

Town Board- Minutes December 4, 2007

State of New York

Warren County

Town of Bolton

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

**Absent:** None

Supervisor Gabriels called the meeting to order at 7:04 PM.

**Pledge of Allegiance:** Kathy Simmes

**Public Hearings:**

*Consider revising 5mph zone in Sawmill Bay & Bolton Bay.*

Supervisor Gabriels stated that last month they only had the text description of the proposed revisions, and today have it on display as well as made copies available for the public. He further described the new proposed area. He read for the record several items of correspondence from Greg Smith, Ken Beckley, Chris Gabriels, Michael Smith (Pilot Knob Marina), Robert Pfau, Chris Gage and Fred Killeen who were all in favor of the revised proposed changes to the 5mph zone. Supervisor Gabriels also stated that he has not received any other correspondence in opposition to the proposed changes and asked for any additional comments from the public

*Septic Ordinance revision Section 2.010 B.S- delete reference to "septic waste at Landfill".*

Supervisor Gabriels stated that they were going to have a public hearing on a revision to the Septic Ordinance specifically to delete reference to the septic waste at the Landfill. He stated that we no longer have a landfill, it is a transfer station, and that we used to collect septic waste but they no longer do. He continued that although this a minor procedure, it was not publicly noticed for this meeting and therefore will be heard at a later date.

*Amendments to Zoning code re: State Uniform Fire Prevention and Building Code and the Energy Conservation Construction Code applicability where Bolton Zoning code is silent.*

Supervisor Gabriels stated that they wish to add a provision to Chapter 200-8C of the Bolton Zoning Code to read as follows: "The general applications of the New York State Uniform Fire Prevention and Building Code and the Energy Conservation Construction Code are to be read in conformity with the provisions of this chapter, unless Local Law, Town Code or Town Ordinance in effect, specifically authorizes or provides for a stricter requirement or specification." Supervisor Gabriels stated that the intent of this is to make sure the interpretations that are made by the Zoning Office and then by either the Planning or Zoning Board are in conformity with the vested provisions of the State of New York. The suggestion was brought to them by Counsel Muller and is open for consideration.

J. Saris asked Counsel with regard to building size, if this would change if the structure was over 1500 sq. ft. that it goes for Site Plan Review. Counsel stated that no, and that the saving clause is that if a Local Law, Town Code or Town Ordinance has a specific requirement or authorization for a stricter requirement, then it is your Local Law, Town Code or Town Ordinance that will prevail.

J. Saris then asked if the only thing it would affect would be how they calculate the 1500 sq. ft, which is not laid out in our Ordinance. Counsel stated that he was correct. He further stated that it covers a multitude of unknowns, but hopes that the Town Code, Town Ordinance, and Stormwater Regs, Subdivision Regs are as precise as they can be. Counsel stated that only in the absence of a provision from Local Law, etc that they would need to go to the Uniform Fire Prevention and Building Code and Energy Conservation Construction, and if there is an absence of a provision there, they would have to make an interpretation.

J. Saris asked if this was common practice. Counsel stated yes and that he has been in court proceedings in municipalities that have not adopted this into their code and the Judge and Judge's Clerk had to come up with the right answer and they have to open up the code and see that it is not specifically required by this municipality but it is persuasive law and they will recite what the Uniform Code says. The Uniform Code is written by professionals in the industry who are concerned about how buildings are constructed and it is constantly reviewed by several teams, such as, American Institute of Architects and FEMA. The definitions and codes are cross referenced. He further stated that this will be helpful to determine specifics where the Town is lacking so that it is not a guessing game and that the provision will be determined for the best possible safety. He stated that they will use the Uniform Code for specific requirements, unless the Town calls for something stricter.

Supervisor Gabriels asked how this relates to a current issue pending before the ZBA? Would this impact the ZBA's decision making authority on that specific issue? Counsel stated that in his opinion it would. It puts them in an uncertain position in that respect, because that particular application was recently decided was crucial to determine what constitutes an accessory structure (guest house) and that particular zoning district defines it as not exceed 1500 sq. ft. and the guest house does not have a kitchen. He recalls that the applicant proposed to take an existing house and take out the kitchen, which would then constitute a guest house. It became very important to then determine the size of the structure and in order to calculate it, rules have to be applied. One version would be to measure out every available square foot, basement included, and it would exceed 1500 sq ft. He had no issue with the fact that porch was included in the measurement and feels as though that is proper, but the Code is not specific in whether or not to include porches.

The alternative is to measure floor space only on habitable areas, meaning places where people are likely to live, which would probably have excluded the basement and it would have put it under 1500 sq. ft. So these are two very different determinations of the size of the accessory structure. Right now the Town refers to another source, which is not based on the law, but it is somewhat of a dictionary or encyclopedia for assistance in determination of how to measure a structure. Based on all information, the ZBA made an interpretation and decided to include all space on all floors for determining the measurement and the ZBA supported that, so that is now a Town Law. He stated that if this were enacted it would have to come with a different result because Assessors do not count the basement in determining the overall size of the house. The housing code does not consider it a habitable space and nor does the treatise by the American Institute of Architects. His concern is that when they do enact this, where have they left that applicant. He would have to side that the new law applies, because there has been no further enhancement on the project and that they could come forth with a new application and deal with the new guidelines.

Supervisor Gabriels asked if the 1500 sq. ft. measurement and how they measure the structure were codified before this law is enacted, would it set precedent. Counsel stated that yes, but it is not in the Code. Supervisor Gabriels asked if this has ever been a legislative issue brought before the TB before. Counsel stated no.

Supervisor Gabriels stated that in reading the minutes one of the ZBA members was very concerned with "code creation" and was very reluctant to come to a specific determination on this because of the Code implications. When the ZBA makes an interpretation that it is in fact creating a code. Counsel stated that it does and that it is permitted. The ZBA is a quasi judicial body that is free to interpret and confirm that which the ZBA may also interpret. Counsel again stated that he had no problem with the procedure and that it was properly done, and that the applicant came up on the wrong side of the decision. The applicant brought forth NYS statutes that were different in their interpretation. Counsel stated that he stands by the procedure and that Bolton procedurally has the ability to interpret differently and it did.

J. Saris stated that he can see the concern of the ZBA of having a vision of what a guest cottage is supposed to be like and it may not fit into a 1500 sq. ft. footprint if you don't include the basement. Because it is a more

significant structure than they picture as a guest cottage they may take a creative way of measuring it to get it to fit. When really what they may need is an ordinance that says that a guest cottage can only be a certain number of sq. ft and they will measure it the way everyone else does and it will now work because the sizing of it will still be more consistent with what they had envisioned. The whole idea is that a guest cottage is not supposed to be a whole other single family dwelling and if the property doesn't have the density to support a second single family dwelling, even less a kitchen, isn't enough to help with the aesthetic impact of having two single family dwellings on one property. It is supposed to be an accessory structure and that 1500 sq. ft. was supposed to help with that.

Supervisor Gabriels asked Counsel if the ZBA was in accordance with this proposed change to the Zoning Ordinance. Counsel stated that he has heard no feedback from the members of the ZBA. Supervisor Gabriels stated that before they decide to adopt this that they should hear some feedback or recommendation from the ZBA. Counsel stated that he would want the ZBA and PB to be part of this process.

#### RESOLUTION #234

Motion by J. Saris to put the topic of the adoption of NYS Uniform Fire Prevention and Building Code onto both the ZBA and PB agendas for discussion and request a recommendation from each. Seconded by S. Andersen. All in Favor. Motion Carried.

Supervisor Gabriels stated that they will continue this public hearing until they receive a response from both Boards. Supervisor Gabriels asked if the public in attendance had any comments.

#### **Announcements:**

1. Second NYSDOT Meeting on 9N "mill & fill" among elected officials and former candidates- Thursday, November 15 @ 2:00 PM Town Hall. At that time the TB made a request to DOT not to undertake the work in 2008 so that the Town has more time to prepare plans and finances for capital projects- 1) relocating the force sewer main from N. Pump Station west to 9N and S. to Norowal Road; 2) new sidewalks from Wolgin's south to Mohican Hill east side only and from Sagamore Road north to Veteran's Park east side only; and 3) Bixby Beach Stormwater Improvements in conjunction with NYSDOT. NYSDOT has applied for APA application.

Supervisor Gabriels stated that at this time these are the three capital projects that are necessary. He stated further that there could be more and if there were any other thoughts on this, now is the time to bring them forth.

Kathy Simmes stated that she has spoken with some higher management at NYSDOT and they stated that they have agreed to the postponement of the project.

Supervisor Gabriels stated that there were other aspects that the Town brought to the DOT's consideration on stormwater improvements throughout the entire 4-5 mile stretch that they are proposing to work on, including widening the parking lane in front of the Lake George Land Conservancy by acquiring some small but significant amount in front of the Wolgin's. He stated that he hoped that the Town would be working in coordination with DOT and the private property owner's in that area to make this happen. When DOT has any easements or land acquisition there is a requirement for the payment of fair market value. This issue of finances will have to be worked out between the Town and DOT.

Supervisor Gabriels stated that on the same issue, but on the force main sewer issue that he would like to report to the Town that at a meeting of the WC Sewer Committee last week, agreed with the relocation of the force main. Alex Rhodes of CT Male had proposed that the relocating and redoing the pumps at the north pump station with a standby generator would cost an estimate of \$500,000.00. Supervisor Gabriels stated that there are sufficient funds in Bolton's allocated portion of the federal funds to accomplish this and leaving some money leftover. WC is going to send a letter to the USEPA indicating their approval of this and there was a

feeling that they would go along with the financing of this, but he must incorporate this project under International Environmental Protection Act and the local SEQR Act as a matter of procedure first before the design criteria can be authorized to proceed by CT Male, which is a matter of law. The Committee has also asked the WC Superintendent, Bill Lamy, to write a letter to DOT requesting them to delay this project. We are hoping the letters are persuasive in that regard and the project is going to be extremely beneficial to the long term sewer collection system for the Town.

2. First Public Informational Hearing on proposed Zoning Code revisions pursuant to Comprehensive Master Plan- Monday, December 10 @ 7:00PM Town Hall.

Supervisor Gabriels stated that Elan Design and Lisa Nagle are going to provide public information only regarding the proposed revisions. This is the first time that the public and TB members will hear what they have been working on for the past couple of years and all are invited to attend. J. Saris stated that this will be important so that all can begin reviewing the new code and won't have last minute concerns when they get to the final stages. Supervisor Gabriels asked if there was going to be more public hearings in 2008. J. Saris stated that he thinks there will be public informational meetings as part of the review process, and the hope is that people will be prepared for them so that they can contribute during that time. He stated that depending on how the informational meetings go will determine whether they have more of them or not.

3. January 2008 Organization Meeting will be 2<sup>nd</sup> Tuesday- January 8, 2008 @ 7:00 PM.
4. Town needs another employee meeting with Health Insurance Reps to discuss option of Blue Shield of NE, NY,- options of 16% or 9% increases in premiums. – Date? Time?

Supervisor Gabriels stated that they will need to meet with the Insurance reps in order to make a decision, and that it will be a difficult decision to make. They can only pick one and it needs to be by December 15<sup>th</sup> in order to get the necessary paperwork in. Supervisor Gabriels asked for some convenient times to be discussed.

He stated that the last time they met with the reps, they discussed a benefit plan for the Town retirees, which lasted longer than they anticipated and never got to discuss the employee options. After discussion it was decided that the meeting would be Thursday December 6, 2007 at 5:00 PM. Supervisor Gabriels asked if the Town employees would feel as though this was a reasonable time to discuss this matter. Donna Boggs stated that 1:00 PM or 2:00 PM would be better. J. Saris stated that he could only be there if the meeting was at 5:00 PM. R. MacEwan stated that since this is such an important issue that the Town employees should be able to make it at 5:00 PM. Supervisor Gabriels stated that it would be set for 5:00 PM to allow for the majority of people to be there. Donna Boggs stated that Supervisor Gabriels could just make the decision. Supervisor Gabriels stated that it would be best to get some employee input because he has heard from two different employees with two different choices. He stated that keeping the current plan would represent a 16% increase and changing to the plan to increase the co-pay for prescriptions so that there is only a 9% increase in premium. Supervisor Gabriels stated that the decision rests with the TB, but they would like to receive input from the employees.

K. Simmes asked Donna Boggs if the Insurance Reps would come at 5:00 PM. D. Boggs stated that the only person that is going to come is Cassandra from SGF and she said that 4-4:30 PM was not good for her because she has to pick up her daughter. Supervisor Gabriels stated that they would start with 5:00 PM and if they need to change the time they would.

Supervisor Gabriels asked Counsel, once they reach a decision do they have to have a formal resolution by the TB to enter into this contract. Counsel stated yes, they would need a resolution because it is a contract. Supervisor Gabriels stated that the TB would need to meet the following week to select the plan. D. Boggs asked why they don't have this meeting on Monday before the Public Informational Hearing. Supervisor Gabriels stated that he thought they had to have this decision in by the 15<sup>th</sup>. D. Boggs stated that before the 15<sup>th</sup> would be better. K. Simmes asked if everyone had to pick the same policy. D. Boggs stated if they go with CDHP or MVP they can pick something different, but if they go with Blue Shield, they all have to be the same.

Supervisor Gabriels stated that they would have a meeting before the Public Informational Hearing on Monday the 15<sup>th</sup>. O. Maranville stated that he would not be available, and asked if they could do the TB meeting after they meet with the Town employees on the 6<sup>th</sup>. J. Saris asked if it would have to be advertised. D. Boggs stated that they could advertise. R. MacEwan stated that they would probably have a consensus. Supervisor Gabriels stated probably not. R. MacEwan asked how long do they wait for a consensus. J. Saris stated that they might not ever get one.

K. Simmes asked D. Boggs if she was familiar enough with the insurance plans that she could meet with the reps by herself. D. Boggs stated no and her concern is that most employees would not attend. Supervisor Gabriels stated that they better stress to the employees that they are looking for their input as to which plan they would like to take. Supervisor Gabriels set the TB meeting on Wednesday December 12<sup>th</sup> at 5:00 PM.

5. Meal Site Menu is available in Town Hall.

### **Public in Attendance:**

With regard to the new street lights, J. Gaddy stated that he is happy with the placement of the lights, however he is not happy with the design of lights that were installed. He continued that after a year and half of correspondence with regard to the new lights, the wrong lights seem to have been delivered. He stated that they do not fit the specs. He stated that he spent a lot of time looking at cut-off lights to match our street lights with the lower wattages. He spent a lot of time with Mike Fitzgerald, George and Ike Wolgin to take a look at making a smooth transition with our lights and instead we got the old style lights. Supervisor Gabriels stated that they need to collect their order forms and double check and they may have taken delivery of the wrong lights. He stated that he is not as familiar with the details of what they picked, but stated that what they received are too bright and not the correct style or type. He further stated that they will need to take remedial action to correct this. J. Gaddy stated that he is available to provide any documentation that they may need.

### **Correspondence:**

-Sarah Hoagland, of Juniper Hills, who was supportive of Town's action to encourage the BLDC and ownership of Norowal Marina.

-Mr. Dow, LG Steamboat Company, with regard to the Roger's Park Dock- supporting the project.

-Notices from the APA regarding 4 projects coming.

1. Terrestrial management of invasive species within 100 ft of wetlands throughout the park.
2. 5 lot residential subdivision, including four shoreline lots ranging in size from 3 to 3.25 acres and 1/10 acre non-shoreline lot to be located on the opposite side of Trout Lake Road.
3. Project notification that they have received a development on the northernmost lot on Green Island, which will probably require PUD review since it is on Green Island.
4. Notification of an application received is from NYSDOT to the APA with regard to the repaving of Route 9N.

-Resolution was passed at the WC Board of Supervisors regarding some blasting that may take place at Up Yonda Farm for the installation of a culvert pipe in the next year.

-Notice from the Adirondack-Glens Falls Transportation Council, that NYSDOT announcing a Safe Routes to School Program, which is a federal aid reimbursement program meant to encourage and enable children in grades k-8 to walk and bicycle to school while making those modes safer and more appealing, there will be a public hearing on the 11<sup>th</sup> and Bolton is encouraged to send a representative and Supervisor Gabriels recommended that Supervisor-elect Kathy Simmes attend this meeting.

-Note from Bolton Police Department, stating that on Saturday December 1<sup>st</sup> the Police Dept. recovered two signs that were missing from Town property, one from the entrance to Rogers Park and the other from Dula parking lot. Both are currently secured in the Bolton Police office and will remain there until an investigation and possible and prosecution are completed at which time the signs will be returned to the Town of Bolton.

-Supervisor Gabriels noted that on December 2<sup>nd</sup>, on the front page of the Times Union, "Fight for Lake George", which discussed the water quality of Lake George and development.

-Notification from Governor Spitzer that the EPA fund grants were awarded and WC received four of them, none of them were for the Town, but Crandall Library, Lake George Land Conservancy, Lake George Association, and the Town of Johnsbury received funds totaling \$1.1 million plus.

-Notification from the Adirondack Park Regional Assessment Project, in which a survey will be undertaken in all of the villages and towns throughout the Adirondack Park establishing base line data. Supervisor Gabriels stated that he feels that this will be very beneficial to all of Adirondack Park and hopes the Town employees will be able to assist them fully in filling out the survey project. He stated further that the survey would be completed sometime in mid 2008.

-Letter from Tom Wallace, Town Supervisor of Long Lake, expressing his appreciation to all of the voters last November for their approval of the Constitutional Amendment of the Forever Wild Provision so that they could put in for their water supply.

-Supervisor Gabriels stated that there was other general correspondence that the public is invited to review at any time.

#### **Referrals from Code Enforcement Officer/ZBA/BPB:**

1. *Crandall, Muriel, 367 Valley Woods Road- burned house- condemnation proceedings- if approved, TB to sign 2 copies of Resolution.*

M. Nittmann stated that the TB has her affidavit of inspection, their maintenance report and procedural sheet. She continued that she gave them each resolution that they will need to sign and the Supervisor will need to sign the Notice so that she can do the posting. Supervisor Gabriels stated that they have a notice from the Bolton Police Department stating their concern of the fire damaged property at this location. He further stated that the TB members have received the memos from Mitzi and T. Nace.

Supervisor Gabriels asked if the Resolution was reviewed by Counsel. Counsel stated yes, and if approved it acknowledges the report of T. Nace, as an engineer, which is required according to ordinance 27 and it also requires an affidavit from your Code Enforcement Officer, which is in your packet. He stated that if you approve this then they declare this as an unsafe structure and the rest of the procedures are in the resolution, so they are seeking approval so that they may proceed, which is notify the owner, posted, allow them 30 days and if the 30 days have run and they do not get their own engineer to challenge the facts, this resolution proposes that both he and Mitzi will proceed. Ordinance 27 says that the Town Attorney must seek an Order of the Supreme Court, and that every time a step is taken there is notice given to the owner.

Supervisor Gabriels asked if the TB would like to proceed with an affirmative resolution on this matter.

R. MacEwan asked Counsel about the difference between this property and the Law property. Counsel stated that the only thing that was different was that they streamlined the Resolution because there is a presumption that the owner will not get an engineer to controvert our facts, so rather than to give them 30 days to revisit this whole issue again, they would expedite it with one resolution. M. Nittmann stated that she has already seen "For Sale" signs on the lot.

#### RESOLUTION #235

S. Andersen moved, seconded by R. MacEwan to authorize the following Resolution regarding the Muriel Crandall property located at 367 Valley Woods Road:

#### **RESOLUTION PURSUANT TO ORDINANCE #27**

**IT IS HEREBY RESOLVED** that upon consideration of the inspection report of Code Enforcement Officer Mitzi Nittmann, dated November 29, 2007, and the letter report of Nace Engineering P.C. dated November 30, 2007, wherein the reported findings recommendations pertaining to the premises of Muriel Crandall ("Owner"), 367 Valley Woods Road, Town of Bolton, Warren County, New York, Tax Map Parcel 156.00-1-48, state that a dwelling structure on the premises appears in dilapidated and structurally unsound condition so as to constitute a public health hazard. And further, in the opinion of the town's consulting engineer, the main dwelling house "is unsafe, is not repairable and should be demolished".

Pursuant to the requirements and provisions of Town Ordinance #27, the Town Board for the Town of Bolton directs that:

1. A copy of this resolution shall be delivered to Muriel Crandall, PO Box 79, Middle Granville, NY 12849, by both first class mail and registered/certified mail; and a copy of this resolution shall also be posted upon the subject premises; and such notice delivered to the owner as herein stated shall constitute and serve as evidence of the determination that the dwelling house (primary structure) on the premises are dangerous and unsafe as defined by Town Ordinance #27.
2. The owner shall be required to take action to demolish and properly remove construction and demolition debris to a legal landfill, and to restore the premises to a natural and safe grade (leaving no pits, holes, depressions, no partial foundation).
3. The owner shall be afforded thirty (30) days as provided in Town Ordinance #27 to exercise her rights with respect to such determinations and the order of the Town Board.
4. Should the owner fail to act in compliance with the requirements of Town Ordinance #27, the Town of Bolton, by its Supervisor and agents, shall proceed in accordance with ordinance and state statutes to effectuate the demolition and removal of the unsafe structure.

5. Upon securing an order of the Supreme Court for the State of New York, Warren County, the Town of Bolton shall proceed to act in accordance with this resolution and by provisions of Town Ordinance #27, and the costs, expenses and disbursements in these proceedings, including the municipality's attorney's fees and the actual costs incurred in demolition and removal, shall constitute an appropriate charge and special assessment upon the property's tax bill.

In addition to the powers provided by Ordinance #27, the Supervisor for the Town of Bolton may, in appropriate circumstances, act with emergency authority provided by New York State statute rules and regulations to also act in these proceedings to protect the health, safety, general well being and welfare of the citizens of the Town of Bolton.

All in Favor. Motion Carried.

2. *JEHM- issue and new policy considerations*

Project is on Trout Lake Road. There are normal approvals from the ZA and PB, but there seems to be a problem about the actual construction plan. Counsel stated that the current plan is not being correctly implemented. The plan which was approved by the PB was actually a plan that says "not for construction" and that plan was not reviewed by the Town Engineer. Counsel stated that as in his emails, he takes no issue with the procedure that the PB has discretion and is permitted to approve without Town Engineer involvement and it is an approved stormwater plan. J. Anthony's group (LA Group) did do the plan and J. Antony explained the practicalities of how that came about. The applicant chose not to get it finalized by the LA Group for financial reasons. Counsel stated that M. Nittmann as Code Enforcement Officer would like to be looking at a plan that would be approved for construction. So this would have the criteria on that such as, requirements on impacting soils, size of rocks, etc. Counsel stated that they are now looking to rectify the situation by noting what was on the site as being deficiencies, is to get JEHM's cooperation, which he understands they are, in signing an agreement that says they will remedy the situation, short term, as per T. Nace's specifications and the next step would be to get the Stormwater plan as approved fixed, which will be in the Spring. Counsel stated that the last leg, is an agreement that he has suggested, which states that the developer not sell any lots, while he was not in compliance, and he believes the builder is ready to sign that.

Counsel stated that the larger question that has been raised by the Code Enforcement Officer is that in the future the preference would be to have an approved plan that is "for construction" so it is a baseline which allows her to ascertain what it is that constitutes compliance. Counsel also stated that J. Anthony suggested that if the Town is interested in making sure that its stormwater projects come out the way they have been approved, that they require a professional sign off (suggests using Town Engineer) on project completion. He further stated that in this case he suggested to the builder that they use their own engineer to certify and sign off on it. Counsel stated that although this could be considered protecting their own, that the individual who signs off on this is indemnifying this financial on it, so that if it doesn't work, then they too are responsible.

Counsel stated that ultimately it is the PB that has jurisdiction on this matter. Currently a structure within the stormwater regulations does not require this plan to have "construction approved" on it, does not require certifications at the end, however that stormwater reg and the PB may require that. What is instructed for the TB is that even though it is not their jurisdiction or call to make, that when it doesn't fall into compliance it falls on the TB to make sure that the Code Enforcement is implemented and that is where the shortcomings lie.

Supervisor Gabriels stated his understanding of the discussion here as well as with T. Nace are that because they are not for construction plans, there is concern for the long term integrity of the berm itself. He further stated that as per M. Nittmann, they did try to seed and thatch, but were unsuccessful. They did try to get them to winterize this by putting a fabric on top of the exposed soils, but was unsure if they were able to get the fabric down in time. T. Nace also suggested that they put a overflow pipe on top of the berm as a preventative measure and he is unsure if that was installed. M. Nittmann stated they have been back to the site and P. Kenyon called Ruben Ellsworth but did not receive the message before the snow storm, and is not sure if he will be able to do any temporary remediation until Spring.

Supervisor Gabriels asked if this required action from the TB. Counsel stated that it does not require a decision by the TB, but it does require some discussion and a recommendation to the PB to come up with a conclusion as to how to define when the stormwater project has been completed.

J. Saris stated that in Counsel's recommendation of an agreement with the developer, is that something that can be done as a condition of approval by the PB. Counsel stated yes, but it is very controversial.

Counsel stated that some consideration might be given to basic project where at least require that the developer have a start date for transferring the created subdivided lots after some event has occurred in terms of some manifestation on the land, such as the road is there, the stormwater facilities are on the site as depicted. The other thought is should we always require construction plans and shouldn't we have certifications when the project is complete so that we have a baseline for future implementation, maintenance and failure.

S. Andersen asked if bonds can be put on stormwater projects. Counsel stated yes, and the code does make provisions for bonds and several different devices that look like bonds, such as security or cash deposit.

#### RESOLUTION #236

Councilman Saris moved seconded by Councilman Maranville to refer to the Planning Board for discussion the issue of construction plans labeled "not for construction". This matter concerns plans submitted by JEHM Holding Corp. Tax map # 186.14-1-20-11. Location: Trout Lake Rd. All Favorable. Motion Carried.

Supervisor Gabriels asked if this is all really necessary. Counsel stated that there are other municipalities in the LG Basin that are not as attentive and they are getting away with it. Supervisor Gabriels stated that he does not think that this approach would not be in the best interest for the Town, the lake or environment.

All in Favor. Motion Carried.

#### 3. *Town v. Scanlon- Alt. Remedy- non-compliant shed- Late fax- discuss- Muller*

Supervisor Gabriels stated that he received a copy of the letter that was sent to Counsel that states that the property owner is trying to get a new building going and going to move the offending non-compliant shed to the building once they get their various approvals. The applicant's attorney is seeking from Counsel not to take further legal action in a court of law until the matter can be effectively resolved. Counsel stated that he believes that this letter is acceptable and that they are trying to come into compliance.

Supervisor Gabriels asked if they needed a resolution. Counsel stated no, just a discussion.

J. Saris asked if there is any proposed time-frame. Counsel stated no, but he was confident that by spring the owners will have a plan to relocate the shed and build a primary dwelling. M. Nittmann stated that they do have an application in to start a single family dwelling on County Route 11, and that they are just having trouble getting power to that lot.

J. Saris asked if they have met with all the other terms of the alternative remedy. Counsel stated yes.

Supervisor asked if all TB members were in agreement to take Counsel's advice. All stated yes. Supervisor Gabriels stated that they would calendar this for June or July.

**Board of Health/Water Commissioners: NONE**

## **Reports:**

### **Maranville-**

Assessor- deed work, tax map maintenance and field work is ongoing, residential questionnaires response has been excellent. He visited an island property on 10/16 for an open building permit. Attended a census workshop on 10/17. Attended a WC Assessor's meeting on 10/23 and 11/27. Assisted with the research on Nirvana Farm property for Zoning. Researched market value for Bolton School Board properties of interest. Received a copy of resignation of Sam Hoopes after 20 plus years on the Board of Assessment Review and gratitude should be forthcoming from the Town.

Police- Miles patrolled 2,637 miles. Used 206 gallons of fuel. Responded to 1 larceny, 2 criminal mischief, 6 trespassing, 2 suspicious persons, 2 suspicious vehicles, 3 property checks, 2 loss of Town properties, 1 animal complaint, 3 alarms, 1 911 hang-up, 2 miscellaneous complaints, 1 property damage and auto accident, 1 personal injury or auto accident, 2 assisting the NYS Police and 1 assist for the WC Sheriff, 6 assists for the Bolton Rescue Squad and 1 assist for the Bolton FD and 2 security details. Training- Sgt. Neumann attended one day NYS Division of Criminal Justice Service Training Civil Enforcement Strategies to Address Public Nuisance. All mobile car radios and hand held portable radios have been reprogrammed making all frequency lists identical on every radio, in order of usage and importance which should result in an increase in efficiency. There was also a letter from BCS thanking the Department for taking care of the School property.

Justice Courts- November 2007- H. Demarest \$5,856. E. Stewart \$4,230. Total monies forwarded to the Town \$10,086.00. An itemized list is located in the Court. Side note- It has been the Court's honor to have S. Andersen on the Town Board and Zandy Gabriels as Supervisor and both will be missed.

### **Saris-**

Town Clerk- total local shares remitted \$24,059.61 and total local non-residents \$731.72. Total State, County and Local revenues \$24,791.33.

### **Andersen-**

Stated that he had no reports but with regard to buildings and grounds, he stated that the TB made a resolution to leave all the garbage cans out year round. He continued stating that George has approached him stating that he is concerned people are using the garbage cans for major personal disposal and asked if the Board would give some thoughts about leaving them there all winter. He also stated that George also asked about leaving the benches out as well.

R. MacEwan asked how many garbage cans there were currently. S. Andersen stated that there were about 5 or 6. R. MacEwan suggested putting them in key places, such as, Town Hall, Cate's, the bank and in front of the park. O. Maranville stated that he is glad that the garbage is at least making into a garbage can rather than on the side of the

road. S. Andersen stated that he did not have a problem with the garbage cans being out, but wanted to bring George's concern to the TB. R. MacEwan stated that not all of the cans are necessary, but a few should remain out in strategic spots. S. Andersen stated that they should define strategic spots and he would be happy to convey that to George. J. Saris stated that he felt it was a good idea because there are enough stores open, people are shopping and it is an expectation of a service that we provide in our Town. The TB agreed to leave the garbage cans out on Main Street.

Supervisor Gabriels asked the TB what their thoughts were on the park benches. All members agreed to leave the benches out.

#### **MacEwan-**

Transfer Station- There is an ongoing problem of the concrete under the compactor and is unsure with the weather if it is too late to fix it. He stated that he suggested that Lisa call George to come and take a look at it, but is unsure if she has done that. They thanked the Parks Dept for plowing the road.

Supervisor Gabriels asked if it is something that they can do in house. R. MacEwan stated that yes he believes so and that is why he told her to contact George to look at it. Supervisor Gabriel's asked how long it would take to fix and cure, because he believes it is about a week. R. MacEwan stated that they have Monday and half a day on Wednesday and that it could be left up a little higher so that people can put stuff in but would allow for the cement to cure. Supervisor Gabriels stated that they would think this through and will make plans to do it sometime when it is warm and convenient. O Maranville stated that they make other products that have a shorter cure time, but they are more expensive. Supervisor Gabriels stated that the most important factor is convenience for the customers.

Code Enforcement- M. Nittmann had a 25 page report, 230 miles logged, 15 sites visited, attendance at 1 Waste Water Class in Lake Placid, 1 Stormwater Controls, 1 Stipulation Agreement.

#### **Gabriels-**

Monthly Statement- Revenue- \$335,320.39, Disbursements- \$602,533.92

Stormwater- stated that he spoke on this earlier.

#### Warren County-

1. Gaslight Village Project is still moving forward and they are still involved, and the Conservation Easement is still be reviewed and drafted by all parties involved. They are lacking absolute financing from all parties involved. The Wood Foundation is extending the closing another short period of time, since they will not be able to get everything together by the end of December.
2. The Social Services building is moving ahead, the size and location have been modified from its original place to the campus next to the municipal building. The cost is unknown at this time, but looks to be in the range of 15-16 million dollars, engineers will be working to get cost estimates in the future.
3. Supervisor Gabriels stated that he attended the Economic Development Committee Meeting and listened to a presentation by Community Broadband Network (CBN) who is trying to bring broadband and wireless internet connections throughout the County and they are soliciting the County's participation. Supervisor Gabriels stated that there is some cost involved, but the intent is to bring service to those who are not currently serviced by broadband. The system proposes to use the telephone poles like any other service to string fiber in locations where there is no fiber. Supervisor Gabriels stated that he brought the issue of the redevelopment of Route 9N to them, asking that if they put a conduit in when the project occurs, could they at a later date, snake wires and fiber it to those conduits. CBN responded that it would be an excellent idea, pending some technical questions that need to be worked out. Supervisor Gabriels stated that he suggests

this as a consideration for the Town and County Highway Departments. He stated that the estimated cost would be approximately \$200,000 plus the cost of installment of fibers. He further stated that they would probably go ahead with the feasibility study in coordination with the Governor's Smart Growth Program and making an application to that effect at the end of this month.

Supervisor Gabriels stated that he would like to thank the Bolton Fire Company and all of those associated with the recent fire at Julie Dennison's house on Trout Lake Road. She told Supervisor Gabriels that although she lost everything she was very appreciative of the Town's efforts.

#### **Unfinished Business:**

*Town Board action of Conservation Park LDC and eventual disposition of Town land- referendum required?*

Supervisor Gabriels stated that he was unaware if they have made any progress in considering future development of the property and unless otherwise indicated will hold this open for further discussion.

*Action on Walter Law's house- December ? Deadline*

Supervisor Gabriels stated that they have made progress on this and that they have a deadline to either start or complete action by mid-December. Counsel stated that December 10<sup>th</sup> is the day for Barbara Law to figure out if she is doing it voluntarily because she wants to take the option to have her own contractor do it. Mitzi reported to him that yesterday they received another indication that they are making progress in taking it down themselves, because their contractor Mr. Bennett, applied for a Warren County Demolition Permit. Counsel stated that W. Law's representative in Court stated that they had given Mr. Bennett \$6,900.00 down payment and the reason for the delay from the Court date to December 10<sup>th</sup>, was because Walter asked the Court if he would have the opportunity to see if he could get some of the money back from Mr. Bennett so that he could perhaps use our contractor who had the lower bid. As a matter of courtesy we allowed that short period of time to figure out who it going to do the demo.

*Consider Town Pier construction plans and finger dock- as drawn by SRA.- discussed during budget workshop*

Supervisor Gabriels stated that project engineer, Carl Schoder is currently dealing with a family problem which has prevented him from getting any detailed plans to the Town. He further stated that unfortunately the construction plan is on hold which means that there will not be any boats docking during the 2008 season.

#### **New Business:**

1) Close Public Hearing on 5MPH zone in Sawmill Bay and Bolton Bay. Tony Hall asked who brought this issue to the TB. Supervisor Gabriels stated that it was brought to them by not only several members but both he and S. Andersen have been looking at this question for a long time. Without sacrificing the public safety, and being a property owner at one terminus of that end, he looked very seriously at the swimming area and everything else and feels that changing the particular angle does not injure the swimming area and by projection he does not feel it will impact the public safety in Sawmill Bay.

#### **RESOLUTION #237**

Motion by R. MacEwan to close the public hearing on 5MPH zone in Sawmill Bay and Bolton Bay. Seconded by O. Maranville. All in Favor. Motion Carried.

J. Saris stated in the history of this, original 5MPH zone was even smaller than the currently zone proposed. He feels the current zone inconveniences the public and is a detriment to many local business that are within the zone.

He doesn't feel there was ever any legitimate reason to expand it so large in the first place and that with the lesser zone proposed there are no public safety concerns and feels as though it should be changed.

S. Andersen commented that although the legal descriptions of the move are correct, the lines on the map indicated are not. He stated further that the new zone will encompass both beaches.

Supervisor Gabriels asked that while on the topic of the text or wording of the change, could they change where it reads from the south portion of Gabriels boathouse, not because he envisions any changes to the boathouse, but make it the property line just north of whatever the boat house.

S. Andersen stated that the zone by legal description states that it starts at the large town dock on the south side which covers the entire beach. D. Rehm asked where the second point would be to cover Veteran's Beach. S. Andersen stated that the north end of the beach would be the second point. He further stated that both are correct in the written word but were not correctly referenced on the map. Supervisor Gabriels stated that they will provide correct maps and reproduce them for the public.

D. Rehm stated that clearly they need to protect the swimming area, but that they may want to check with T. Connerty because he seems to think that if the big dock gets used for big boats they will regularly taking out the buoys. Supervisor Gabriels stated that they will work DEC and the Steamboat Company regarding the placement of the buoys.

#### RESOLUTION #238

2) Close Public Hearing on the Septic Ordinance Section 2.010 B. Supervisor Gabriels stated that they did not do anything with this ordinance which will be for later.

3) Close Public Hearing Amendments to Zoning Code re: Uniform Fire Prevention and Building Code and the Energy Conservation Construction Code applicability where Bolton Zoning is silent. Supervisor Gabriels stated that this public hearing will remain open.

4) Town Clerk to nominate new Deputy Clerk- TB to set salary for balance of 2007 \$10.45/hr for 32.5 hrs/wk); discuss salary for 2008. Donna Boggs (\$0) to resign- accept resignation.

K. Simmes stated she is proposing to hire a Deputy Clerk because Pat Steele has decided to become the Town Clerk and they need a Deputy to take over in January, but will start in December to learn her new role. She is proposing that it is the same salary as the current Deputy makes until the end of the year and then set the salary at the organizational meeting in January 2008. Supervisor Gabriels stated that he wanted to extend their appreciation, thanks and good wishes to Pat in her new role. Supervisor Gabriels stated that the TB has to accept the letter of resignation from D. Boggs.

#### RESOLUITION #239

Motion by R. MacEwan to accept D. Boggs resignation effective immediately. Seconded by S. Andersen. Supervisor Gabriels stated that he wanted to thank D. Boggs for all of her years of service. All in Favor. Motion Carried.

Supervisor Gabriels stated that they will need to establish a salary, work hours for the period of time in December. The proposed temporary salary is \$10.45/hr and 32.5 hrs/wk, effective Monday December 10<sup>th</sup>.

#### RESOLUTION #240

Motion by J. Saris to set the temporary salary at \$10.45/hr and 32.5 hrs/wk starting December 10, 2007. Seconded by O. Maranville. All in Favor. Motion Carried.

K. Simmes stated the individual that they have hired is Wanda (Penny) Cleveland. Supervisor Gabriels stated that they wish her luck in her new position.

#### RESOLUTION #241

5) Agree to have Warren County be lead agency for Middleton Road Bridge over Schroon (PIN 1755.27: BIN 3305150) for SEQR purposes. O. Maranville moved, seconded by R. MacEwan. All in Favor. Motion Carried.

6) George Moffitt has requested to be paid for one (1) week of unused vacation time. He has the accrued time. Supervisor Gabriels stated that paying employees for the vacation time is a win-win situation, the employee gets an economic benefit, having given up the right to go on vacation and it is a benefit of Town because you get work from the employee.

#### RESOLUTION #242

R. MacEwan moved, seconded by O. Maranville to approve the payment of unused vacation time to George Moffitt. All in Favor. Motion Carried.

7) Supervisor Gabriels stated that since they were on the topic of vacation time, that they discuss Pat Steele, who on January 1<sup>st</sup> will be in an appointed position. She has accrued a number of weeks vacation time and as part of being an appointed position you do not accrue time, so would she lose this time.

#### RESOLUTION #243

J. Saris moved that they pay Pat Steele her vacation time. S. Andersen stated that he would like to see her have the option to either use it or get paid for it. J. Saris that he did not intend to take that right away from her and moved that whatever vacation time Pat Steele has not used as of January 1<sup>st</sup> she will be paid for. Seconded by R. MacEwan. All in Favor. Motion Carried.

8) Steven Breault request to be paid for two (2) weeks unused vacation time. Note that Breault has already received payment for three (3) weeks vacation time in August, 2007 and TB Organizational Minutes specify a maximum payment of two (2) weeks vacation. Union Contract Article XI Section 6 says unused cap carry over of 240 hours.

Supervisor Gabriels read that their Organizational Minutes of January 2007, in Resolution #9, it is specifically stated that "Any employee may request annually a maximum of two (2) weeks pay in lieu of ten (10) days vacation time, subject to Town Board approval." Supervisor Gabriels stated that in August that the TB did not remember this specific provision and they have already transgressed on this provision. Mr. Breault is looking for an additional two weeks, which would bring his total to five weeks paid vacation. Supervisor Gabriels asked D. Boggs if he has the time. D. Boggs stated that this is what he has left. Supervisor Gabriels stated that the highway crew gets their vacation time accrued as of January 1<sup>st</sup>. O. Maranville asked if we have already paid him the maximum according to the contract. Supervisor Gabriels stated that in the division in the Organizational Minutes, says Town Employees, it doesn't make any particular limitation as to union and non-union employees. O. Maranville asked if the union contract states anything different. Supervisor Gabriels stated that the only thing they have found in the union contract with Rich Blair, who is the union representative from Latham, is in Article 11, Section 6 "All employees shall be allowed to carry over unused vacation time from year to year with a cap of 240 hours."

S. Andersen stated that he doesn't want to cheat any employee out of anything, but at some point maybe future boards and that there will be some type of policy. He thinks that it would be beneficial for employees to take the necessary break physically and emotionally and that it maybe should be considered.

J. Saris stated that during budget discussion he has stated that an outside company come in and review all of these policies regarding staffing, vacation time, etc and make some recommendations. He further stated that if they do make policy changes that they will need to provide notice to all employees.

#### RESOLUTION #244

Motion by J. Saris to approve payment of the additional two (2) weeks vacation time for Stephen Breault. Seconded by R. MacEwan. All in Favor. S. Andersen opposed. Motion Carried.

9) Accept Samuel P. Hoopes resignation from Board of Assessment Review effective immediately. Seek replacement for BAR- Advertise or select from pool of candidates for this appointed position.

Supervisor Gabriels stated that they need to accept his resignation and thank him for his years of service to the community.

#### RESOLUTION#245

O. Maranville moved to accept Samuel P. Hoopes resignation from the Board of Assessment Review. Seconded by S. Andersen All in Favor. Motion Carried.

Supervisor Gabriels stated that he is going to write him a nice thank you note and suggested maybe a plaque of some sort for his 20 years of service. The Board agreed. Supervisor Gabriels asked D. Boggs if she could order a plaque on behalf of the TB.

Supervisor Gabriels indicated that Dave Rosebrook has a pool of potential candidates that are suitable to be interviewed by the TB in consideration for appointment. He further stated that it meets in May and that the individual will need to get some training prior to taking the position. K. Simmes stated that there is one applicant that has served 12 year on the Board of Assessment in the Town in which she previously resided. Supervisor Gabriels asked if this applicant has been suggested by David Rosebrook. K. Simmes stated yes. Supervisor Gabriels asked the TB if they wanted to go through their review process or just accept Dave Rosebrook's recommendation or should this be done by the next Board in 2008. R. MacEwan stated that it should be done by the next Board. Supervisor Gabriels asked if Supervisor-Elect K. Simmes would like to go through an interview process or accept this recommendation. K. Simmes stated that she was comfortable with D. Rosebrook's recommendation. R. MacEwan stated that he trusts D. Rosebrook's judgment. All TB agreed. K. Simmes asked if the TB wanted to appoint her now, or wait until January. Supervisor Gabriels stated that they could wait until January, so that they could get any educational requirements necessary together before that meeting.

10) Accept Warren County DPW's contract for Snow and Ice removal etc in the amount of \$103,281- itemized schedule available.

#### RESOLUTION #246

Motion by O. Maranville to accept WC's snow and ice removal contract of \$103,281. Seconded by J. Saris. All in Favor. Motion Carried.

11) Mrs. Euphemia Hall, 5 Maple Street, has requested that the Town establish either a "no public parking zone" or a handicapped only parking zone: in front of her house. Mrs. Hall is handicapped w/ broken femur.

Supervisor Gabriels indicated that he has forwarded an email to all Board members regarding consideration of granting this request temporarily. Supervisor Gabriels expressed a concern with the season and snow emergencies.

J. Saris stated that injury or not that in a snow emergency this street needs to be cleared.

T. Hall stated that the problem is that since the driveway is so close to the fence she can't be taken out of the passenger seat. He further stated that they could back out and that could resolve the problem.

J. Saris asked if this was something that they could do on a temporary basis. Supervisor Gabriels stated yes. T. Hall stated that the main concern or problem would be in summer. He further stated that his niece was inspired to take this action upon seeing another "No Parking" sign on the road way. T. Hall stated that they could either do something like this, with the understanding that it would not be enforced by the Town or the Town could issue a temporary handicapped sign.

J. Saris stated that he did not care who puts up the sign, but would like to do something to accommodate this individual. He further stated that it could be something that they could authorize for 6 months or a year. T. Hall stated that he felt a year would be very helpful.

Supervisor Gabriels asked if they were on solid legal grounds. Counsel stated that yes. Supervisor Gabriels asked if he needs to have a formal resolution. Counsel stated with TB action it requires public notice. He further stated that in cases of traffic devices or signs, have a rule of regulation that manifests that it was put there by a Board Action, State Action or County Action and it says where it will be located and that is the only way that you can enforce it. Counsel stated that Supervisor Gabriels has a shortcut available to him that says he has executive law that allows you to take emergency action to protect the health and safety of all beings. Counsel further stated that it is not a great public expense and it is temporary, so he would encourage him to exercise this power. O. Maranville asked if a motion needs to be made to grant Supervisor Gabriels Executive power. Counsel stated no, that he has it.

#### RESOLUTION #247

J. Saris moved in support of Supervisor Gabriels executive action to resolve this issue, to allow handicap signs be placed on Maple Street in front of E. Hall property for a period of one year. Seconded by S. Andersen. All in Favor. Motion Carried.

Supervisor Gabriels stated that he would resolve the problem by talking to the necessary individuals and get some handicapped signs and a temporary sticker to be prominently displayed inside the vehicle.

12) Bolton Chamber has requested \$3,500 for ice fishing contest in Feb. 2008 from Bed Tax Funds.

Supervisor Gabriels stated that they made the same request last year and the contest did not happen. He further stated that since this is Bolton Bed Tax Money, the ultimate decision comes from the TB. O. Maranville asked what we committed last year. Supervisor Gabriels stated \$3,500, in which they spent \$300-500 of it on advertising and then it got cancelled because of weather. He continued that there is plenty of money left in the bed tax money.

#### RESOLUTION #248

J. Saris moved that they approve the Chamber's request for \$3,500 from Bolton Bed Tax Money for the ice fishing contest. Seconded by O. Maranville. All in Favor. Motion Carried.

13) Discuss Zoning Code amendment- all approvals of solar panels (DC voltage)- notify Bolton First Responders of this source of electric power for informational purposes only- presently in Bolton- David Smith Estate, Bill Campbell, Sandy and Ruth Lamb-others?

Supervisor Gabriels stated that this issue was brought up by a Bolton constituent at the County level and it deals with DC Voltage. The concern that was raised that some may not be aware that they are handling DC Voltage in a different way and potentially a unsafe way. Supervisor Gabriels stated that for example most people have touched a 12 volt AC output and survive with a just a shock, but you could not do that if you have 10-12 volt batteries

connected in series of parallel. He continued that there is a growing concern as more people are installing solar panels and do not know the potential safety concerns that go along with that. Supervisor Gabriels stated that currently there are 3 homes in the Town of Bolton with solar panels and feels as though it is important to have public awareness and lines of communication between the Zoning Office and First Responders. He continued that this is for long term consideration, because the County is going to look at this and the State is far behind on this.

14) Meal Site, County financed, has requested \$320.00 from the Town for 9 tablecloths- legal considerations? Town has no current contract with the Meal Site.

Supervisor Gabriels asked Counsel that since the Meal Site is County funded and that the Town has no contract with the Meal Site, if the TB is in support, how can they legally go about donating the money necessary for the tablecloths R. MacEwan asked if it could be done through Bed Tax money. Supervisor Gabriels stated no. Counsel asked if they are going to make a \$320 contribution to a not-for-profit community activity or another governmental agency. Supervisor Gabriels stated that he didn't know if it was another governmental agency. Counsel asked if it was a not-for-profit entity or corporation or is it just a County agency. Supervisor Gabriels stated that it was subsidized by the County. Counsel stated that as long as they were not giving it to a private enterprise it would be ok and that they would characterize it as a donation to a community sponsored County-wide program.

#### RESOLUTION #249

Motion by O. Maranville to make a \$320 donation to the Meal Site for the purchase of tablecloths. Seconded by R. MacEwan. All in Favor. Motion Carried.

15) Authorize purchase of 2008 Chevrolet Trailblazer 4 wheel drive to replace 95 Chevy Caprice- \$21,947.29 plus installed 2 way radio approx. \$2,100 for total approx. cost of \$24,047.29 per Sgt. Neumann's memo of November 19, 2007- add \$450 for console- keyless entry is \$164.50? Per email of 12/4/07

O. Maranville stated that Sgt. Neumann stated that they could reuse the lights from the Caprice.

D. Rehm stated that she was in attendance at the budget workshops where the potential for this purchase was discussed and did hear all of the good reasons why the 95 Caprice may not be worth fixing and keeping on the road, but she never heard justification for a second vehicle for the police department. She stated that the police department has operated for more than 40 years and it has always had one vehicle. She believes the safety of the community can be preserved by keeping one vehicle operational. She stated that for the above reasons stated and in protection of our taxpayers, she suggests to the TB that the police do not need a second vehicle.

O. Maranville asked how long the Police have had 2 vehicles. Supervisor Gabriels stated since they bought the Yukon. R. MacEwan stated that although they have operated with just one vehicle, that in the past they have not had 3 Police Officers. D. Rehm stated that there were times when there was more than that. R. MacEwan asked if it was in the presence as they are now. D. Rehm stated all summer long.

R. MacEwan asked if Sgt. Neumann made a specific needs request stating why they need a new vehicle. Supervisor Gabriels stated that no, it basically comes down to the fact that the Caprice will cost more to fix than what it is worth and that they would like to replace it completely so as not to lose a vehicle. O. Maranville stated that the Yukon is starting to acquire a lot of miles on it, so it would be good to have a back up vehicle.

O. Maranville asked if they discussed this at the prior TB meeting. Supervisor Gabriels stated yes, but since then Sgt. Neumann has provided better pricing. O. Maranville asked if this is where they suggested bonding it. Supervisor Gabriels stated yes and bonding is an expenditure of tax payers money, even though it would be over 3-5 years. R. MacEwan suggested that the Police Department substantiate the need for the second vehicle. O. Maranville stated that they use both.

S. Andersen stated that he appreciates D. Rehm's comments and understands where she is coming from with regard to the taxpayers money, but there is another side to this. They have spent a lot of time and effort in trying to change what they thought was a different direction for the Police Department, it also comes to over the summer, if one vehicle is down, they could be out of a car for 10 days. S. Andersen stated that he endorses that Bolton having its own Police Department and this is a show that we support our own.

#### RESOLUTION #250

Motion by S. Andersen to authorize the purchase a 2008 Chevrolet Trailblazer for \$24,047.29 for the Bolton Police Department. Seconded by O. Maranville.

Supervisor Gabriels stated that he was in favor of this and it is not a huge budget concern and that they can finance it, and if it can last as long as the Caprice it will be well worth the investment. All in Favor. Motion Carried.

16) Action of filling position of minute taker for TB/BPB/ZBA. Hire Kristen MacEwan @ \$13.22 for 52 hours a month.

#### RESOLUTION #251

Motion by J. Saris to hire Kristen MacEwan as minute taker for TB/BPB/ZBA at \$13.22/hr for 52 hrs/month. Seconded by S. Andersen. All in Favor. Motion Carried. R. MacEwan abstained.

17) Discuss- Zoning matters as presented by Muller/Nittmann of Strief and Liebler- what process to follow as a matter of Town policy?

Supervisor Gabriels stated that this issue was brought up last month but was unsure what was decided. Counsel stated that they did decide that this was acceptable and there was a lot of exchange back and forth finalizing it and he has approvals from everyone by email and should have approval by Pam.

18) In the matter of APA, Warren County and Finkle Brook wall restoration- procedures to have followed? Future Action?

Supervisor Gabriels asked in regard to the above issue, if they were legally okay with the APA. Counsel stated yes.

Supervisor Gabriels stated that for a number of years they have had a Finkle Brook fund that was partly matched by a grant through either the EPA or Department of State in which stormwater construction aspects and improvement over time. He stated that they have complied with everything that they had to comply with, and that according to D. Boggs there are still funds leftover in the Town's account. He stated that when the County did the retaining wall over the fall, they wanted to put a retention basin in on Sandy Aldrich's property which would cost approximately \$50,000 and because of financial considerations they could not finance the stormwater retention basin. He stated that they designed the rest of the wall so that at some point this stormwater retention basin could be incorporated when they find sufficient funds. Supervisor Gabriels is suggesting that the Town consider it appropriate to potentially use this reserve account towards the installation of this retention basin. He further stated that he does not wish for the Town to take over the project, but just to contribute financially to the County for their effort to install the basin.

O. Maranville asked if the retention basin was like a small dam. Supervisor Gabriels stated yes and that with the bio-filtration system it would allow the sediment and pollutants out.

O. Maranville asked where the basin would be installed. Supervisor Gabriels stated that it would be just downstream of her driveway and just before Pope's house, the other bridge and into a plot of land on that side of the road in which they have redirected the stream and drop the water in there for stormwater purposes.

S. Andersen asked if the County has easements and permission to complete this project. Supervisor Gabriels stated that they do from Sandy Aldrich but not sure if anyone else. Supervisor Gabriels stated that S. Aldrich has questioned the County's lack of funding. Supervisor Gabriels stated that the County has run into a bit of a problem financing this project.

Supervisor Gabriels stated that this is why he has brought the reserve money to discuss. He stated that he did not feel as though it was appropriate to take action tonight, but rather raise the issue for consideration.

Supervisor Gabriels asked if Supervisor-Elect K. Simmes had any comments. K. Simmes asked who would be doing the work. Supervisor Gabriels stated that it would fall into the County's responsibility. K. Simmes asked how much money was in reserve. Supervisor Gabriels stated \$18,000 plus. K. Simmes stated that she felt that they could come up with an agreement with them to complete the project.

19) Discuss issue of rip rapping of NYS Rush Island-with private funds and labor- distribution to NYS Official and AATV?

Supervisor Gabriels stated that he put together a draft resolution and has distributed it to all TB members and Counsel. He stated that he is seeking their support allowing private citizens to rip rap this particular island because the State does not want to and has completely stopped rip rapping any islands on Lake George.

J. Saris stated that he would like to see this get done because in its present state it has become a hazard in navigation, besides being a local landmark that he misses. All Board members agreed.

Supervisor Gabriels asked if there was anything that they would like to include in the resolution. TB stated no. Supervisor Gabriels asked Counsel if he had any concerns. Counsel stated no.

#### RESOLUTION #252

Motion by J. Saris to adopt the resolution in favor of allowing private citizens to rip rap Rush Island. Seconded by S. Andersen. All in Favor. Motion Carried.

20) Consider Revisions to Septic Ordinance- amending Section 6.010 Penalty to increase civil penalty from the current \$250 to \$1,000 per occurrence per day.

Supervisor Gabriels stated that this will need to have a public hearing on this issue. J. Saris asked if this is the section regarding failed systems. Supervisor Gabriels stated yes. J. Saris asked what would prevent the TB from taking action. Supervisor Gabriels stated that this was just an increase in the possible penalties and does not allow any greater action from the TB.

Counsel stated currently the ordinance states that if you have someone in violation of the septic code, the maximum penalty is a civic penalty of no more than \$250. He stated that each day can be considered a separate violation and they are looking to keep it a civil penalty but raise the amount to a maximum threshold of no more than \$1,000.

J. Saris asked what the TB needed to do. Counsel stated that they would need to authorize him to start the process by making the proposal in writing which he will submit to the future TB for consideration and public hearing. Counsel stated that it did not have to be a formal motion.

TB agreed to have Counsel draft language for the proposal.

21) Consider Revisions to Septic Ordinance amending Section 4.020 A.2) Repairs, Alteration, Enlargement of system to require that on any "Major Repairs" there will be a permit condition to require pump out of system on

some periodic basis (3-5 years). Adoption of this would require a “calendar system” for tracking permit compliance.

Counsel stated that he would provide some proposed language via email to all members.

R. MacEwan stated that he felt this would be a good thing to monitor, but was unsure as to how they would go about monitoring it. Counsel stated that the various Boards have set these unconventional systems in place and they had these requirements about monitoring this. Counsel stated that the Code Enforcement Officer is out reporting violations, but there is not any information on maintenance or follow-up. Counsel stated that if the TB does adopt this eventually that they will have to put some substance behind it.

Supervisor Gabriels stated that it isn't the inspection so much but perhaps a certificate of maintenance from a company stating it was pumped. Counsel stated that it would be helpful if they could set up a reminder system of scheduled 3-5 year pumping on their computer systems which would remind them to go out and check.

M. Nittmann stated that there is a problem with keeping track of them, because they have stormwater maintenance that are every 5 years and now the septic variances that are every 3 years. She stated that their computer currently is not set up for this.

Supervisor Gabriels stated that there is computer software out there to do this.

R. MacEwan asked if they have any way of checking currently. M. Nittmann stated that they have reports in a book right now which show which stormwater or septic are due at specific dates.

S. Andersen agreed with Supervisor Gabriels stating that looking down the road, as growth occurs that this software should be available and will become less expensive. He stated that is something that should have in the future because it will protect everyone and the environment. He further stated that if they don't start enforcing it and documenting it that all the work and resolutions to getting it installed right in the first place is all for naught.

J. Saris stated that most people will voluntarily comply with the condition. He stated that even if it ends up just educating people of the need to do it that didn't know.

All TB members agreed to have Counsel draft this proposal for future consideration.

Supervisor Gabriels stated that because of the weather there are no transfers to consider for this meeting. He further stated that there are budgetary transfers that can be made, but assured them that none of them are detrimental to the financial position. D. Boggs reminded him to set up the end of the year meeting.

#### RESOLUTION #253

Motion by O. Maranville to have the end of the year meeting on Thursday December 27<sup>th</sup> at 10:00 AM. Seconded by S. Andersen. All in Favor. Motion Carried.

#### **Comments of Public in Attendance:**

S. Andersen stated that he would like to thank the rest of the board members, he feels that Bolton is a great Town and he is proud to have been associated with it and he feels that they have done some really good things. He further stated he very much has come to appreciate Counsel's abilities, especially in the team effort to purchase Norowal because he feels that if counsel were not involved that this may not have happened.

Counsel stated that he appreciated the public recognition and that when they first proposed Norowal, that he didn't think it was possible, but upon studying it, it made sense and he complimented all of the TB for their efforts and perseverance.

Supervisor Gabriels stated that he too has enjoyed his time and thanked the TB and wished the best of luck to the new TB and Supervisor.

**Approve Payment of Town Bills:**

RESOLUTION #254

O. Maranville moved to pay Town bills. Seconded by S. Andersen. All in Favor. Motion Carried.

**Executive Session:** None

Supervisor Gabriels adjourned the meeting at 10:08 PM. Seconded by R. MacEwan. All in Favor. Motion Carried.

Respectfully submitted by:

Town Clerk

Kathleen Simmes

Respectfully submitted by:

Recording Secretary

Kristen MacEwan