

STATE OF NEW YORK
COUNTY OF WARREN
TOWN OF BOLTON

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

PUBLIC HEARING: Water district boundary adjustment for Cobblestone Subdivision

Supervisor Gabriels read the published notice. Atty Robert McNally of Stafford, Carr & McNally, representing Cobblestone Subdivision on behalf of developers Todd and Kelley Dittrich, gave a presentation to the Board. He presented a new map of the subdivision, showing an easement through which a main waterline would go, built to state and town specifications at the Dittrichs' expense, and over which they propose Town access to the line. He distributed proposed deed language for this easement to the Board.

Atty McNally explained that the applicants are seeking an extension of the water district to cover 7 of the 12 lots in the subdivision (5 lots fall within the district) to meet DOH requirements. DOH will not recognize an HOA as being responsible for the waterline. He noted that they prepared the required petition to expand the district. The homeowners within the subdivision would pay for all costs associated with the waterline, and would be billed the same as any other residents within the district. Atty McNally indicated that the Dittrichs have agreed to indemnify the Town for any and all costs, within reason, related to maintenance of the line within this easement. Regarding billing, they propose that the Town bill either the HOA or the individual homeowners. Atty McNally noted that in order for them to obtain DOH approval for the subdivision, the Town needs to own the line.

Supervisor Gabriels was reluctant to have the Town own the line, in part that it may set a precedent. He noted that his predecessors seem to have extended waterlines outside of the district boundary without going through this process. Atty McNally responded that the subdivision would not occur if water cannot be provided to DOH's specifications. He felt that if a precedent were set, it would be a good precedent, noting that the Dittrichs are willing to carry all expenses associated with the line.

Regarding Atty McNally's indication that the developers would be responsible for all costs associated with the line "within reason", Councilman Andersen wondered if damages from an earthquake, for example, would still be the developers' responsibility, as the agreement is currently written. It was Counsel's opinion that the Town would be covered, with which Atty McNally agreed, noting that he would work out appropriate additional language if the Board so desired.

Counsel felt that the proposed easement language satisfied Ordinance #39 (Rules and Regulations of the Water Department). At Supervisor Gabriels' request, Atty McNally agreed to add language indicated that under no circumstances would the Town be responsible for the private road through which the easement exists. After continued discussion, Counsel felt that he would be able to demonstrate to DOH that their requirements are not being infringed upon, based on what is being proposed.

From the public, Atty Howard Krantz, representing Philip & Cynthia Farbaniec of Bluebird Cottages Subdivision, noted that the Farbaniecs are also waiting for DOH approval of their subdivision, although theirs falls completely within the water district. He felt that the Town should be comfortable with the Dittrichs' proposal to assume the costs associated with the waterline, adding that if the Town accepts that offer, the Farbaniecs would propose a similar one. Supervisor Gabriels asked Atty Krantz to submit a letter formally outlining his request.

Also from the public, Lakeshore Drive resident Pat Caruso spoke, stating that it is her experience that HOA's often go defunct due to non-payment by some homeowners. Atty Krantz responded that they are not making the HOA the obligor, but instead the individual property owners. Mrs. Dittrich stated that in their case, they intend to deed each of the 12 lots as owning 1/12th of the waterline. Atty Krantz stated that they would propose a 4" line coming into the subdivision from the Town main, with each individual lot owner being responsible for the line going onto their property. He indicated they would have to work out the details of who would own the 4" line coming down.

RESOLUTION #146

Councilman White moved, seconded by Councilman MacEwan, to close the public Hearing for the *water district boundary adjustment for Cobblestone Subdivision*. All favorable. Motion carried.

REGULAR MEETING

Supervisor Gabriels called the meeting to order at 7:55 pm. He led the Pledge of Allegiance.

Announcements:

- Article and picture in today's Post-Star about Bolton's fireworks.
- Meal site menu available
- New Town of Bolton website address is: [.town.bolton.ny.us](http://town.bolton.ny.us)

Public in attendance:

- Don Roessler, one of the promoters of the Orange County Choppers event held during Americade, thanked the Board for allowing the event. He thanked all those who volunteered their time to help make it a success, estimating that 17,750 people attended. Supervisor Gabriels noted that the Town received a number of favorable comments on OCC's visit, and he thanked promoters Don Roessler and Ed White for organizing it.

Counsel asked the Board to hear the Donohue matter (scheduled later on the agenda), as their attorney had traveled a great distance to be here.

Atty Gary Bowitch, representing Mrs. Donohue of 38 Mohican Road, addressed the Board about excess runoff problems that are occurring on the property, which is down gradient from the Sewer Plant. Mrs. Donohue hired a hydro-geologist to do tests and a follow-up report on the water seeping out of the hillside behind her property. The results showed there to be considerably high levels of nitrates and coliforms, both last year and this year. Only last year there was the presence of fecal coliform. This presents health concerns for Mrs. Donohue, who cannot enjoy her property outside because of this water condition. Mrs. Donohue also hired an engineer who suggested she install a filtering drainage system to re-channel the water directly into a nearby catch basin. They have gotten a price quote of approx \$6,000 to do this, and are requesting that the Town undertake the project.

Supervisor Gabriels acknowledged that he has been aware of this situation, for which solutions have been contemplated, but not settled upon. While the Town is continually improving operations at the Sewer Plant, Operator Chet Dagles is concerned that should the Town undertake the effort to correct the situation, they may be assuming undue responsibility and liability. Supervisor Gabriels noted that if it is determined there is a direct link between the coliform counts and the Sewer Plant, it would pose a serious health issue.

Atty Gary Bowitch stated that while they are open to other options, they urge the Town to address the matter by installing the drainage system, which seems to be a reasonable solution. Supervisor Gabriels noted that the Sewer budget is running in the negative, so he was uncertain as to where the money would come from. Atty Bowitch noted that Mrs. Donohue has far exceeded this \$6,000 figure in engaging professional services to support her position on the source and fix of the problem. It was suggested that Town Engineer Tom Nace be consulted on the matter prior to moving forward. Supervisor Gabriels noted that ever since new sand was placed in all 11 beds at the Plant, the Town has incurred a problem with sporadic high nitrate counts. Atty Bowitch noted that he provided Mr. Nace with copies of the reports. After further discussion, the Board decided to consult Mr. Nace for his recommendation prior to acting on the matter.

Correspondence:

- Bolton Fire Dept will hold a parade on Sat, Sept 18 to honor Ross French for his 50 years of service to the Fire Dept
- Local government questionnaire from Deanne Rehm of APA re: zoning and planning issues
- Project permit notice from APA re: 2 new accessory structures on the Edward & Margaret Nowakowski property along East Schroon River Road (tax map #184.4-1-20.2)
- Notice from Randy Daniels of NYS DOS that the Town was approved for \$20,000 to update the zoning ordinance
- Findings statement from the LGPC acting as lead agency for the LG deltas sediment management project
- Unsigned letter of complaint re: OCC event at Veterans Park during Americade
- Letters of support from Ed Sheridan and Dr. & Mrs. Henry J. Faller re: OCC event at Veterans Park during Americade
- Notice from Bolton United - Bolton Cares re: prevention of underage drinking

- Letter from Atty David Pentkowski re: proposed order relative to Byers vs Town of Bolton ZBA
- Notice of major project from APA re: dredging of ponds at Sagamore Golf Course
- Request from George Mumblow of the Parks Dept to be paid for one week of unused vacation
- Letter of thanks from Tom & Theta Curri for the Bolton Annual Family Cruise
- Letter of thanks from recording secretary Melanie Quigan for new microphone system
- Letter from Lee Bowden of the Sagamore requesting an extension of the approved noise permit time limit for a wedding at the hotel on July 31
- Letter from Pioneer Village Assoc Pres Chester Oliver re: their request to be supplied with Town water on a seasonal basis
- Report of Town employee overtime hours associated with the OCC event
- Letter from Paul Teutul, Sr. of OCC thanking the Town for its hospitality and use of Veterans Park for their motorcycle demonstration
- Letter from engineer Carl Schoder of Schoder-River Associates re: culvert replacement on New Vermont Road
- Two letters from County Treasurer Francis O'Keefe re: 1) a request by residents to waive interest and penalties on tax bills returned due to incorrect mailing addresses; and 2) sales tax situation involving Great Escape
- Letter of concern from Andrew Brew re: the effects of the pond dredging project at Sagamore Golf Course on his drinking water source
- Public hearing notification from APA re: proposed cell tower on Pilot Knob Road
- Letter from Counsel Muller re: Judge Aulisi's ruling in favor of the Town in the matter of Isle Harbor Homeowners vs Town of Bolton ZBA
- E-mail from Tom Curri recognizing the hard work of the Town Parks employees during the OCC event
- Copy of letter from Andrew Holding to Zoning Administrator Pam Kenyon re: concerns over conditions at the Alfredo project site off Coolidge Hill Road (tax map # 213.09-1-4)
- Request from Hwy Dept employee Steve Breault to be paid for unused vacation time
- Annual report for 2003 from Lake Champlain-Lake George Regional Planning Board
- BSC Eagle and Eagle Eye newsletters
- Notification from Assemblywoman Teresa Sayward re: grant programs
- Correspondence on Salamone/Franz lawsuit against Planning Board and Moonlight Management
- Article in NY Times re: opening of the Charlie Wood Theatre

Reports:

Councilman White:

ASSESSOR:

- 23 grievances were heard on June 1. Changes to the assessment roll were submitted to the County on June 23 to process the final assessment roll. Rainbow Beach Association's request for a tax reassessment remains open. Mr. Rosebrook attended a class at ACC re: a new assessors' program. Mr. Rosebrook noted that new tax maps were received, and he requests that the old tax maps be declared as surplus.

POLICE DEPT:

☐ Hours officers worked: White - 146.5, Howse - 143.5, Schoder - 66. Miles patrolled: 1,522. Fuel used: 154.9 gallons. Officers investigated 4 criminal reports, 1 found property, 2 assists to other agencies, 2 traffic summons, 15 parking tickets, 6 auto accidents, 1 domestic complaint, 4 court securities, 8 emergency medical assists, 4 fire dept assists, and 15 misc complaints, 8 open containers, 3 underage possession of alcohol, 1 disorderly conduct, 1 lost person.

WATER DEPT:

☐ Water made: 9,235,003 gals, average daily use: 307,833. Pond level is even with the spillway. Busy with maintenance, and repair of a water main break as a result of excavator Don Kingsley hitting a line at Bluebird Cottages.

Councilman Saris:

HIGHWAY DEPT:

☐ The Dept responded to a number of washouts due to recent heavy rains. Work continues on Schroon River Road north of Lamb Hill. The Dept will be paving Homer Point and Alderbrook Roads

SEWER DEPT:

☐ The Plant took in 5,937,420 gals of wastewater for a daily average of 197,914 gals. Dept has been busy with routine maintenance.

TOWN CLERK:

☐ Total local shares: \$15,138.40. Non-local: \$302.55. Total state, county and local revenues: \$15,440.95.

Councilman Andersen:

PLANNING OFFICE:

☐ A/R: \$2,222.50. Outstanding issues: *Hubbell-Greenmier*: illegal subdivision – a possible resolve is near, involving land swaps.

BUILDINGS & GROUNDS DEPT:

☐ Councilman Andersen commended the Dept for their work during OCC. All streetlights are currently working. Mr. Mumblow requests the hiring of additional help.

RECREATION DEPT:

☐ The recreation ball field is in good shape, and those who use it are very pleased with conditions there. There are still openings for some of the recreation programs, the schedule for which is available at the Town Hall.

-
Supervisor Gabriels

SUPERVISOR:

☐ Total receipts: \$151,628.11. Total disbursements: \$305,044.61. County is soliciting bids for a tourism director. County Budget Officer Nick Caimano indicates there will be increases in

NYS retirement system. County Sheriff Cleveland complimented Hague and Bolton for their progress in assigning and maintaining 911 house numbers.

Unfinished Business:

RESOLUTION #147

Councilman Saris moved, seconded by Councilman White, to award the contract to William J. Keller & Sons Construction Corp for the New Vermont culvert replacement in the amount of \$166,166.00, and to approve all permanent and temporary easements as written. All favorable. Motion carried.

RESOLUTION #148

Councilman Andersen moved, seconded by Councilman Saris, to adjourn as Town Board and convene as Board of Health. All in favor. Motion carried.

Engineer Tom Hutchins gave a presentation of John and Sherry Yattaw's request to be granted a septic variance for deficient setbacks (tax map #213.13-1-28). The original subdivision was approved in 1970 based on a 100' separation distance between well and wastewater. Since then DOH has adopted new standards requiring a 200' separation for wastewater systems that are up gradient from wells, which the Yattaw property cannot meet. Town Engineer Tom Nace has reviewed the proposed placement of the septic system, and indicates approval of it (via his letter dated 06/30/04) with the recommendation that a disinfection system (chlorinator or UV) is installed, and a minimum of 40' of grouted casing is used. Mr. Yattaw indicated that the Town records were researched to verify the location of neighboring wells/septics. He agreed to implement Mr. Nace's recommendations, indicating that the proposed placement of his septic would not affect the ability of neighboring vacant lots to place their well/septic.

RESOLUTION #149

Councilman Andersen moved, seconded by Councilman Saris, to approve the septic variance for John & Sherry Yattaw (tax map #213.13-1-28) with the conditions outlined in Town Engineer Tom Nace's letter dated 06/30/04 as follows: a disinfection system (chlorinator or UV) is installed, and a minimum of 40' of grouted casing is used. All favorable. Motion carried.

Councilman Andersen moved seconded by Councilman White, to adjourn as Board of Health and reconvene as Town Board. All in favor. Motion carried.

The Board did a SEQR analysis, and accepted the short form environmental assessment prepared by Atty McNally for the proposal to extend the water district for Cobblestone Subdivision.

RESOLUTION #150

Councilman Saris moved seconded by Councilman Andersen, to accept the short form environmental assessment prepared by Atty McNally for the proposal to extend the water district for Cobblestone Subdivision, and make a negative declaration. All favorable. Motion carried.

RESOLUTION #151

Councilman Saris moved seconded by Councilman Andersen, to accept the petition, prepared on behalf of Todd & Kelley Dittrich of Cobblestone Subdivision, to extend the water district boundaries to include the entire subdivision, and to accept the proposed easement language based on Counsel's approval of the same as follows:

In the Matter of the Petition of:

M. TODD DITTRICH and **KELLEY A. DITTRICH**

for

The Extension of the Town of Bolton Water District #1

WHEREAS, a written petition dated May 19, 2004, and signed and acknowledged by M. Todd Dittrich and Kelly A. Dittrich, was presented to and filed with the Town Clerk of the Town of Bolton, New York, requesting the creation of an extension of the Town of Bolton Water District #1 pursuant to a plan and with boundaries as described in said petition, and

WHEREAS, on June 1, 2004, the Town Board of the Town of Bolton duly adopted an order calling a public hearing to be held on July 6, 2004 at 7:00PM to consider said petition and to hear all persons on the subject thereof concerning the same and for such action on the part of the Town Board with relation to said petition as may be authorized and required by law, and

WHEREAS, notice of such public meeting was duly published and posted in the manner required by law, and

WHEREAS, a public hearing having taken place at the Town Hall, 4949 Lakeshore Dr. in the Town of Bolton, County of Warren and State of New York on July 6, 2004 at 7:00PM and the petitioners having appeared in support of said application and proof having been presented concerning the same, and no objection or protest having been made to the proposed construction, and

WHEREAS, the Town Board has given due deliberation to the petition and documents accompanying the same, to the hearing and to the testimony presented and has determined to grant the prayer of said petition,

NOW, upon motion of Town Councilman Saris, seconded by Town Councilman Andersen, all members present and voting affirmatively therefor, it is

FOUND, ORDERED AND DETERMINED that the said petition, dated May 19, 2004 for the creation of the Cobblestone Extension of the Town of Bolton Water District #1 in the Town of Bolton, County of Warren and State of New York is signed, approved and acknowledged as required by law and is otherwise sufficient and complies with the provisions of Section 191 of the Town Law, constituting Chapter 62 of the Consolidated laws of the State of New York, and such other sections of said chapter as are applicable thereto; and that there is annexed to said petition a map and plans showing the boundaries of the proposed extension, to include all of the parcel designated as Town of Bolton tax map parcel no. 171.07-1-51, and including a general plan of the proposed extension, and it is

FOUND, ORDERED AND DETERMINED by the Town Board of the Town of Bolton that it is in the public interest to grant the whole relief sought by said petition, and that all of the property, property owners and interested persons within said proposed extension are benefited thereby and that all of the property or property owners benefited are included therein and that no property, property owners or interested persons benefited thereby have been excluded therefrom, and it is

ORDERED that the petition for the creation of the Cobblestone Extension of the Town of Bolton Water District #1 be granted and that said water district extension be created and established in accordance with and as described in said petition, map and plan, to be known as the “Cobblestone Extension” of the Town of Bolton Water District #1 and to include the following property: Town of Bolton tax map parcel no. 171.07-1-51.
All favorable. Motion carried.

Supervisor Gabriels referred to a request from Cobblestone Subdivision project engineer Kevin Hastings to forward a letter to DOH indicating that the Board acknowledges that the Town of Bolton water district has the capacity to service the 12 residential lots within the subdivision. The Board collectively approved the request.

Supervisor Gabriels noted that the same request for a letter to the DOH was made on behalf of Philip & Cynthia Farbaniec for the Bluebird Cottages 9-lot Subdivision. The Farbaniecs’ attorney Howard Krantz indicated he would compose similar appropriate easement and indemnification language for the Farbaniec/Bluebird subdivision, as was done for the Dittrich/Cobblestone subdivision. Mr. Farbaniec indicated that each lot would have an individual meter, and he did not see a need for a master meter.

Supervisor Gabriels referred to a request from Bluebird Cottages project engineer Kevin Hastings to forward a letter to DOH indicating that the Board acknowledges that the Town of Bolton water district has the capacity to service the 9 residential lots within the subdivision. The Board collectively approved the request.

RESOLUTION#152

Councilman Saris moved seconded by Councilman MacEwan to approve and accept an easement from the Bluebird Cottages subdivision, tax map #186.14-1-59. Such easement will state that the Town will own the main, and the homeowners will be responsible for any and all repair to that main and further that the Town will never take over ownership of the road. All Favorable.
Motion Carried.

RESOLUTION#153

Councilman Saris moved seconded by Councilman Andersen to authorize the Supervisor to sign the NYS Department of Health application for approval of plans for Public Water Supply Improvements on behalf of the Bluebird Cottages Subdivision. All Favorable. Motion Carried.

Supervisor Gabriels noted that Developer Rolf Ronning was in attendance at the Supervisor’s request to discuss the possibility of the Town purchasing a parcel owned by Mr. Ronning off CR11 (tax map #139.00-1-46.1), recently rejected by public vote for purchase by

Bolton Central School. Supervisor Gabriels noted that the Board in the past has entertained the idea of the Town purchasing the property for municipal purposes, such as public recreation, and/or working with the school to build playing fields there. He noted that the Town had the resources to acquire the land without raising taxes.

Councilman Andersen and Saris indicated their support of purchasing the land for the benefit of the growing Bolton community, perhaps not necessarily for the building of ball fields, but for public recreation or expansion of fire dept facilities.

Councilman White asked Mr. Ronning if he currently had any contracts pending on the property. Mr. Ronning responded that he did not have a written contract, but has been in negotiations with representatives of the school. He indicated that he has been asked to attend the school board meeting next Monday (July 12), at which time he believes the school board will pass a resolution to offer Mr. Ronning 1½ acres of commercially zoned land (north and south of the fire house, including the tennis court and the parking lot known as part of tax map #171.15-2-32) for the 56 acres of land that was voted down by the public in May. Mr. Ronning indicated to the school that he would accept the proposal upon working out the details.

Councilman White asked Mr. Ronning his purchase price for the CR11 land. Mr. Ronning stated that last September he negotiated with the school a price of \$375,000 if he were to put in the road that would border the westerly portion of his CR11 property and access his neighboring property upon which he proposes a major subdivision. (If Mr. Ronning did not have to incur the expense of putting in the road, the offer stood at \$275,000.) Under this agreement, the school agreed to put in the power and utilities accessing his proposed subdivision lands.

After the school vote to purchase the land and develop ball fields was defeated, Mr. Ronning calculated the interest on his mortgage to be \$25,000/yr. Based on this, he added \$12,500 for the 6-month waiting period that he gave the school to come up with an alternate plan to acquire the property. This brought the new proposal to \$287,500 if Mr. Ronning built the road, or \$387,500 if the school built the road. Mr. Ronning later indicated that he would extend the same offer to the Town.

Mr. Ronning stated that the school researched the law, and found that they could do a property exchange without going to the voters, thus the current proposal. Mr. Ronning indicated that it is the school's desire to have 2 egresses/ingresses to the property, and to have the Town take over the road. He indicated he would consider renegotiating the cost if the Town were to consider purchasing the property and taking over the road. He then added that he would incorporate surveying costs (\$2,000-3,000) associated the 1.5-acre parcel around the firehouse.

Mr. Ronning is confident that the school will pass a resolution Monday night for the land exchange. Councilman Saris asked Mr. Ronning that if the Town were to acquire the property, taking the school's plan out of the equation, would there be any changes to the terms of his offer. Mr. Ronning indicated that he would consider reshaping the size of the property, if the Town so desired. He then stated that the school had offered to install the power and utilities, which he would likely ask the Town to do if they purchased the property. Councilman Saris stated that he was under the impression that the school and Mr. Ronning were sharing that cost.

Mr. Ronning stated that was the case under the original agreement, but the school has now agreed to pay for it.

Mr. Ronning went on to say that, assuming the land exchange resolution is passed and the proposed subdivision of the commercial land along Route 9N is approved, he made an agreement with the school to offer to meet with the Fire Dept & Town Board within 5 business days to discuss the possibility of his selling the commercial property to them for the \$387,500, plus any other costs Mr. Ronning incurs. Supervisor Gabriels felt that what Mr. Ronning was proposing differed from previous discussions, although he couldn't be specific. Councilman MacEwan asked Mr. Ronning when he anticipated the road would be completed, if the Town offered to build it. He indicated he would like it completed by spring 2005. If he had to build the road, he felt that he could begin this fall, and complete it by spring. He requested the Board provide him an offer by 12 noon on Monday if they wished to purchase the CR11 land.

Supervisor Gabriels explained that a noise permit application was received and approved last month for the Sagamore (for a July 31 wedding), who requested an extension until 11 pm, although the Town only approved it until 10 pm. Lee Bowden, General Manager of the Sagamore, explained that one of his salespeople apparently made a verbal promise to the wedding party, resulting in somewhat of a legal situation for the Hotel. He noted that the Hotel's policy for writing engagement contracts has been revised as a result of this situation, and should not be an issue in the future. He asked the Board to extend the noise permit until 11pm. After the vote, Supervisor Gabriels asked Mr. Bowden to notify neighbors of the Board's approval of the extended time.

RESOLUTION #154

Councilman Saris moved, seconded by Councilman MacEwan, to approve a 1-hour extension of a previously approved noise permit application for the Sagamore Hotel until 11 pm. All favorable. Motion carried.

RESOLUTION #155

Councilman Saris moved, seconded by Councilman Andersen, to adjust the costs in the highway agreement for paving Homer Point and Alderbrook Roads, to meet the budgeted costs of \$150,000 as follows: reduce Alderbrook Road by \$5,360, from \$98,510 to \$92,150 and Homer Point by \$6,320 from \$64,2000 to \$57,850. All in favor. Motion carried.

Regarding the ongoing proposed lease agreement between the Town and Horicon Avenue property owner Ben Rae for public parking, Counsel believes the latest proposal accounts for the Town to lease the land at a rate of \$700/mo, and states that the Town would not be responsible for taxes on the property and has the option to purchase the land during the first 2 years at a rate of \$95,000.

RESOLUTION #156

Councilman Saris moved, seconded by Councilman Andersen, to accept Ben Rae's proposal to lease his land at 11 Horicon Ave (tax map #171.15-1-37) as outlined in the proposed lease agreement, which states that the rate would be \$700/month and the Town is not responsible for

taxes on the property. The Town has the option to purchase the property at a rate of \$95,000 within the first 2 years. All favorable. Motion carried.

No action was taken on the topic of a location to place signs in Town acknowledging the Section 7 BSC Boys Varsity Soccer and Basketball championships.

No action was taken on correcting the floating concrete pads at the Highway Garage, as Counsel has had a difficult time getting a response Jeff Mann of the Concrete Mann, who was the only contractor who expressed interest in giving us a cost estimate. Councilman MacEwan will call Mr. Mann.

Regarding the outstanding zoning violations on the Robert Parrotta property, Counsel indicated he was waiting for a formal list of Mr. Parrotta's violations from Zoning Administrator Pam Kenyon.

New Business:

RESOLUTION #157

Supervisor Andersen moved, seconded by Councilman Saris, to grant the request of the Bolton Fire Dept to use Veterans Park on Saturday, September 18 for a parade to honor Ross French's 50 years of service. All favorable. Motion carried.

Supervisor Gabriels noted that the Town needed to find a crossing guard for the school.

RESOLUTION #158

Councilman Saris moved, seconded by Councilman MacEwan authorizing submission of grant application to New York State Department of State under the New York State Department of State Local Waterfront Revitalization Program Environment Protection Fund.

Resolved that the Town of Bolton hereby authorizes and directs the Town Supervisor to execute and

submit, with assistance from Warren County Planning Department and Lakes to Locks Passage, Inc., a grant application to the New York State Department of State Local Waterfront Revitalization Program Environment Protection Fund.

Resolved that the Town of Bolton serves as the community sponsor for this project. Staff from Lakes to

Locks Passage Inc., Warren County Planning Department, Warren County Tourism, Washington County Planning, Washington County Tourism Association, and Old Saratoga on the Hudson will work together to fulfill the obligations of the grant. Lakes to Locks Passage, Inc. and Warren County Planning Department will provide assistance for administering the grant.

Resolved, that upon receipt of grant funds the Town Supervisor be, and he hereby is, authorized and

directed to execute any and all necessary grant documents.

All favorable. Motion carried.

RESOLUTION #159

Supervisor Saris moved, seconded by Councilman Andersen to adopt the following resolution:

WHEREAS, the environmental health and overall quality of life in the Lake George Watershed area is critical to the social and economic well being for the Town of Bolton, Warren County, and the region in general, and

WHEREAS, the protection, preservation and proper management of water quality within the basin is an essential ingredient to maintaining this revered natural resource as a key to the social and economic vitality of this region, and

WHEREAS, the Town of Bolton has been an active participant in developing the critically important water quality management plan, and

WHEREAS, the adopted document, entitled, "Lake George – Plan for the Future" identifies numerous recommendations and actions as being critical to pursuing the objectives of preserving, protecting, and enhancing the water quality throughout the Basin, and

WHEREAS, the State has recently solicited (competitive) applications for Financial Assistance Grants from municipalities around the state, and

WHEREAS, an application for funding has been prepared in response to said solicitation for applications,

NOW, THEREFORE BE IT RESOLVED, that the Town of Bolton acting on behalf of and in concert with all the several communities that make up the watershed, submits the application (dated June 30, 2004) for funding in response to said solicitation, and agrees to serve as custodian for said grant funds, if awarded.

All favorable. Motion carried.

-
RESOLUTION #160

Councilman Saris moved, seconded by Councilman White, to sell the Highway Dept's 1993 Ford F150 truck (to the Sewer Dept), declare it as surplus, after which time the Dept can auction it off at the County auction. All in favor. Motion carried.

RESOLUTION #161

Councilman White moved, seconded by Councilman MacEwan, to declare the tax maps in the Assessor's office as surplus. All favorable. Motion carried.

RESOLUTION#162

Councilman Andersen moved, seconded by Councilman Saris, to grant the requests of George Mumblow to be paid for 30 hours of unused vacation time and Steve Breault to be paid 2 weeks of unused vacation time. All favorable. Motion carried.

RESOLUTION#163

Councilman Saris moved seconded by Councilman White, to grant the noise permit application from Ed & Francey Allday (Mohican Point - Bixby Estate) for Friday, July 30, 2004 from 8 pm-11 pm. All favorable. Motion carried.

-
RESOLUTION#164

Councilman Saris moved seconded by Councilman MacEwan, to grant the noise permit application from Ed Corcoran (260 South Trout Lake Road) for Saturday, August 7, 2004 from 2 pm - 11:15 pm. All favorable. Motion carried.

RESOLUTION#165

Councilman White moved, seconded by Councilman MacEwan, to table discussions on the request for support for the installation of a cell tower in Fort Ann. All favorable. Motion carried.

RESOLUTION#166

Councilman Andersen moved seconded by Councilman Saris, to inform the NYS Employee Retirement System of the Board's position that they would like a way to save money. All favorable. Motion carried.

Regarding the request by the Bolton Police Dept to increase the fines for Open Container Ordinance #8, Counsel suggested that the fine amounts be tiered as follows: first offense not to exceed \$100, second offense not to exceed \$200, and third offense not to exceed \$300.

RESOLUTION#167

Councilman White moved, seconded by Councilman MacEwan, to schedule a public hearing at 6:30 on Tues, August 3, 2004 to propose an increase in the fines associated with Ordinance #8 (Open Container) as follows: first offense not to exceed \$100, second offense not to exceed \$200, and third offense not to exceed \$300. All favorable. Motion carried.

Supervisor Gabriels explained that there was a water main break the Friday of Americade weekend due to excavator Don Kingsley digging at Bluebird Cottages. Water Superintendent John Perry determined that Mr. Kingsley had not obtained a UFPO permit. Supervisor Gabriels noted that because of the break, the Town incurred some overtime charges for Dept personnel in the amount of \$479.79 + materials. He asked the Board if they wished to do anything about the situation. Counsel noted that the contractor's insurance should cover the costs, and he indicated he would place Mr. Kingsley on notice that the Town wished to recover these expenses.

Councilman Saris noted that an area restaurant owner had complained to him that he lost a lot of business due to this mishap, and he wondered if he could be compensated in anyway. Counsel stated that the way Ordinance #39 is currently written, there is no provision that relieves the Town from responsibility for acts of man or nature. (The Board asked Counsel to draft language addressing this for the Board to consider adopting.) He suggested the restaurant owner seek recourse through civil court.

RESOLUTION #168

Councilman Andersen moved, seconded by Councilman Saris, to authorize Counsel to send a bill in the amount of \$790.79 (\$311.00 for parts and \$479.79 for labor) to Kingsley Construction for costs associated with the water main break near Bluebird Cottages that occurred on June 11, 2004. All favorable. Motion carried.

RESOLUTION#169

Councilman Andersen moved, seconded by Councilman Saris, to schedule a public at 6:45 pm on Tues, August 3, 2004 for the proposal to add language to Ordinance #39 relieving the Town of responsibility for damages to water mains due to acts of man or nature. All favorable. Motion carried.

Regarding the idea of creating a new position in the Planning Dept for a zoning code officer and/or town engineer, the Board scheduled a workshop for 6:30 am on Friday, July 16.

RESOLUTION#170

Councilman Saris moved, seconded by Supervisor Gabriels, to approve the following budget transfers for July 2004:

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
GENERAL FUND		
19904 Contingency	99019 Transfers (Vets Memorial)	\$666.00
HIGHWAY BRIDGE (New Vermont culvert)	\$166,166	
(Add to General Fund Budget from Surplus and transfer to Highway Fund)		
SEWER DISTRICT (temporary transfer costs for the month)		

FROM

GENERAL FUND \$100,000

All favorable. Motion carried.

Public in attendance:

☐ Bob Weisenfeld referred to the escrow agreement between the Town and NW Bay Partners, Ltd, noting that it is his understanding that the corporation is still listed by the Secretary of State's Office as inactive and dissolved by proclamation. He felt that NW Bay Partners should not be able to submit applications for development due to this. He asked if the Town had received any more correspondence, to which he was told they did not. He requested the Board make them bring the stormwater issues into compliance. Counsel noted that the Town (through Counsel) is holding \$10,000 in escrow. Mr. Weisenfeld asked to be kept apprised of any new developments.

RESOLUTION #171

Councilman Andersen moved seconded by Councilman Saris, to pay the LG Watershed Conference bills in the amount of \$10,267.15. Voucher was submitted on 07/06/04, as approved by K. Millington (DOS), pending availability of funds from NYS, for payment under contract C006305 - LGWC and Plan for the Future. This also includes a voucher in the amount of \$50,000 for a LG Village project pending availability of funds. All favorable. Motion carried.

RESOLUTION #172

Councilman Saris moved, seconded by Councilman White, to pay the Town bills. All favorable. Motion carried.

On other business, Councilman Andersen informed the Board that Building & Grounds

foreman George Mumbrow is strongly requesting additional help for his department. He suggested that Sean LaGoy, who worked part time last year through a youth work program, be hired again this year, immediately through Labor Day.

RESOLUTION #173

Councilman Andersen moved, seconded by Councilman Saris, to hire Sean LaGoy part-time for the Building & Grounds Dept, beginning immediately through Labor Day at a rate of \$9.27/hr. All favorable. Motion carried.

Referring to Counsel, Councilman Andersen informed him that he recently passed through Jefferson County and noticed several "share the road" signs that allowed for ATV's and snowmobiles to use County roads. He asked Counsel to investigate how Jefferson County was able to do this, while Warren County indicates it cannot.

The Board discussed whether to hold a special meeting for the purpose of discussing the possible purchase of Mr. Ronning's land off CR11. They decided to discuss the matter at the present time. Some Board members felt that the numbers had changed since Mr. Ronning last discussed the proposal with the Town. They all felt that his main objective was to put in a road that connected both his subdivisions. The Board did not feel that they would have the time or means by which to complete the road by the spring.

The Board felt there were several ways the property could be developed to benefit the community, regardless of whether a deal is worked out between the Town and the school for a land swap. Councilman Andersen was unsupportive of Mr. Ronning's request to be reimbursed the surveying costs he incurred for the school property.

The Board felt that the Town would be better served if they owned either of these properties rather than a private developer. They indicated their willingness to work with the school for perhaps a land exchange, assuming that the lower ball field would be opened back up to the citizens of the community for special events and general use.

Supervisor Gabriels stated the importance of planning for the future, referring to the controversy that was raised in the early 1970's when the Town fathers voted to purchase the land that now encompasses Veterans Park. Councilman Andersen stated that even if the CR11 land sat idle for 10 years, there remained the prospect of building a new school on it and perhaps converting the old school into senior housing and a health center. Councilman White reiterated that the Board has been very interested in obtaining the land near the firehouse for the best interest of the Town. Supervisor Gabriels noted that should the Board vote in favor to purchase the land, it would be subject to permissive referendum.

RESOLUTION #174

By proclamation, the Board voted to make an offer to purchase land off CR11 (tax map #139.00-1-46.1) owned by Rolf Ronning for \$387,500, which would be subject to permission referendum. Unanimous decision. Motion carried.

Councilman Andersen moved, seconded by Councilman MacEwan, to adjourn at 11:34 pm. All favorable. Motion carried.

Transcribed by:

Respectfully submitted by,

Melanie Quigan
Recording Secretary
07/21/04

Kathleen Simmes
Town Clerk