

**STATE OF NEW YORK
COUNTY OF WAREN
TOWN OF BOLTON**

Town Board Regular Meeting

January 5, 2010

Supervisor: Ronald Conover
Councilman: Robert MacEwan
Councilman: Owen Maranville
Councilmember: Deanne Rehm
Councilman: Gregory Smith
Town Clerk: Patricia Steele
Counsel: Michael Muller

Call to order: 7:25 pm

Announcements:

- The last day for any scheduled activity at the Conservation Club will be February 15, 2010 to make ready for the construction project.
- Bolton awarded Waterfront Revitalization grant for next phase of work at Rogers Park \$245,000 grant, \$490,000 project.

Supervisor Conover stated that this part of the project pertains to the entryway into the park. He stated that this is in addition to the pier work that is presently under way. Councilman MacEwan stated that he thinks that this will be a huge improvement. Supervisor Conover agreed and stated that he feels that it will greatly improve the appearance of the park.

Public Hearing: None

Board of Health: None

Public in Attendance:

- Jennifer Holden, Council for Prevention of Alcohol and Substance Abuse

Jennifer Holden stated that the Council for Prevention of Alcohol and Substance Abuse works with Warren and Washington Counties. She stated that her role is to work with the communities with some grass root efforts to unify communities. For example, Easton and Greenwich communities have recently experienced a lot of fatalities of their youth due to heroin and alcohol related car accidents. Those communities have instituted their help with forging ahead with some community forums. These forums have provided information on how to recognize the signs for drug use, as well as presentations about risk and protection.

Jennifer Holden stated that risk and protection is what their program is based upon. She stated that risk is assessed by many factors including how the youth of the community feel about their community, do they receive recognition or admiration for doing well, and how available are drugs and alcohol in the community. She stated that it is an evidence based practice that they use to help in the assessment of the risk factors.

Jennifer Holden stated that protection has to do with how involved they are with the youth in the community, whether or not there are public forums that brief the community on prevention. She stated that they do a survey in most of the school districts in Warren and Washington Counties. The survey is done online, which is anonymous and voluntary. The survey will ask about the amount of consumption of alcohol or the use of drugs. These surveys help them to see what is going on in their schools and community. Jennifer Holden stated that Bolton had their last survey done in 2006 and she would like to have that done again. She stated that the survey results are for the community to have and work from. The Council offers an evidence based program called Too Good for Drugs for grades K-8. She stated that in Bolton they will start in Health classes in May to touch upon alcohol, tobacco, marijuana and prescription drugs.

Jennifer Holden provided some business cards to the Board and stated that they can also reach them on the web at thecounselorprevention.org. She stated that she would love to help out in this community. She works with SADD chapters in schools and Natural Helpers, which is a peer leadership group. Currently Bolton does not have either and she would love to see a chapter in Bolton.

Councilmember Rehm stated that she works with the Recreation Commission and would be making this information available to them.

- Stuart Mesinger and Paul Cummings of Chazen Companies

Stuart Mesinger stated that he is a Sr. Director with the Chazen Companies in Glens Falls. He stated that Paul Cummings is one of his colleagues who also happens to be from Bolton. He stated that Chazen is an engineering, planning, surveying, and environmental services firm of about 100 people. Locally they have an office in Glens Falls with about 10 people. He stated that they do a lot of work for smaller Adirondack communities in the areas of planning and engineering. Currently, they are Town designated engineers to Malta and Stillwater which are the communities that now have Global Foundries located in them. He stated that there are many things happening there on the water, sewer, transportation, stormwater, etc. and they are proud that these communities trust them with planning for their future and designing their infrastructure.

Stuart Mesinger stated that they provide Planning Board support for a lot of towns including Queensbury, Lake Luzerne, Saratoga Springs as well as many Adirondack communities, such as Hague, Lake George and Newcomb. He stated that they also do a lot of water and sewer work; they are water/sewer engineers for communities such as South Glens Falls, Warrensburg, Stillwater and Malta. He stated that their firm has a broad range of expertise but they specialize in smaller communities and do work in the Adirondacks, so they understand the unique regulatory environment that they are in.

Stuart Mesinger stated that when you look to hire an engineer, you look for a lot of expertise, which they believe that Chazen has. He stated that you also look for someone that has local knowledge and they have that as well. He stated that Paul Cummings is a local resident and a graduate of Bolton Central School who has firsthand knowledge of living in this community. He stated that he grew up in South Glens Falls, so they feel that this is their backyard in which they like to play.

Stuart Mesinger stated that as the Town looks at the upcoming year and thinks about their needs in planning, engineering or environmental services they would love to have a chance to further discuss the services that they could provide.

Correspondence:

- Statement of Qualifications from the Chazen Companies for professional services
- Correspondence from the Association of Towns regarding their 2010 Training School and Annual meeting to be held February 14-17, 2010
- Notification of proposed cell tower, 1792 East Schroon River Road from Independent Tower Holdings, LLC
- Warren County Office of Emergency Services regarding a draft of FEMA approved Hazard Mitigation Plan

Committee Reports:

Councilman MacEwan

Transfer Station- Receipts \$4,791. The front gate was broken and the damage was assessed and it is to be fixed on Thursday. Lisa stated that she wanted to thank George Mumblow (Bldg & Grounds Superintendent) for keeping the Transfer Station area plowed.

Water Department- Gallons of water Filtered: 4,425,000. General maintenance work has been ongoing. They have fixed one 8" tee that connects the water line to the Sagamore Road.

Councilman Maranville

Assessor- Dave Rosebrook stated that they have processed the deed updates and continue to keep up with the owner and address changes for the tax collectors. The re-evaluation project has occupied nearly 100% of the Assessor's time during the month of December. With assistance from the State and use of the County's high speed printers costs and comparable values have been run. The Assessor's Office has entered the review stage of the project. Dave Rosebrook has already discovered some errors that he has created in the land tables and has corrected them and re-ran the values of those parcels affected. Clerically they are behind in their filing of new information into each of the 3,500 parcels they have. With exemption season now upon them and new construction that needs to be inspected and re-valued to current market levels, they literally have their plates full. Both Deb MacEwan and Dave Rosebrook have been working extra hours to hopefully keep pace with what needs to be done. Personal assistance from former Assessor Deanne Rehm has been offered and accepted. A decision to accept the project and mail out the impact notices needs to be made in early February.

Police Department- Patrolled 3,266 miles and used 253 gallons of fuel. Itemized lists of all the calls they answered was available for review.

Justice Court- Hon. Harry Demarest took in \$3,596, Hon. Edward Stewart took in \$4,700. Total monies forwarded to the Town of Bolton \$8,296. Itemized lists are available for review in the Court.

Councilmember Rehm

Senior Citizen- She attended the Christmas Luncheon at Frederick's and it looked like they were all enjoying themselves.

Recreation Department-The Rec. Department was in a hiatus for the month of December because they do not operate the center when school is not in session. However, they are gearing up to start their 6 week program up at Gore Mountain. This will start Sunday January 10th. This program provides for transportation and a ski lesson.

There is still a vacancy on the Recreation Commission.

Library- She stated that late in the fall they removed most of locust trees that were around the front of the building. She stated there was a mixed reaction from the community. However, she stated that it was necessary. Many of the trees were a hazard. She stated that upon their removal, the Board of the Library decided to take advantage of a nice fund that has been started in honor of Jacqueline Hendricks, who died late last summer and was an avid reader and user of the Library. The Board bought a beautiful sugar maple tree and planted it in front of the Library near the street so that it will not be in danger to the building and will provide a beautiful addition to the Library site and it is a nice memorial for Jackie.

January 12th will be movie night at the Library in conjunction with Sembrich Museum, they will be watching "Terminal" with Tom Hanks. On January 13th they will be having their annual election for Trustee seats. She stated that there will be 5 seats up for election. She stated that anyone that might be interested in running should get a letter to the Library 5 days in advance and their name would be listed on the ballot.

Councilman Smith

Sewer Department- Took in 4,135,240 gallons of waste water an average of 133,395 gallons/day. The Daily Monitoring Reports were all mailed with no violations. Monthly samples have been done. They hauled 14,500 gallons of liquid sludge.

Supervisor's Report:

Receipts- \$410,777.82

Disbursements: \$632, 363.22

Mortgage Tax Receipt: \$73,167.21 (about \$8,000 over budgeted for \$150,000 for 2009)

At the previous meeting there was some discussion with regard to the installment bond for the 2009 Backhoe and there was question as to whether it was a 3 or 5 years. Supervisor Conover stated that it was for a 3 year bond.

Old Business:

- Zoning request regarding ski slopes as permitted use in RR5 and RR10 zoned districts in the Town of Bolton.

Supervisor Conover stated that Counsel Muller has provided a draft of a possible zoning amendment. Counsel Muller stated that at the previous meeting this proposal was presented. This parcel of land is located in an area that has 3 different zoning districts. The LC25 zone does permit a ski area. However, the RR5 and RR10 zones do not allow a ski area as a permitted use. He stated that in order to make this a seamless change in the zoning ordinance would be to include in the RR 5 and 10 a list of uses under Type I, which would require Site Plan Review. They would be adding another category of ski center and lodge. He stated that this language comes directly from the language in LC25.

Counsel Muller stated that at the last meeting there was some concern that this use would now be allowed in all RR5 and 10 zones throughout the Town which means that small ski centers could be put anywhere. However, that issue has been simply addressed by going back into the definitional section of

what constitutes a ski area. He stated that it defines what is allowed under ski center/lodge and specifies that it must be a parcel greater than 50 acres.

Counsel stated that this is open for discussion. Procedurally this will need to have approval from the PB and should be reviewed by the APA. He stated that it would also need to be reviewed by Warren County Planning Board. If all find this proposal favorable, it will still be subject to public hearing. He stated that he really does not feel that there would be much opposition to this idea.

Supervisor Conover asked if this would require a SEQR process. Counsel Muller replied that it would be part of the process and the TB would be the lead agent.

Councilmember Rehm stated that doing this in the context of a local law is not necessary and it would simply be done as an amendment to the present zoning ordinance. She asked if they would just have to file this with the DOS. Counsel Muller replied yes.

Supervisor Conover asked if Nordic skiing meant cross country. Counsel Muller replied yes. He stated that definition in the code includes certain things that are part of a ski center such as parking, slopes, lifts, buildings, etc. Councilmember Rehm stated that since they already have an approved land use plan this definition will not need the blessing of the APA because they already approved it and they have only changed the minimum acreage. Counsel Muller stated that he will still send the APA everything for their review. Supervisor Conover asked if they will be concurrently referring this amendment to the PB and the APA. Counsel Muller replied that they should refer it to the PB first as an advisory body, especially since it could come back with some changes.

Councilman Maranville stated that the definition has the "and" crossed out between Alpine and Nordic. Counsel Muller stated that it is crossed out because there was confusion and it should be "or". Rolf Ronning asked why it would be "or". Counsel Muller stated that they are not exclusive, he just wanted to make sure that they could have either. Rolf Ronning stated that he would like to have both and feels that it should read "and". Counsel Muller stated that they would change the language so that it would read "Nordic and/or Alpine skiing".

Councilman Maranville asked if this would be like Dynamite Hill. Rolf Ronning stated that this property has a 550' vertical drop with 70-100 acres. He envisions that the trails would be at a 10% slope for almost a mile, 20% slope for ½ mile and 30% 1750' of trails. He stated that he spoke to his neighbor Ed Gardner who is also in the LC25 zone and they might do a lot line adjustment. They may be able to get another 300' of vertical drop which is about the size of Big Tupper or Hickory Hill. All of Gore is only 3,500' vertical drop so 850' would be like West Mountain. Councilman Maranville asked how many trails would be offered. Rolf Ronning stated that it would depend on the engineering. He stated that one of the big issues will be going through DEC because a big key to this is taking water out of Alder Brook to make snow and when the snow melts going back into Alder Brook. He stated that he will not know how many trails until the parameters are set up. He stated that they will probably only have one chairlift and possibly a small T-bar.

Councilman Maranville asked how many jobs would be generated from this proposal. Rolf Ronning stated that Adirondack Extreme Adventure Park has stated that they would be interested in using the facility in the summer. However in the wintertime, with night skiing and being open 7 days/week he feels that there would be at least 40 full-time employees.

Rolf Ronning stated that he has a few investors, including Andy Beadnell, who are interested in financially backing the proposal, if the Town feels that this is a viable idea.

Councilman Smith asked if he considered pumping water out of Ed Gardner's pond. Rolf Ronning replied he felt that the pond might be too far away, but again he will not know the details until they can do further engineering for the project. He stated that Ed Gardner is supportive of the project but they have to take it one step at a time.

Supervisor Conover stated that he feels that they should send this proposal to the PB for their recommendation. He finds it interesting that this particular use activity is not proposed in the draft comprehensive zoning change.

Resolution #20

Councilman Maranville moved, seconded by Councilman Smith to send the draft piece of legislation regarding the amendment to the permitted uses under Type I in the RR5 and RR10 zones to the Planning Board for their recommendation. All in Favor. Motion Carried.

- VanWart/Baer sewer service extension draft contract (executive session)

Resolution #21

Councilman Maranville moved, seconded by Councilmember Rehm to discuss the Van Wart/Baer sewer service extension draft contract in Executive Session at the end of the regular meeting. All in Favor. Motion Carried.

- Proposed Amendment to Ordinance #5 and #18 (combined) Rules and Regulations of the Bolton Sewer District #1 (Option A or B)

Supervisor Conover stated that Counsel Muller has provided the TB with some options to provide more specificity to the regulations that deal with the ownership and responsibilities. Counsel Muller stated one option provides that the private responsibility lies within the lateral, which is anything leading from the house up to the main line. The other option is that the curb line is the specific demarcation for private responsibility and Town responsibility.

Councilmember Rehm stated that when Don Roessler appeared on behalf of Deanna Roberts for this issue, it prompted them to look at how to interpret this section of Town law. She stated that at that time, based upon Counsel Muller's advice the decision was that the entire lateral would be the homeowner's responsibility. Counsel agreed that it had been their policy. Councilmember Rehm agreed and stated that if that has been their policy that she does not want to change it. Counsel agreed.

Supervisor Conover stated that he agrees with Councilmember Rehm that the language in option B is what he wants to move forward with. He asked what the Board's feelings were. Councilman MacEwan stated that he agreed that this would make it cleaner. Councilman Maranville agreed. Supervisor Conover asked if this would require a public hearing. Counsel Muller replied yes a public hearing would be required and a short SEQR form would also need to be done.

Resolution #22

Councilmember Rehm moved, seconded by Councilman Maranville to set a public hearing at the February 2, 2010 Town Board Meeting starting at 7:00pm regarding the proposed amendment to Ordinance #5 and #18 Rules and Regulations of the Bolton Sewer District #1 (option B). All in Favor. Motion Carried.

New Business

- Authorize the Town Supervisor to sign all necessary documents associated with the submittal of a grant application to the New York State Environmental Facilities Corporation and the New York State Department of Environmental Conservation for upgrades to the Bolton Sewer Plant.

Resolution #23

Councilman Maranville moved, seconded by Councilman MacEwan to authorize the Town Supervisor to sign all necessary documents associated with the submittal of a grant application to the New York State Environmental Facilities Corporation and the New York State Department of Environmental Conservation for upgrades to the Bolton Sewer Plant. All in Favor. Motion Carried.

- Amendment to water and sewer regulations regarding district procedure for correcting and paying for issues associated with private water lines.

Supervisor Conover used the example of a private line that serves 6 homes which could be a very real condition that could exist on any number of locations in their community, it has in the past and presently exists. He stated that he thought that they might want to have much more detailing within the regulations that spells out what would be done procedurally under those circumstances. This would allow the individuals in the district and the Town officials know what they are required to do under law. Otherwise these issues tend to linger and the problems do not get resolved and the situation is aggravated. Councilman MacEwan stated that they also have issues of homeowners that are not full-time residents. Supervisor Conover agreed that it does complicate matters and whatever their authority is under law should be spelled out.

Supervisor Conover stated that this is important because they are losing a lot of water and in this time of year they could have a serious emergency situation. He asked the Board if they would be interested in having Counsel Muller draft some language for their review.

Counsel Muller stated that this could be worked similarly to how they handle dilapidated structures, where notice is given and if nothing is done, they would get the Courts involved which would allow for an additional timeframe for the homeowner to act or respond and if after nothing occurs it authorizes the Town to act to remedy the problem, which is then billed back to the homeowner. He stated that they are talking about a category of a system to address the private responsibility and to define where the private responsibility lies. Councilmember Rehm stated that she feels that this would be a proper way to address this type of situation. Counsel advised that in emergency situations the Supervisor may use his power as Supervisor to take emergency action. He stated that he does not advise this but this could be a last resort. He stated that he would rather have a procedure or plan in place long before that. Supervisor Conover agreed. The TB agreed that they would like to have Counsel Muller draft some revisions to those sections pertaining to the water and sewer regulations.

Public in Attendance:

Zandy Gabriels stated that he was looking for some clarification with regard to the wording of lateral main and the sewer main. Counsel Muller agreed that they will need to be careful in their wording, because the main is the larger pipe and anything else is not a main. He stated that he and Mr. Gabriels did a lot of work to these regulations and feels that they did a good job, but he does not feel that they did a complete job.

Zandy Gabriels commented that although all of this structure might be helpful, he feels that if they had a situation which was ongoing and potentially a problem not only for the private owner but for town roads, adjoining property owners, etc., they will not be able to wait to go through the legal process before acting. This will not only waste more water but is a safety concern. He stated that the emergency powers of the Supervisor are there for these types of situations and feels that it is the best way to act. They can act quickly and then bill it back to the customer. He stated that he doesn't feel that the people in the Town do not clearly understand the public safety requirement for the TB taking that action and billing it back, but they need to. With regard to Option B of the language for sewer, he feels that it should be worded the same for the water laterals as well.

With regard to the re-application for the grant to upgrade the sewer plant, Zandy Gabriels suggested that they get under last year's regulations which was under the 90/10 rather than under the current regulations which is more likely 75/25 because that has the potential impact of \$30,000-40,000 difference from what Bolton has come up with annualized basis every 20 years. He stated that they should re-consider this project regardless of what regulations they fall under because even with using last year's regulations Bolton will need to have \$30,000 each year plus interest and Environmental Facilities Corp. is not the best place to get money from. He stated that is almost 10% of the annual budget right now on a sewer district that doesn't carry any debt and has fiscal problems. He stated that they should propose how that is going to be paid before proceeding with operation. He also commented that he wouldn't want to get ahead of the curve on this and find out that the government is going to provide some stimulus money to do the upgrades with more generosity.

Transfers:

Resolution #24

Councilman Maranville moved, seconded by Councilman MacEwan to approve the following transfers:

\$30,070 from un-appropriated surplus to 3097.2 Public Safety Capital Outlay

All in Favor. Motion Carried.

Zandy Gabriels stated that when they look at the opening of the dam to see whether or not it will sufficient carry the water in a 100 year storm, they need to look at the meteorological conditions and 2 events in the last 10 years that have occurred. He feels that their math may not be accurate because Bolton has already been subjected to 2 over 100 year storms; one in January of '96 and June 12, 2005. They need to look at these events because the DEC is going to rely on this report and it has to be in this report because he feels that DEC will want them to make some other major capital improvement projects at an added cost to the taxpayers which the Water Department doesn't have in order to solve their perceived public safety issue. Supervisor Conover stated that he shares the same concerns.

Pay Bills:

Resolution #25

Councilman Maranville moved, seconded by Councilmember Rehm to approve the payment of the following bills:

General Fund	\$45,362.19
Highway Fund	2,380.88
Water Fund	1,093.04

Sewer 1,393.18
Tourism 1,064.00
All in Favor. Motion Carried.

Executive Session:

Resolution #26

Councilman Maranville moved, seconded by Councilman MacEwan to adjourn to Executive Session at 8:32pm with no further business to be discussed or attended to. All in Favor. Motion Carried.

Adjourn

Respectfully submitted by:
Patricia Steele
Town Clerk

Respectfully submitted by:
Kristen MacEwan
Recording Secretary