that when he gets a plan he makes sure he is within the storm water regulations and all other regulations he knows he has to meet, but it is not his responsibility to take out a slide rule or scale to check square footage. He has a basic line he follows and he was pretty close.

Bruce Fifield asked how Mitzi Nittmann measured the disturbance and Mitzi Nittmann answered by saying that she took the wheel and went right from the property line off the setback of the right-of-way all the way up and it was 375 feet to the back and three different measurements at the width (72, 70 and 66 feet) and she averaged it out and multiplied. Bruce Fifield said they have cleared additional trees but they are nowhere near 26,000 feet of disturbance. Mitzi Nittmann originally told him that she paced out the measurements.

Neal McHugh said that he plans to put the driveway back and remedy anything that the Town of Bolton and the Town Engineer request and he will again address any silt situations Michael Murray brought up, but he feels the exaggeration is there; and he only wants to make it right.

Bruce Fifield said that the well is up behind the house and the septic is in the front. From day one Neal McHugh hasn't tried to cut a corner anywhere. They have just been fighting these accusations. He was told about the well after the fact. We will cut and cap the line servicing the single family dwelling on the opposite side of Coolidge Hill Rd.

Councilman Andersen asked if, as of today, the silt fence along the side of the property is doing what it is supposed to do. Mitzi Nittmann replied by saying she has never seen siltation or woodchips on Michael Murray's parcel. If they have been there, he (Mr. Murray) has always cleaned them up and thrown them back over. The only siltation she has seen exit that lot is at the drive and she had Neal McHugh install another two rows of silt fence perpendicular to the slope, dig out the small retention basin, and add some more hay bales by the culvert. The last storm (06/26/06—photos are in the file) she was there and the siltation was leaving the driveway and entering the roadside ditch and going down the road. The silt has definitely been building on the north side, which is why she asked Neal McHugh to build a siltation basin.

It is a steep site, so even if you put two or three rows of silt fence and hay bales in, she doubts you could stop it all because it is all exposed dirt.

Councilman Saris asked for a listing and brief explanation of the individual specific violations. Mitzi Nittmann said she feels the violations on the site are: clearing over the 16 foot driveway limit which when she measured from toe of slope to toe of slope it was 25 feet. Over clearing, it was way over the 20-foot limit behind the house. On the site plan, between the driveway and the septic system, it showed it was a non-disturbed area. Siltation leaving the parcel shows that at one time the water was diverted toward Michael Murray's property momentarily in order to keep the footer area dry until it could be poured. There is a retention basin in that area that was supposed to be built after the footer was poured. That area was back-filled and it will be dug out again to create a retention basin, so the violation would be diverting water onto the property of others. Supplementary regulations exist on keeping cut and fill operations to a minimum. This could be interpreted in numerous ways. She thinks the lot is just too narrow and thinks the Zoning Administrator should have bumped it into a major stormwater project right off the bat due to the grade; permanent vegetation established and erosion control installed. Natural vegetation should be retained and protected. He violated by over-clearing. Sediment basins shall be installed and maintained to remove sediment waters from the land undergoing development. It wasn't installed until she asked for it. Control of erosion and sediment shall be installed as part of site preparation prior to beginning of any construction. It was installed, but maintaining it has been the difficult part and it probably wasn't enough for the site itself, which is why he was cited for the violation. Fills shall not endanger adjoining property or divert water onto the property of others; maximum cuts and fills shall be 6 feet for all construction. That has not been applied by past practice. She may try to get that one changed because it is not feasible even on flat ground to put a basement in the house and meet the requirement. The comprehensive plan for elevation: Try to blend the house into the hillside, fills shall not encroach on natural water courses, constructed channels or floodway areas, fills placed adjacent to or having an impact on natural water courses, constructed channels or floodways should have suitable protection against erosion during periods of flooding. There will be no discharge of sediment or other material into the watercourses. Sediment has left the site; clearing for residential buildings shall be limited to 20 feet outside the area occupied by the foundation. The applicant is well past that in the back; clearing for the driveway should be limited to 16'. The applicant is over that. Clearing for a septic field, pit or sewer line shall be limited to 10 feet beyond the stakes occupied by the elements of the system. The entire lot was grubbed out. Clearing for the well shall be limited to the 14-foot right-of-way to drill such well and service the residence. It is past that now. No applicant, sub-divider or property owner shall remove any vegetation or topsoil in excess of 1,000 square feet or greater without obtaining a grading permit from the Town of Bolton. She doesn't know what they are talking about here, possibly storm water, because the Town of Bolton doesn't have grading permits, but it is in the Town code. The applicant doesn't have one, the Town of Bolton doesn't have one; the smallest practical area of land shall be exposed at any one time during development in accordance with the clearing time and phase reformation, overexposed whenever feasible natural vegetation shall be maintained and protected, excessive clearing, almost every single one is beyond the limits of what is allowed.

Councilman Saris said that Michael Murray referenced a well on the property and asked if Neal McHugh was made aware of it when they applied for the septic permit and Mitzi Nittmann replied by saying that she was made aware of it when she spoke with Michael Murray and then she told Neal McHugh about it quite a while later. Neal McHugh didn't know anything about it during the permitting process.

Bruce Fifield: When Mitzi Nittmann got the complaint about the silt and wood chips on the property he was there and both of them walked the entire silt fence. If there were a big blowout there would have been debris and a bulge, which wasn't present. On the allegation that they diverted water to Michael Murray's property (which is parallel to the property line), when he (Fifield) dug up the footings there was a rainstorm and he dug a straight line outgoing ditch from the site of the house (parallel to Michael Murray's property). Never once did he divert anything to the south or come across a part of the house site toward Michael Murray's property and once the footings were poured, he back-filled it and the under

drain was laid in the correct direction. Regarding the driveway, they're under construction; he is within the plans on the clearing limits. Mitzi Nittmann asked if Bruce Fifield is looking at the original plan or the one submitted to the Zoning Office, because the plan on file shows there is no disturbance between the fills for the road right below the house to the septic field. Bruce Fifield said that the road that is there is not the one shown on the plans, because he cannot construct the road shown on the plans until the porch and everything else is put on because the road shown on the plans is going to be 25 feet more in front of the porch and towards Michael Murray's property and wrap around—the area when you come across the road was beautiful grass and topsoil—he didn't have to clear a thing there. Mitzi Nittmann said she understands, which is why she said that what was drawn and submitted to the Zoning Office is not what the applicants had to do to get that house in there, which is why she asked for Dennis Dickinson to be present so all of the people working on this project could get it straightened out; she agrees with Bruce Fifield in that he had to build a road to get the equipment there, but what Dennis Dickinson drew is not practical for what they needed to do in the beginning—she spoke with two engineers, the crane operator and Bruce Fifield and all of them told her there was no way they could get to the house site with the road with the 10 foot driving surface that was depicted on the plan, so the main thing is that what Dennis Dickinson drew as a disturbance level Bruce Fifield has gone over and beyond which puts Neal McHugh in violation—he now has to do major stormwater because more than 15,000 square feet has been disturbed. Continued discussion ensued on disturbed area.

Councilman Saris asked if there is any kind of grace period allowed in the Town of Bolton's ordinance for construction purposes when plans are submitted. Counsel replied by saying: no, Mitzi Nittmann is correct in terms that when a plan is submitted—in this case here it was a plan submitted as of right—in that it is going to be a single-family dwelling on a pre-approved and the clearing will be less than 15,000 square feet—it is given that type of application deserves a certificate of compliance; Mitzi Nittmann's point is well taken, which is that in looking at it, it is either 20/20 hindsight or the fact that somebody didn't really look at it at the time it was presented in that you can't build that thing—what is depicted is not really true in terms of the consequences they intend on putting on it; it is a given that it is a major stormwater and beyond that, he is somewhat confused at to what is the siltation and what is the real road—it is a type of situation that requires site plan review and quantitatively looking at it now it exceeds all of those minor aspects that could have been as of right to go beyond that; the Town Board now has a hybrid of violations; and the Town Board needs to deal with the violations and instruct the applicant to bring it into compliance.

Neal McHugh said that he is confused because Mitzi Nittmann told him he couldn't be cited as long as he is showing effort of working on items she has approached him on and now the letter from her is saying he is being cited, so he asked for clarification. Counsel said that he has encouraged Mitzi Nittmann to not just issue a stop work order, but to work with the applicant in remedying situations.

Bruce Fifield said this project got over the 15,000 square feet by the stormwater behind the house being added and the hill being moved back—the well is shown on the side of the house, where it cannot be located because of the grade—the well had to be moved up behind the house. Supervisor Gabriels asked if the applicants should have known the well couldn't be in the location shown on the plans ahead of time and Bruce Fifield answered by saying that he doesn't look at it as his responsibility and when Mitzi Nittmann first approached them it was at 16,000 square feet. Councilman Saris said that if they are over the limits of disturbance, they are over regardless of the amount; he believes that it is the property owner's responsibility—and that is why he hires, hopefully experts, so he doesn't go here—it is not up to the Town of Bolton or the Zoning Department to design a site for an applicant or to keep it compliant; and the benefit goes to the property owner when this is all done, therefore all of the responsibility is on the owner's shoulders.

Neal McHugh said that the major stormwater application is underway currently and that the application was put in before the stop work order was issued. Councilman Saris agreed and said that still leaves them with a violation that an amount over the 15,000 square feet was disturbed. Councilman Andersen

said that Bruce Fifield commented that on the plans the well is shown on the side of the house and he (Fifield) said that as it goes on, in practicality, the well was moved to the rear of the house and asked if the Zoning Office was notified of that change and if the Zoning Administrator gave them permission for that change. Bruce Fifield said no, but the minute it was brought to their attention that it was a major stormwater, they applied for a major stormwater.

Mitzi Nittmann said: Neal McHugh has done everything she has asked him to do; she doesn't know whether her calculations are correct or not—all she knows is that Neal McHugh cannot put in for a stormwater application until the Town Board deals with the violations; Neal McHugh has been informed that he needs to start planning for major stormwater and he has told her that Dennis Dickinson has started working on it, but the Town Board has to deal with its part (the violations) first before the Zoning Office can even accept his application.

Supervisor Gabriels said that the Town Board has to deal with two things: (1) the violations—a list that is still a little ambiguous as to where they stand and whether some of the violation should be looked at less closely because of a factual dispute and (2) whether or not the Town Board wishes to consider any other alternative remedies. Councilman Saris agreed and said that while he appreciates when somebody cooperates with the Zoning Department and does what is asked, he thinks it should be noted that compliance is not the Town Board's responsibility—the Town Board shouldn't have to ask because they are not there to design somebody's site or to make it compliant—it is really the property owner's responsibility in the first place and they shouldn't have to be asked—there shouldn't be all those problems. Supervisor Gabriels said: he and Mitzi Nittmann had a discussion about cooperation, looking at alternative remedies and bringing this property back into compliance vis-à-vis a stop work order and it was with a great degree of angst because he has never had to make that decision, but he thinks that Counsel has indicated clearly what he (Gabriels) thinks was one of the prevailing reasons for this is that in the state when this came about the land is in its most raw state, most environmentally damaged things, stop work order means stop so you can't do anything with it and the potential for all kinds of problems has just escalated beyond what would have occurred if they had constructed this differently; in Mitzi Nittmann's assurance after talking with Neal McHugh, compliance would be sought and attention to remediating as best as possible, that was the better way to go, therefore a stop work order was not instituted in the beginning of June; he is not sure how they get back to remediating these problems as distinct from any civil actions or alternative remedies in addition to the civil penalties that are down there and asked if it is a function of the Town Board to get everything back as natural as possible according to the plan. Counsel replied by saying that: a lot of Mitzi Nittmann's issues are handled within the context of stormwater management and stormwater review; the triggering event is over-clearing beyond 15,000 square feet, which qualifies it as a major stormwater; there are siltation issues—some of which are in past tense—but can fit comfortably within the stormwater review; he (Counsel) suggests that the Town board group some of Nittmann's issues in the context of stormwater management issues; one of the big components is bringing it into compliance by applying for a major stormwater review; and ultimately it is the owner who is responsible so that is the civil penalty issue.

Councilman Andersen said he understands that the major stormwater review can encompass 90% of the violations and asked if it is within the Town Board's scope to insist on retention measures are taken immediately so there is no further disturbance. Counsel said that could be done but what needs to be known is what the standard is and who determines it is acceptable and asked where the property stands now. Mitzi Nittmann said that Neal McHugh probably needs to do more—he has installed one silt basin, but she hasn't been up there this week to see if it has filled up or not. Councilman Andersen said; he understands Neal McHugh wants to finish his house; he thinks the Town Board also has an obligation to do what is correct because there are some violations; he (Andersen) said there is a lot here and before he moves on any violation or civil penalties, he certainly thinks that could wait, but he thinks stabilizing the site in the short term is important and if before Neal McHugh can do anything else if he needs to get the stormwater plan done, in his mind at least short term (he's not saying entirely deal with the whole project, but a part of it) initiate that the site be stabilized and they go forward with all of the stormwater

items and to come into compliance Neal McHugh will have to come into compliance by doing whatever the Town Board says regarding all the stormwater issues, which he feels will at that time take care of the issues Mitzi Nittmann listed.

Counsel said: the Town Board can bifurcate it—he thinks Mitzi Nittmann's office is waiting for a clear signal that this applicant can move on—if the Town Board wants to bifurcate it and say the Town Board is going to evaluate it later on how meaningful the applicant's remedies were, how much he complied, and the severity of the allegations as they originally were, then the Town Board should ship the applicant off to the next board and make sure that temporary measures are in place; he suggests that on a routine simple plan that didn't require big stormwater issues, it would have been capably healed by Mitzi Nittmann and her office, which is that she would have gone out there and told them what needed to be done—that is the temporary part; the permanent part comes out of the Planning Board, then upon Planning Board approval the applicant would come back to the Town Board which would determine which civil penalty is appropriate.

Mitzi Nittmann said that she suggests the Town Board has Town Engineer Tom Nace meet with her because it is a tough site and Councilman Andersen said he has no problem with that—in an effort to move forward it is somewhat reasonable, which would let the applicant move to the next stage. Councilman Saris said he would also like the applicant's septic permit with reference to a well being placed on it that wasn't originally on the permit and whether or not that affects the validity of that. Counsel said that Tom Nace had different septic system concerns and Councilman Saris said the Town needs to make sure that well was there on the map that is put in on the proposed septic plan, because the engineer who designed that septic plan may not have been aware of the presence of it and didn't take it into account when he designed it. Counsel said there is a separation issue between the well and the septic; Tom Nace's second concern was with the septic being on a steep grade; and Tom Nace had concerns with the presence of stormwater management facilities close to the well. Councilman Saris said he thinks it is important—he understands somebody wasn't aware of the presence of it, but now that they know it is there, it needs to be accounted for in the design of the system.

Bruce Fifield said that when he re-graded the site it just about conquered the problem of the water and regarding the well, Michael Murray said he filled it in, so if they snip the pipe then it is no longer a well. Councilman Saris said that he is not a septic engineer but those guys need to be aware of what is there and what they are working with.

Councilman Andersen said he wants to make sure the applicant understands that whatever Mitzi Nittmann, the Enforcement Office and Tom Nace request with respect to preventing run-off, drainage, etc., will be done and also that Neal McHugh is willing to comply with whatever Mitzi Nittmann and Tom Nace say has to be done. Neal McHugh said he absolutely agrees to comply.

Supervisor Gabriels asked if major stormwater plans are or are not reviewable by a Town Engineer and Counsel said that they are always reviewable by the Town Engineer and the Planning Board never approves it without the prior comment and approval of Nace Engineering—never.

Supervisor Gabriels asked who picks up the cost for the Town Engineer's review of the major stormwater and Counsel said that it is built with in the Town code that the applicant/owner underwrites the Town's engineering expense for the stormwater management plan.

RESOLUTION #151

Councilman Andersen moved, seconded by Councilman Saris, that (A) the applicant will cooperate fully with Nace Engineering and the Code Enforcement Officer to bring the premises into temporary compliance—if silt fences or hay bales are necessary—to prevent all interim siltation and everything that

basically stabilizes the site, (B) Neal McHugh will immediately proceed to submit and process for site plan for Planning Board consideration, the stormwater application for a major stormwater permit immediately on the next available agenda, (C) the civil remedy in respect to a civil penalty being imposed should be tabled to the October Town Board meeting pending the decision of the Planning Board, and (D) Neal McHugh agreed that he will be responsible for Nace Engineering's reasonable bill for oversight, remedy and recommendations for the stormwater management plan. All favorable. Motion carried.

Counsel said Neal McHugh will be expected to be present at the October Town Board meeting and asked him to keep the Town Board posted on this project. Neal McHugh agreed.

Supervisor Gabriels requested the Zoning Enforcement Officer Mitzi Nittmann take it upon herself to review the site as frequently as she deems necessary. Councilman Andersen agreed and said that weather plays a part in that too.

Board of Health/Water Commissioners:

Paul Vega—Septic Variance—Lake Shore Drive

Supervisor Gabriels said: this item will be a presentation/discussion of the proposal—no action will be taken, therefore the Town Board does not have to sit as the Board of Health for this item. This is a piece of property where a trailer was put in the 1960s before the Town of Bolton had zoning regulations. There is a septic problem with this proposal given the current septic regulations.

Paul Vega said he bought the trailer in 1997. Warren County has a mobile home replacement program and a condition of the program is the removal and destruction of mobile homes that are to be replaced by residences. He has been accepted and approved for this program. The proposed project is intended to beautify what has been an eyesore for over 40 years—he wants to replace the existing 12 X 47 square foot mobile home consisting of two bedrooms and one and a half baths with a one bedroom, one bath, 14 X 40 square foot cottage (resulting in a minor reduction of square footage 564 square feet existing to 560 square feet proposed) that would be set back 7 feet further back from the road and he won't be going out any further from the existing porch and steps on the south side; the proposed dwelling would be built on a poured foundation. The existing septic system has never posed a problem so he thinks it will be adequate and he would like to keep it.

Supervisor Gabriels asked if the trailer is currently in livable condition and Paul Vega said yes. Councilman Maranville asked if this project would fall into the category of a replacement structure and Counsel responded by saying, yes. The letter the TB received from Mr. Shaw, Senior Sanitary Engineer of the NYSDOH, says, "...cesspools are not included within Appendix 75-A and are not recognized by the Department of Health as an acceptable means for on-site wastewater treatment..." That sentence standing alone is a little bit of a misstatement because existing systems are recognized.

Paul Vega asked if he could read part of the NYSDOH e-mail from Mr. Shaw to Supervisor Gabriels. Supervisor Gabriels answered yes. It is all public information, however, the e-mail will be prefaced with Mr. Shaw's clear indication that it was an off-the-cuff analysis and he would be providing the information in more detail after deliberation. Counsel has read the deliberation and the e-mail was a quick analysis and not necessarily prohibitive to what Paul Vega hopes to get to. Paul Vega said that Mr. Shaw's letter makes reference to categories of additions of alterations and said that he doesn't feel he falls into that category. Counsel said he might not be included in those categories. Supervisor Gabriels said that Paul Vega read from a NYSDOH fact sheet under the need for getting licensed design professionals to get involved. It is not a rule or regulation and it is right now, to his knowledge, not part of code or part of Appendix 75-A. It is a recommendation or hope and desire by the NYSDOH, but not a rule or regulation.

Counsel said when the Town Board convenes as a Local Board of Health, they can in appropriate cases, allow variances to the NYSDOH requirements. Some things are so extreme that they are impossibilities. The possibility is that a new house is not permitted to have a holding tank. This leads to the question of "is this a new house". Past practice of this Local Board of Health led to him (Counsel) with three variations of "old house", new house and "replacement house". He admitted to the public that a replacement house is different and while not recognized in the law, it is certainly distinct from a new house. Where a new house would be on a completely vacant piece of property and if a person asked for a holding tank it would be completely prohibited by the NYSDOH. For an old house that has a failing septic system or a cesspool that is not recognized, may in appropriate cases, be eligible for variance or a holding tank. For a replacement house, it is different. His rendition and advice to this board is that this is a replacement house, which is where this applicant wants to be.

Supervisor Gabriels asked if that means Paul Vega could keep the cesspool and Counsel said no. The other problems that haven't been discussed tonight are Town Engineer Tom Nace's concerns. Supervisor Gabriels referenced Tom Nace's letter dated July 21, 2006 saying that Tom Nace strongly recommends against the continued use of this system because this type of system is no longer approved for use by the NYSDOH due to the fact that it doesn't really provide adequate treatment of sewage and the tank or cesspool is constructed with cement blocks that deteriorate over time when placed in the ground and exposed to sewage. This would likely result in the structural failure of the tank and could pose a danger during construction of the house should any vehicle loads be imposed on top of the tank.

Paul Vega said that they know where the septic system is located and wouldn't have any vehicles drive over it. Supervisor Gabriels said that sitting as the Local Board of Health, the first issue is that cesspools are no longer permitted for the aforementioned reasons. He would be inclined to believe that cesspools are just not the way to go for the Town of Bolton especially when there are opportunities and alternatives available to Paul Vega. Paul Vega said that he doesn't think it is unreasonable to include an upgrade in the system at the time of construction and he hopes the scope of this project allows the Town Board as the Local Board of Health to be somewhat aggressive in helping the project along since this is a major beautification of a very important part of the Town of Bolton.

Supervisor Gabriels said the Board of Health will have to consider granting a variance for some type of septic system and asked what type of septic system he is proposing. Paul Vega said that he would be proposing an Elgin system or holding tanks. Counsel said that according to the NYSDOH the holding tank is the choice of last resort. He asked if there is a plan in place by the applicant's engineer showing that an Elgin system can fit with the possible need for variances. Paul Vega said no, not by an Engineer. Counsel said that an Engineer is referenced in the NYSDOH fact sheet and that is the type of person Paul Vega would want to design his system. He suggests that Paul Vega consults with a professional engineer to see if an Elgin system can or cannot be utilized. This would be an important component in Paul Vega's argument and proposal that a holding tank is appropriate because it is the system of last resort. Supervisor Gabriels said that there would need to be a public hearing on the preferred option at the September 2006 Town Board meeting.

Paul Vega asked when the Town Board needs the information on the system from an Engineering specialist. Supervisor Gabriels said as soon as possible and the Town Board would like to have Town Engineer, Tom Nace review the proposed plans submitted by Paul Vega's Engineer to make sure everyone understands the measurements, technology and precise variances that would need to be considered by the Local Board of Health.

Councilman Saris asked if Paul Vega has considered whether or not he can do this by remaining on his own property or if he would have to go onto his neighbors' property for this project, and if so, has Paul Vega secured his neighbors' cooperation. Paul Vega said that his builder feels that there would be no need to go on the neighbors' property to the north or south.

Don Roessler stated he is concerned with the tree on the north side of the existing trailer. If the tree dies then it would be Mr. Vega's responsibility, which he has accepted. Don Roessler also wants no tractor trailers going on his property, which Mr. Vega will comply with and he wants him to stay within his (Vega's) property lines. Mr. Vega has agreed to these terms and Don Roessler is in favor of the project.

Don Roessler said he was concerned with the tree, because he does not know exactly who's it is, but Paul Vega has said that if the tree does die that he will pay to remove it. Overall Don Roessler thinks the trailer being removed and replaced with the proposed cottage is a great plus. It would be a great visual improvement and he doesn't have any problems with the project other than what he just stated. Paul Vega's septic system is in the hands of Board of Health and he trusts them completely on their judgment. He asked for a letter from Paul Vega stating that he will take care of the tree if it dies. To date he has not received that letter, but they only spoke a few days ago.

Supervisor Gabriels said that as a matter of course, if the Town Board goes along with the Public Hearing then they would take these minutes and incorporate Don Roessler's comments as part of that septic variance public hearing so it will be part of the record. Don Roessler said that if there is a public hearing he would like to be notified and Supervisor Gabriels replied by saying that Don Roessler is a neighbor, and would be notified.

RESOLUTION #152

Councilman Andersen moved seconded by Councilman MacEwan to hold a public hearing on Tuesday, September 5, 2006 at 7:00 p.m. on the issue of a septic variance for property owned by Paul Vega, 4645 Lake Shore Dr., and tax map #186.14-1-47. All favorable. Motion passed.

The Town Clerk needs the information by August 21, 2006 as to what the actual variance is going to be in order to provide public notice. Counsel said yes, he assumes that the applicant's design professional will provide that information. Counsel asked if the applicant is aware that to remove and replace his system, some area variances are necessary. Paul Vega said yes, they are scheduled to address that and is on the agenda for the August 24, 2006 Planning Board meeting.

Reports:

TB members acknowledged that reports were received from several Town Depts. but the only report read into the record was the Supervisor's report as shown below.

Supervisor Gabriels:

SUPERVISOR:

Total receipts: \$859,328.66. Total disbursements: \$555,306.57.

Unfinished Business:

Bob and Sylvia Phillips – Request for Reimbursement for Plant Replacement

This item was tabled to the September 2006 Town Board meeting.

Reimbursement Request from Sam and Jackie Castro

This item was tabled to the September 2006 Town Board meeting.

Contract with Sagamore Resort for Emergency Pump Station

Supervisor Gabriels and Town Counsel will try to schedule a meeting with Ike Wolgin on August 10, 2006 to attempt finalization.

Kelly Bishop – Possible Litigation Against Town for Stormwater Damage to Pond from 06/15/06

Supervisor Gabriels said that he has already signed the execution of release for this matter.

Replacement of Antique Streetlights

This item is pending further information.

RESOLUTION #153

Councilman Andersen moved, seconded by Councilman Maranville, to **amend Resolution #143** to specifically identify that purchase and upgrade of radios for the Town of Bolton was an emergency situation to assure ready communication between all public services within Warren County. All favorable. Motion carried.

Pioneer Village Improvement Association

Supervisor Gabriels said the Town of Bolton has received the water reports.

Ken Arnold of the PVIA urges the Town Board to approve their plan regarding their proposed water improvement district plan.

All Town Board members agreed to have Counsel contact Atty. McNally to get this item on the September 2006 Town Board agenda.

Pending Items:

There was no information given or action taken on pending items.

New Business:

Authorize Supervisor to Sign Certificate of Acceptance of Ownership Restricted Use and Indemnity for Phase I of the Improvements at the Sewer Treatment Plant

RESOLUTION #154

Councilman Saris moved, seconded by Councilman MacEwan, to authorize Supervisor Gabriels to sign the certificate of acceptance of ownership restricted use and indemnity for Phase I of the improvements at the Sewer Treatment Plant. All favorable. Motion carried.

Authorize Municipal Shared Services Agreement with Warren County

RESOLUTION #155

Councilman Andersen moved, seconded by Councilman Maranville, to authorize the municipal shared services agreement with Warren County for the \$1.7+ million for the Sewer Plant improvements Phase II. All favorable. Motion carried.

Authorize Atty. Michael Muller to Represent the Town of Bolton in Tax Certiorari Case – Verizon vs. Town of Bolton

RESOLUTION #156

Councilman MacEwan moved seconded by Councilman Andersen, to authorize Atty. Michael Muller to represent the Town of Bolton in the tax certiorari case Verizon vs. Town of Bolton at the standard hourly rate. All favorable. Motion carried.

Discuss Adoption of Town Policy Consideration for Local Police Department

TB members agreed that this matter should be discussed in Executive Session.

Accept Michael Murray's Letter of Resignation from the Bolton ZBA

TB members agreed to send Michael Murray a letter asking him to reconsider his decision. They will take this matter up at the September 2006 Town Board meeting.

Rules and Regulations Regarding Water District Property and Legal Enforceability

After brief discussion, this item is pending further review.

Re-Appoint Julie Denison as Marriage Officer

RESOLUTION #157

Councilman MacEwan moved, seconded by Councilman Andersen, to appoint Julie Denison as Town of Bolton Marriage Officer for a two-year term beginning August 1, 2006. All favorable. Motion carried.

Stephen Breault Request to Be Paid for Two Weeks of Vacation Time - Unable to Use

RESOLUTION #158

Councilman Andersen moved, seconded by Councilman Saris, to pay Steve Breault for two weeks vacation time. All favorable. Motion carried.

Amend Ordinance #38 Regulations of Parks and Beaches to Specifically Include Bixby Beach

Councilman Saris asked if a public hearing is required in order to amend Ordinance #38 and Counsel replied yes.

RESOLUTION #159

Councilman Andersen moved, seconded by Councilman Maranville, to set a public hearing for the September 2006 Town Board meeting at 7:00 pm to discuss an amendment to Ordinance #38 Regulations of Parks and Beaches to specifically include Bixby Beach. All favorable. Motion carried.

Discuss Closing Swimming at Veterans and Rogers Park at 5:00 pm Instead of 7:00 pm

Councilman Andersen said that Rec. Center Director Steve Preuss feels that having lifeguards at the Town of Bolton parks to 6:00 pm is adequate. Supervisor Gabriels said currently the lifeguards are scheduled to be on duty to 7:00 pm, which was started this year. He has been told that lifeguards are leaving well before that time and historically lifeguards have been on duty until 5:00 pm which is when the gate attendants are finished for the day. Kathleen Simmes said she was told that lifeguards were all let go at 5:00 pm because there weren't enough lifeguards so rather than keep one on until 7:00 pm they were all let go. Councilman Andersen asked what would happen if they make it 5:00 pm again and someone wants to go swimming at 5:30 pm. Supervisor Gabriels said there would be no lifeguard on duty.

RESOLUTION #160

Councilman Saris moved, seconded by Councilman Andersen, to have the Town of Bolton lifeguard hours at Veterans and Rogers Parks conclude at 5:00 pm effective immediately. All favorable. Motion carried.

Melanie Ostberg asked if the public could still swim at the beaches at their own risk after lifeguards are off-duty or if this means the parks are closed at 5:00 pm. Supervisor Gabriels replied by saying that there would just be no lifeguards on duty. The beaches would still be open. Melanie Ostberg asked if the lifeguards leaving two hours earlier would receive the same pay and Supervisor Gabriels said no, they are hourly wages.

Consider Offering Defensive Driving Course for Town Employees and Community Members

RESOLUTION #161

Councilman MacEwan moved seconded by Councilman Maranville, for the Town of Bolton to offer a Defensive Driving Course for Town employees and community members. The Town will pay the \$30 fee for Town employees. All favorable. Motion carried.

Discuss Ordering Signs for Veterans and Rogers Parks

RESOLUTION #162

Councilman Andersen moved seconded by Councilman Maranville to order two aluminum signs at \$165.00 each for Veterans and Rogers Park as re-designed by the Town Clerk. All favorable. Motion carried.

Discuss Ordering a New Shed for Veterans Park Attendant

Supervisor Gabriels discussed the proposed new building for the park attendant, which would also contain a bathroom that would be used in the winter for people ice fishing. It is a prefab structure, but would require town forces for a slab, water and sewer hookups etc. TB members said that they like the idea but did not vote on the matter at this time.

Assessor's Receipts of Single Bid for Each Set of Surplus Property Tax Maps

Supervisor Gabriels said that there was one bid received for each set of surplus property tax maps.

RESOLUTION #163

Councilman Saris moved, seconded by Councilman Andersen, to accept the bids received for the surplus property tax maps. The two bids were \$105 for one set and \$80 for the other set. All favorable. Motion carried.

Margaret Williams' Request to Park Approximately 50 Cars at Veterans Park on Weekend of August 25, 2006

Councilman Andersen said he thinks the request is a bit excessive given the time of the year. If it were off-season it would be different. TB member's consensus was that they do not wish to grant the request.

Determination of Water Bill for Un-Metered Water – Scott Trifolo

Councilman Andersen said that Scott Trifolo was tapped into an old water line with no water meter and used three days worth of water. In speaking with him, Scott Trifolo had no problem with paying for the water he used. Councilman Andersen feels that if the TB will determine a reasonable figure to be paid for the water used then Scott Trifolo will comply. Supervisor Gabriels said that he was surprised in the small amount of water used.

All TB members agreed to have John Perry, Water Plant Superintendent to come up with a dollar amount not to exceed \$100.00 to bill Mr. Trifolo for the water used. All Favorable. Motion Carried.

Lake George Park Commission

Councilman Saris said he would like Supervisor Gabriels to request copies of the LGPC's Recreational Study on Lake George for all of the Town of Bolton Councilmen and said that he feels the Town Board should review it and decide if the Town Board should give a response at the public hearing. All TB members agreed.

Public in Attendance:

Bob Weisenfeld said that there is a custom practice at the PB that needs some further consideration, which is the relative inability of members of the public in attendance to have any input on many of the matters up for consideration. He has appeared at each of the four site plan review applications that have come before the PB thus far on the matter of Bell Point Shores. He understands the need of bodies such as the PB to maintain efficient functioning procedures, but in each instance he has been told by the Chairman that it is not appropriate to make any comment because it is not a public hearing and in each instance there have been matters he thinks the PB really needed to hear before making the determinations they were being asked to make. He thinks the boards of the Town of Bolton have an obligation to operate in a way that is consistent with the laws of the rest of the State and stressed that there is no mechanism for a person with vital information to be heard at PB meetings. The only person to be heard in site plan review, and many of the matters that the PB considers, is the applicant. He said at a recent lecture at the LGA headquarters where Lake George Waterkeeper Chris Navitsky said that these procedures vary widely in neighboring towns. In the Town of Queensbury almost everything receives a public hearing and people can comment; and he is not saying that every matter has to have a public hearing, but the custom practice that has been conducted in the past several years in the Town of Bolton is such that virtually nothing receives a public hearing and no one can get a word in edgewise other than the applicant. This is sort of asking for a faith-based planning process. The applicant is trusted as telling the truth and if he isn't no one can say anything about it and nothing can be done about it.

Supervisor Gabriels said he quite assures that if people (including Bob Weisenfeld) submit documentation of letters to the Town of Bolton boards and it gets distributed, it is the obligation of the board members to read or not read at their discretion. These are volunteers doing this. The volunteers generally do read the correspondence and if the issues are not persuasive or the language is not clear, or if people have a hard time getting their hands around the issue the writer of the submission is trying to bring before the board, it is not their problem, but the person's problem in presenting it. It is much easier for board members to sit and read on their own time, the issue that someone is trying to present rather than listening to everybody get up and make a speech at the podium and grandstand for the public. Supervisor Gabriels will let the chairperson of each of the boards determine in their own opinion on how they run this particular show.

Bob Weisenfeld said that it is not a question of grandstanding, but he thinks it would be appropriate, at the very least, that when correspondence is presented for the board to indicate that the matter is or is not germane and state some reasons for it. Supervisor Gabriels replied by saying that this is not a court of law, they are not arguing every piece, and everybody gets a chance to look at this and they will render their own opinions as to the matters presented before the board, either by the applicant, by their own knowledge, by their own experience, by the written documentation, by consultation with the Zoning Office and to the auspices of the Town of Bolton. Bob Weisenfeld asked if that means that the TB is not concerned by the inclusion in an application of an excerpt which reports to be a dislodged document, but which is in fact not and can be demonstrated not to be with an offering plan exit. He thinks this is a serious matter and said that his understanding is that a note appended to the file which has not been done to date. He asked Zoning Administrator Pamela Kenyon about it and she said she knew nothing about it. Counsel said he'd remind Zoning Administrator Pamela Kenyon of the matter.

Mary Owens said there are about 40-50 geese at the Town beach every day and they are making a big mess on the beach and on the grass. She has been receiving numerous complaints. Supervisor Gabriels said that the only idea that came up last year was a chemical spray for the ground, which works okay until it rains.

Andrew Holding said that there was a motion entered and he wanted to inquire as to if there was any progress made about the motion regarding zoning and a required clause on the certificate of completion. Counsel responded by saying that he has a draft that he has not shared with the Town Board yet. The sworn statement of compliance doesn't fit into the present procedure. The County of Warren will issue a building permit to anyone who shows up with the proper fee and a Certificate of Compliance and a plan. The Town of Bolton issues the Certificate of Compliance, most likely based on what the Zoning Administrator sees on the property, checks the zoning and looks at the plan, but there is no guarantee that the plan that is approved by Bolton is the same plan that the Building Permit Office at the County issues the building permit for. Then the question becomes if the County does care, he is not saying they don't care, but they are looking at it as a completed project, which the County considers completed and has been built in accordance with the plan they received. Notably, in some cases this will not be the plan that Bolton receives. Andrew Holding said that is true and if in the clause it says that if Bolton is to call the County to issue a stop work order, if the builder is not building to the plan Bolton approved, then the County would do that and that intent of the law needs to be taken to the next step. When the Town of Bolton is ready to issue a Certificate of Occupancy it should need an underwriter's certificate for the electrical, etc., etc, a Certificate of Completion that includes an affidavit from the applicant or owner and the signature of the Code Enforcement Officer that to the best of her knowledge the Bolton Town needs have been met. This is what they are trying to get to in terms of the intent. Counsel replied by saying that he agrees. That's what he's looking toward and he's convinced that Warren County has any expectation or any requirement by law that they must see the Bolton Code Enforcement Officer's sign-off as well as the applicant/owner sign-off before the County will issue a Certificate of Occupancy, because the Certificate of Occupancy is driven by if the applicant/owner compiled plan to the New York State Building Code. Andrew Holding said that he spoke with the department at Warren County and they are receptive and Counsel said that he is building forms and the procedure. He is writing a letter to Elan

Planning regarding incorporating it into the code, and he is interested in contacting Warren County to get their input.

Andrew Holding said that on the PB, although the PB members will tell you they don't issue variances, when the PB says you can build a house in an LC25 Zone where that house is excluded by the Zoning Code, they are actually issuing variances. The strange thing is that there is no notice requirement for the PB, not even of immediate neighbors. Major PB issues can be decided and the neighbor has not even been notified, so they are essentially able to grant changes to or variances from the Bolton Zoning Code, but the neighbors, even the direct neighbors, are not given notification. Having a requirement of notification (even if required by the applicant) would be a positive step and show the public that there's interest for open government.

Payment of Lake George Watershed Conference Bills:

RESOLUTION #164

Councilman Maranville moved, seconded by Councilman Andersen, to authorize payment of the Lake George Watershed Conference bills as presented. All favorable. Motion carried.

Payment of Town Bills

RESOLUTION #165

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

Executive Session: Councilman Maranville moved, seconded by Councilman Andersen, to adjourn the regular meeting and enter executive session at 10:13 pm to discuss town policy and personnel matters. All favorable. Motion carried.

Councilman Maranville moved seconded by Councilman Andersen to adjourn executive session and reconvene the regular meeting and adjourn at 10:45 pm. All favorable. Motion carried.

Minutes transcribed by: Respectfully submitted by:

Jennifer Torebka Kathleen Simmes

Recording Secretary Town Clerk

08/21/2006