

STATE OF NEW YORK

COUNTY OF WARREN

TOWN OF BOLTON

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

Absent: Councilmen MacEwan and Maranville

PUBLIC HEARING: None

REGULAR MEETING:

Supervisor Gabriels called the regular meeting to order at 7:06 pm.

Pledge of Allegiance – Scott Andersen

Announcements:

- NYSDEC has issued an Open Space Conservation plan 2006
- NYSDEC has issued the draft Lake George Wild Forest Unit Management Plan for review/comment
- There will be a presentation by Graham Bailey of the Adirondack Marathon Swim slated for 6/30/07 and 7/01/07 consisting of two short swim courses using one of Bolton's public beaches

Graham Bailey, Adirondack Swim Marathon organizer and race chairman, gave an overview/history of the event and said that there has been a great deal of enthusiasm expressed for this event. They have gotten approval from Lake George Village and the Town of Hague for the mini swim marathons there. They are seeking support from the Town of Bolton for two open-water swim events in regard to use of the public beach as well as funding assistance from the Bolton Bed Tax funds. The marathon would be a 41 kilometer swim limited primarily to professional swimmers, and they expect to have swimmers from all over the world participate.

Supervisor Gabriels asked what the proposed dates are. Graham Bailey said they are 06/30 and 07/01/07, with the event in Bolton being on Sunday, 07/01/07. Supervisor Gabriels asked how many participants there would be in the 500-meter or the 2-kilometer races. Graham Bailey said they anticipate 50-100 people in 500-meter event. Supervisor Gabriels asked what the plan is for security on the lake and safety precautions. Graham Bailey said that security will be provided by the Sheriff's Office and they are also requesting security from the LGPC in addition to the Power Squadron lending volunteer support. Supervisor Gabriels asked what the liabilities would be for the Town of Bolton. Counsel said there would be none. Graham Bailey said the Town of Bolton would be listed as an insured and Counsel said that would suffice.

Supervisor Gabriels asked what amount of monetary support the Adirondack Swimmers are seeking. Graham Bailey said they are seeking \$3,000. Supervisor Gabriels said that he would submit the \$3,000 request to the Bolton Bed Tax Committee for review.

Councilman Saris asked for more detail on the event. Graham Bailey gave a detailed account of the proposed marathon including the proposed courses, check-in procedure and timeframes. Councilman Saris asked how much area of the lake would need to be set down. Graham Bailey said it would need to be 100 feet from the swimmers. Councilman Andersen said that the Adirondack swimmers might want to have an additional plan for security in addition to the LGPC and the local enforcement force because coverage may be slim being that it would be held on the Fourth of July weekend. Councilman Saris said that the amount of area needed might actually close off the channel by Green Island, so the Adirondack Swimmers would want to take that into consideration. Graham Bailey said that they just want to have the two races and would be willing to take suggestions as to alternate course locations.

Councilman Gabriels said that the Town of Bolton has also been the endpoint of the Adirondack Runners marathon and there is discussion of that event also taking place on the same date and time on that Sunday, which would make it very busy for the Town of Bolton. Councilman Saris said that the TB should review the proposed course. Supervisor Gabriels agreed and said that the TB will continue discussions on this matter.

- There was to be a presentation by Jeff Tennent regarding his proposed request regarding Veterans Park. Supervisor Gabriels noted that Jeff Tennent was not in attendance for his presentation.

- ❑ Meal Site Menu is available in the Town Hall.
- ❑ There are now 2 Town of Bolton website addresses: [.town.bolton.ny.us](http://town.bolton.ny.us) and [.townofboltonlanding.com](http://townofboltonlanding.com).

Public in Attendance:

John Gaddy gave copies of previous letters he submitted and a handout for clarification of lighting issues he has. He said that in 2003 he requested a moratorium on ridge top development, a restriction on new house colors that are visible from the lake that could be painted or stained and adoption of a timeline or deadline to adopt a light policy for the Town of Bolton. He read Section 200-3 of the Zoning Ordinance regarding preserving the beauty and character of the Adirondack Park setting and said that he is concerned with ridgeline development (referenced the cut off of Exit 21). He would like the TB to consider the importance of lighting and getting the house-lines down 40 feet below the ridge. The TB needs to start looking at colors of homes and their visibility. He would like to help any applicants of the Town of Bolton with lighting options, and he would like to see an energy audit done for the Town of Bolton. Counsel said that he represents a municipality that conducted an energy audit.

Barry Kincaid representing the Lake George Property Owners Group, said that they would like to have the TB's support in having one of their members sit on the committee to revise the Zoning Regulations. He asked if the public hearing is still open on the six-foot fill and cut. Supervisor Gabriels said that the public hearing on that matter remains open and there has been no action at this time. Barry Kincaid asked about the determination of "disturbance" and Supervisor Gabriels said that is an ongoing issue. He doesn't think there will be a determination this evening.

Barry Kincaid said the PB and ZBA have their agendas available to the public two weeks before the meetings and asked if the TB can do the same. Supervisor Gabriels said that there are many issues that are added to the agenda on the Friday or Monday prior to the meeting and when they get to controversial issues they don't plan on taking any action on any items that would be perceived as last minute. Barry Kincaid said that he would like the TB to look at the possibility of posting its meeting agenda prior to the meetings and make it available to the public.

There were no additional public comments at this time.

Correspondence:

- ❑ Warren County Board of Supervisors for the Town of Bolton Sewer Project, the Town of Bolton has an extra \$75,000 to invest in that particular operation
- ❑ Various e-mails on Byers

- ❑ Correspondence from the APA dealing with the jurisdictional inquiry of the Padanarum Bridge
- ❑ Correspondence from NYSDOH on the Water District corrosion control and treatment of copper
- ❑ Correspondence from Warren County on payroll certifications for police and peace officer
- ❑ Annual SPEDES Compliance Permit from the NYSDEC noting that the treatment system is operating satisfactory in all regards. There have been elevated levels of phosphorus in the effluent in the last three months and NYSDEC has recommended the Town of Bolton find out the source of this.
- ❑ NYS Legislature has passed a new law—Chapter 662, Laws of 2006—promoting the training of municipal planning and zoning officials.
- ❑ Correspondence from the Warren County Sheriff's Office regarding their policy changes that will effect the court system
- ❑ Correspondence on Bolton Bed Tax
- ❑ Correspondence from Counsel to the Zoning Office on several zoning issues
- ❑ Copy of the grant applications to NYS Quality Communities Grant Program for Subdivision Ordinance Regulations seeking additional funds

Referrals from Zoning Enforcement Officer / ZBA / BPB:

Timothy Harrington, 4 Forbidden Lane-regarding extensive tree clearing without a permit—Bolton PB recommendations

Supervisor Gabriels asked the status and Counsel said that they are looking to meet and see if they can formulate an agreeable alternative remedy to the amount of cutting. Supervisor Gabriels asked if the Bolton PB recommendations will be taken into consideration and Counsel said yes, but it will not be final until the TB approves it.

John Gaddy asked if a determination has been made on if the right-of-way of the scenic corridor is measured from the center or the edge of the road and Counsel said no determination has been made.

Board of Health/Water Commissioners: None

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Reports:

It was noted that Town Dept. reports were received, but the only reports read into the record are shown below.

Councilman Saris: Clerk's Office

Total Local Shares Remitted: \$9,602.40, Total Non-Local Revenue: \$405.00,

Total State, County and Local Revenues: \$10,008.39

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Councilman Andersen:

Parks and Buildings & Grounds:

The slab is ready at the park for the new building. The Parks and Building & Grounds Dept. wanted to thank the Sagamore Hotel for the use of their lift in order to decorate the Town Christmas tree. George Mumblow would like to have the Parks Dept. 1986 Chevy pickup truck declared surplus.

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Supervisor Gabriels:

Court Report: Total monies forwarded to the Town of Bolton: \$5,690.00 and in an effort to streamline the court process all cases will be heard at 3:00 p.m., effective January 1, 2007.

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Assessor's Report: The Assessor is making monthly amendments to the assessment rolls, ascertaining correct inventory information, and keeping the sales sheet up to specification.

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Supervisor's Report:

Total receipts: \$1,102,925.86 and Total Disbursements: \$705,694.45

Councilman Gabriels said it looks like our portion of the County tax will be going up around 20% in the coming year.

Unfinished Business:

Decision on Consent Order – Verizon vs. Town of Bolton Regarding Assessment

This item is pending.

Continuation of Public Hearing from October 3, 2006 on Zoning Code 200-46(10) - "Cut & Fill" Language Alternative Amendments

The public hearing is still open.

Pioneer Village Improvement Association – Water District Extension – Discussions Are Ongoing.

This item is pending.

Rolf Ronning's Proposal to Swap Acreage for a New Bolton Cemetery – 6 Acres 4 Usable Acres for Assumption of Road to Town Inventory – Saddlebrook Subdivision

Supervisor Gabriels gave information that the Highway Superintendent has not evaluated or submitted written comments yet. Zoning Administrator P. Kenyon reported that the Bolton PB has not yet approved the subdivision, and APA jurisdiction has not been determined to date.

Rolf Ronning said that he is about ready to get approvals. They have a public hearing to go through. The road is about 6,000 feet and he is going to build the road to town standard. There is no grade over 10% and the driving surface will be 18 feet wide with 2-foot shoulders. A school bus would be traveling the subdivision road, which would be important to the children and the Town. He is accommodating all of the PB's requests. The proposed lots are ten acres each and the additional revenue for this development will more than pay for the snow plowing required for the road. He is offering one lot for a Town cemetery in exchange for the Town of Bolton taking the road over as a Town road, and he needs to make a decision, because if this does not happen then he needs to form a Homeowner's Association.

Supervisor Gabriels said that there is a financial cost to this, which they haven't figured out yet. One question is if the Town of Bolton has enough resources to take care of the road if it were to take it over without diminishing the services provided to the rest of the Town. Rolf Ronning said that he thinks it is the TB's decision, not Tim Coon's, even though the TB has asked for his input. Councilman Saris said that he doesn't think one mile of road would make much of a difference in the plowing, but one concern he does have is that there will be additional maintenance needed in the future regarding resurfacing, etc.

Rolf Ronning said that the Town of Bolton needs a cemetery and he is offering that. Supervisor Gabriels said it is accurate that the Town of Bolton is running out of cemetery space.

Councilman Andersen asked if the road would be paved and Rolf Ronning said yes, he is willing to pave the road. Councilman Andersen asked if there would be covenants that the land would have to be used as a cemetery or if the property could be used for some other public use and Rolf Ronning said he would be agreeable to either. Counsel replied by saying that once the Town of Bolton designates the land as a cemetery, it would require an act of state to be changed.

John Gaddy asked if the proposed houses are going to be affordable. Rolf Ronning said that he doesn't think there will be any lots less expensive in this town other than these lots and people like the Lake George and Town of Bolton School District to raise their families. He believes a number of those lots will be sold to families.

Councilman Andersen said that he thinks in all fairness, the TB needs to pick a date to give Rolf Ronning the answer he has requested. He suggested the TB make a decision at the TB meeting to be held at the end of December. Supervisor Gabriels said that according to Zoning Administrator P. Kenyon the Bolton PB hasn't approved the subdivision and the APA has not yet made a determination regarding the jurisdictional inquiry. Rolf Ronning asked if there needs to be a motion for Councilman Andersen's suggestion. Counsel said no, the TB just needs to keep the matter open on its agenda to give an answer.

Sagamore Hotel – 270 Square Foot Addition

Supervisor Gabriels said that the Bolton PB approved the Sagamore Hotel's request for a 270 square foot addition at its November 2006 meeting with the recommendation for TB approval.

RESOLUTION #240

Councilman Saris moved, seconded by Councilman Andersen, to approve the amendment to the PUD for Green Island Associates for a 270 square foot addition to the laundry. The Town of Bolton Planning Board approved this amendment at their November meeting and sent a recommendation for approval to the Town Board. Motion carried.

Antique Streetlights

Supervisor Gabriels said the Town of Bolton has to go back out to bid for this item and they need to make a decision on 100 or 75 watts light bulbs in order to put it out to bid. The price per pole is approximately \$1,500.

RESOLUTION #241

Councilman Andersen moved seconded by Councilman Saris, to go out to bid on 9 antique streetlights. Bids to be opened at the January 2, 2007 TB meeting. Motion carried.

Arts & Crafts Fair

Supervisor Gabriels said that the TB has agreed to this event and is looking to see if it is legal to hold the event in Rogers Park. Counsel said there would be a calculated risk, but there is a sufficient amount of time to get action going. Supervisor Gabriels said that the arts & crafts fair group is looking for some assurance that the Town of Bolton will provide a location for that event. Councilman Saris said that he believes that was the TB's intent when they approved the dates and times.

RESOLUTION #242

Councilman Saris moved, seconded by Councilman Andersen to approve the Arts and Crafts Fair location to possibly be in Rogers Park with an alternate location to be Dula Place parking lot. Motion carried.

Jackie Castro – South Farm Escrow Account – Landscaping – Determination of Proper Account – Long Term Fiscal Shortfall - Obligation

Counsel recommended the TB take the exact number of lots that remain and divide that into the balance available, which would constitute an equitable share of the escrow to each remaining property owner.

Bolton Police Department – Policy Revisions and Personnel for 2006/2007

Supervisor Gabriels said that the TB has a file of resumes and would need to establish interviews if the TB wishes to continue with a town police force. Councilman Andersen said that he feels interviews need to be set up. Councilman Saris said that he feels interviews should be scheduled in the evening to accommodate the applicants. Supervisor Gabriels said they would start the interviews beginning at 5:00 pm on December 19, 2006.

Interview Candidates – Town of Bolton Zoning Board of Appeals - Schedule Date and Time

Supervisor Gabriels said they received correspondence from two interested parties for the vacant position on the ZBA. Councilman Saris said that he would like to have them come in for interviews. The TB consensus was that the Zoning Board of Appeals interviews would be held on December 15, 2006 at 5:00 pm.

Determination of "Disturbance" in Zoning and Stormwater Regulations

Supervisor Gabriels said that the materials collected and submitted from Town Engineer Tom Nace would hopefully be able to help the Town of Bolton. No progress has been made on this matter. The TB has received a preliminary internal draft prepared by ELAN which is a "Citizen's Guide to Stormwater Erosion Control and Hillside Development", and progress continues. Counsel suggested the TB have the ZBA take into account what ELAN has said and what the TB has done and have the ZBA review it, set a public hearing and make the determination.

Councilman Saris said that the ZBA would be making a determination of the meaning based on the present ordinance. Counsel said that is correct, and it may or may not change if the code changes. Supervisor Gabriels asked if the TB has enough information to provide to the ZBA to make a determination. Counsel replied by saying that there is a lot of information. If there are holes in it then it is tabled until they are filled in. Any interested parties should be able to participate in the public hearing on this matter. Disturbance is ill defined.

Barry Kincaid, representing the Lake George Property Owner's Group, asked who authorized CT Male to do the research with Code Enforcement Officer Mitzi Nittmann and Supervisor Gabriels said he did. Barry Kincaid said that he thinks that most of this was done while property owners were not present, so it is completely one-sided and a lot of the report is invalid and incorrect. The report needs to be looked at and not used in the decision making process. Further discussion ensued on the topic.

Councilman Saris said that the TB had alternative remedy proceedings in front of them that dealt with specific properties and whether or not a disturbance had occurred. The TB will still deal with the term disturbance that are going to come up, and if the TB requests the ZBA to make a determination then the ZBA won't make it on a single property but the future use of disturbance as opposed to what has happened in the past. Counsel encouraged the TB to recommend the ZBA get the item on the ZBA agenda.

RESOLUTION #243

Councilman Saris moved, seconded by Councilman Andersen, for the Bolton Town Board to recommend the ZBA put the definition of "disturbance" on the January 2007 ZBA agenda for a determination. Motion carried.

Pending Items:

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

New Business:

Buddy Foy – Waterline - Multiple Hook-Ups

Supervisor Gabriels said that Buddy Foy cannot isolate his waterline without shutting out all others and the question is if the Town of Bolton is responsible to remedy the situation. Councilman Andersen said that there is a basic principle that every home, if somewhat modern, has its own curb stop, and it would be the homeowner's job to put that in if he so wishes. Councilman Saris said the Town of Bolton's obligation is to bring the water to the edge of the right-of-way; anything on the homeowner's property is the homeowner's responsibility. Supervisor Gabriels agreed. Counsel said that Councilman Andersen's approach is the correct approach.

Supervisor Gabriels said that he wants to be real clear as to what the possibilities are and Councilman Saris said the only thing that he sees as a problem is if one of the people on the line doesn't pay their water bill.

TB members consensus is that it is Buddy Foy's responsibility to put a curb stop in if he so chooses.

Authorize Norowal Marina, Inc. to Temporarily Place Computer in the Supervisor's Office

RESOLUTION #244

Councilman Saris moved, seconded by Councilman Andersen, to authorize Norowal Marina, Inc. to temporarily place a computer in the Supervisor's Office. Motion carried.

Authorize Bolton Rural Cemetery to Have File Cabinets in Town Hall

RESOLUTION #245

Councilman Andersen moved seconded by Councilman Saris, to authorize the Bolton Rural Cemetery to maintain file cabinets in the Bolton Town Hall. Motion carried.

Authorize Increases in Capital Reserve for Conservation Club by \$100,000 in December 2006 – Funds to Come from Unappropriated Surplus

RESOLUTION #246

Councilman Andersen moved seconded by Councilman Saris, to authorize increases in the Capital Reserve for Conservation Club by \$100,000 in December 2006 with funds to come from unappropriated surplus. Motion carried.

Authorize 2005 Bolton Bed Tax Monies for Advertising by the Bolton Chamber of Commerce in The Chronicle and in the Adirondack Journal for "Holidays in Bolton"

RESOLUTION #247

Councilman Saris moved, seconded by Councilman Andersen to authorize the use of 2005 Bolton bed tax monies for the Bolton Chamber of Commerce to advertise "Holidays in Bolton" in The Chronicle and The Adirondack Journal. Motion carried.

Authorize Contract with Warren County for Receipt and Proper Expenditure for Tourism Promotion of 2006 Occupancy Tax Funds

Supervisor Gabriels said that on an annual basis the Town of Bolton needs to enter into a contract with Warren County for proper expenditures of the 2006 Bed Tax money.

RESOLUTION #248

Councilman Saris moved, seconded by Councilman Andersen that the Town Board of the Town of Bolton accepts the funding through the County of Warren, for Tourism Promotion monies (bed tax). All funds received pursuant to the agreement shall be subject to the terms and provisions of the agreement. Motion Carried.

Approve Payment of Two (2) Weeks of Vacation Time (80 Hours) for George Moffitt, Highway Department

Supervisor Gabriels noted that George Moffitt has 192 hours of vacation time presently and will have 112 remaining if this request is approved.

RESOLUTION #249

Councilman Saris moved, seconded by Councilman Andersen, to approve the payment of two (2) weeks of vacation time (80 hours) to George Moffitt. Motion carried.

Approve Payment of Two (2) Weeks of Vacation Time (80 Hours) for Steve Breault, Highway Department

Supervisor Gabriels noted that Stephen Breault has 80 hours of vacation time presently and will have 0 remaining if this request is approved, but will get 5 weeks on January 1, 2007.

RESOLUTION #250

Councilman Andersen moved seconded by Councilman Saris, to approve the payment of two (2) weeks of vacation time (80 hours) to Stephen Breault. Motion carried.

Authorize Road Name Change form Dula Place to Dula Parking Place and Karls Corner Drive

RESOLUTION#251

Councilman Andersen moved seconded by Councilman Saris, to authorize the road name change from Dula Place to Dula Parking Place which begins at Route 9N and ends at the guardrail a distance of 191 feet. Dula Place will begin at the guardrail and dead end a distance of 399'. Karls Corner Drive begins at Dula Parking Place and dead ends. This is for 911 purposes. Motion carried.

Authorize New Road Name for 156.00-1-45 .1 and 45

RESOLUTION#252

Councilman Saris moved seconded by Councilman Andersen, to authorize the new road name for subdivision Sections 156.00-1-45.1 and 45.2 as Dome Island View Drive which is approximately 674 feet north of Finkle Road. Motion carried.

Authorize Town Counsel to take a Proceeding Before the NYS Supreme Court to Discharge the Restrictive Covenant in the Rogers Park Deed

RESOLUTION#253

Councilman Andersen moved seconded by Councilman Saris, to authorize Town Counsel to take a proceeding before the NYS Supreme Court to discharge the restrictive covenant in the Rogers Park Deed at his normal hourly rate of \$175 plus necessary expenses. Motion carried.

Nominate Jon Maranville and Phil Farbaniec as Directors at Large for the BLDC

RESOLUTION #254

Councilman Saris moved, seconded by Councilman Andersen, to appoint Jon Maranville and Phil Farbaniec as Directors at Large for the BLDC. Motion carried.

Authorize Memorandum Of Agreement with CSEA Regarding Health Insurance Plan Effective 12/01/06 – TB consensus reached on Friday TB Meeting 11/17/06

RESOLUTION# 255

Councilman Andersen moved, seconded by Councilman Saris, to authorize the MOA with CSEA regarding their health insurance plan effective 12/01/06. Motion carried.

Town Insurance Coverage – Two Proposals Received and One (NYMIR) to Be Received

TB consensus was to have a Special TB meeting on 12/06/06 at 4:00 pm to discuss the proposals.

Re-Appoint Albert Riccardi to Board of Assessment Review

RESOLUTION #256

Councilman Saris moved, seconded by Councilman Andersen, to re-appoint Albert Riccardi to the Board of Assessment Review. Term to expire on 9/30/2011. Motion carried.

Schedule End of Year TB Meeting

The TB scheduled the special TB year-end meeting for 12/27/06 at 9:00 am.

Declare Parks Truck Surplus

RESOLUTION #257

Councilman Saris moved, seconded by Councilman Andersen, to declare the 1986 Chevy pickup truck used by the Parks Department as surplus. Motion carried.

RESOLUTION #258

Councilman Andersen moved seconded by Councilman Saris, to authorize the Budget Transfers as follows. All favorable. Motion carried.

FROM	TO	AMOUNT
GENERAL FUND		
19904 Contingency	16204 Buildings & Grounds	\$6,900
14504 Elections	19504 Water & Sewer Bills	350
14504 Elections	51322 Garage Equipment	1,000
31202 Police Equip	51324 Garage Cont.	4,500
45604 Health Center	51324 Garage Cont.	1,700
71401 Recreation	71104 Parks Cont.	750
10104 Town Board	71502 Conservation Park	450
10104 Town Board	71504 Conservation Park	150
71401 Recreation	88104 Cemeteries	375

HIGHWAY FUND

General Fund for November \$105,000

General Fund for December 89,000

51104 Road Repairs	120,000
51122 Chips	65,000
51204 Bridges	835
51304 Machinery	7,820
51404 Brush & Weeds	345

WATER DISTRICT

83404 Transmission 83104 Administration 2,400

SEWER DISTRICT

General Fund for December 3900.00 81304 Treatment 3,900

ZONING ORDINANCE

General Fund 80304.59.4 Zoning Research 35,000

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Comments of Public in Attendance: None

Approve Payment of Town Bills

RESOLUTION #259

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

Executive Session: None

Councilman Saris moved, seconded by Councilman Andersen to keep this meeting open until December 6, 2006 at 4:00 pm at which time they will meet to discuss the Town's insurance coverage. Motion carried.

Minutes transcribed by:

Jennifer Torebka

Recording Secretary

12/11/2006

Respectfully submitted by:

Kathleen Simmes

Town Clerk