

TOWN OF BOLTON

Town Board Meeting

July 1, 2008- Minutes

PRESENT: Supervisor Kathleen Simmes, Councilmen Robert MacEwan, Jason Saris, Councilmember Deanne Rehm, Town Counsel Michael Muller, Town Clerk Patricia Steele and Zoning Code Enforcement Officer Mitzi Nittmann.

ABSENT: Councilman Owen Maranville

Meeting Called to order 7:02 p.m.

PLEDGE: Kristen MacEwan

Public Hearing

Open PH on A Local Law providing for an exemption to Cold War Veterans from Real Property Taxation.

Supervisor Simmes explained that the purpose of this law is to provide for the maximum exemption allowable pursuant to Section 458-B of the Real Property Tax Law of the State of New York. She read the following:

Section 2 Exemption

Pursuant to the Subdivisions 2a and 2b of Section 458-B of the Real Property Tax Law of the State of New York the maximum exemption allowable from real property taxes for Cold War Veterans is established as follows:

Qualifying residential real property shall be exempt from taxation to the extent of 15% of the assessed value of such property provided however that such exemption shall not exceed \$12,000 or the product of \$12,000 multiplied by the late estate equalization rate of the assessing unit.

In addition to the exemption provided by the paragraph a of this subdivision, where the Cold War Veteran had received a compensation rating from the United States Veterans Affairs or from the United States Department of Defense because of a service connected disability, qualifying residential real property shall be exempt from taxation to the extent of the product of the assessed value of such property multiplied by 50% of the Cold War Veteran Disability rating, provided however, that such exemption shall not exceed \$40,000 or the product of \$40,000 multiplied by the late estate equalization rate of the assessing unit.

Section 3 Miscellaneous

With regard to the exemption set forth herein, the provisions of Section 458-B of the Real Property Tax Law relating to definitions, limitations, time frames and applications existing as of the effective date of this local law shall apply.

Section 4 Effective Date

This local law shall take effect upon filing with the Secretary of State of the State of New York.

Supervisor Simmes asked if anyone in attendance or TB members had any comments or questions. There were no comments made.

RESOLUTION#116

Councilmember Rehm moved, seconded by Councilman MacEwan to close the public hearing to adopt a Local Law providing for an Exemption to Cold War Veterans from Real Property Taxation. All in Favor. Motion Carried.

RESOLUTION#117

Councilmember Rehm moved, seconded by Councilman Saris to adopt a Local Law providing for an Exemption to Cold War Veterans from Real Property Taxation as follows:

WHEREAS, a proposed local law was duly presented to the Town Board of the Town of Bolton and considered by them, said proposed local law being entitled, "A Local Law Providing for an Exemption to Cold War Veterans from Real Property Taxation", and

WHEREAS, the Town Board of Town of Bolton adopted Resolution No. 103 on June 3, 2008, authorizing a public hearing to be held by the Town Board on the 1st day of July, 2008, at the Bolton Town Hall on the matter of the proposed local law, and notice of such public hearing having been duly published and posted as required by law, and said public hearing having been held and all persons appearing at said public hearing desiring to be heard, having been heard, now, therefore, be it

RESOLVED, that the Bolton Town Board, on this 1st^h day of July, 2008, does hereby enact and adopt Local Law No. 1 of 2008. Entitled "A Local Law Providing for an Exemption to Cold War Veterans from Real Property Taxation"

All in Favor. Motion Carried.

ANNOUNCEMENTS

The highway equipment is being moved to Bixby Beach tomorrow (July 2) and work will begin July 7th.

July 4th fireworks at dusk in Rogers Park.

Warren County Youth Fair is August 2nd

LGPC held their second meeting on the stream corridor management in the LG Park.

The Parks & Highway Department have alleviated the problem with the uneven depression in the water at Veterans Park dock.

Chris Gabriels has made repairs to the dock to make it safe for the summer season.

The Senior meal site is looking for freezer. If anyone has one they are not using let Blanche Hayes know

Next DOT meeting on the "mill and fill" project July 23rd 6:00-7:30pm at Town Hall

Zoning Ordinance Information meeting will be held July 30th 7:00pm at Town Hall

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PUBLIC IN ATTENDANCE

1. Tom Martin from NYS EnCon was present to explain their proposal with regard to the Finch lands. He briefly explained the proposal. He stated that the State is looking for a conservation easement on some of the land involved and are also proposing a fee purchase on the Cat and Thomas Tract. He pointed out that some of the lands are now tax exempt and if the proposal goes through the State would pay full property taxes on the lands purchased and a proportionate share of the value on the conservation easement lands. He asked if there were any questions from the public or Board members.

Supervisor Simmes stated that at the last meeting John Gaddy asked if utilities lines could be run along the old County Route 11. Tom Martin replied that the current easement language does allow for public utilities along right-of-ways and there is nothing in the easement that would preclude that.

Supervisor Simmes asked what the classification of the land would be and the allowed uses for that land. Tom Martin replied that the APA would have to suggest the classification under the Adirondack Park State Land Master Plan. He stated that the most restrictive classification would be wilderness, but this could not occur in this area because there is a required minimum 10,000 acre tract. He stated that although he cannot say for sure what it might be, his guess is that the recommendation would be wild forest classification. He stated that wild forest allows for some limited motor vehicle opportunities, snowmobiling, public hunting, trapping and fishing, hiking and other non-motorized recreational sports. He stated that the Governor would make the final decision on the classification. Supervisor Simmes asked how they can insure that wild forest would be that classification. Tom Martin replied that it does not meet the requirements for other possible classifications and surrounding lands are already classified as wild forest. He stated that the process with the APA is a public process including public hearings where the Town can voice their recommendations and concerns. Supervisor Simmes asked what he meant by limited motor vehicle access. Tom Martin replied that they provide motor vehicle access program, so if there are opportunities for fishing, hunting, camping they provide access to those locations, but they do not provide the opportunity for people to just drive around.

Supervisor Simmes asked about the lands that have hunt club leases. Tom Martin stated that the leases will be unaffected and there would not be public recreation on those tracts because they are leased. Their intent is to protect those lands as open space working forest lands in the future.

Councilmember Rehm asked if they are being asked do anything with the Lake George Conservancy land or just the former Finch lands. Tom Martin replied that they are asking the Town to consider both projects.

Zandy Gabriels asked if they should be concerned with the State owning 10% of the total acreage in Town. Tom Martin replied that it has changed and that the State would have to own 30% of the total assessed value in Town.

Supervisor Simmes stated that they have until August 12th to make a decision. Supervisor Simmes asked the Board if they wanted to wait until the next meeting or if they would like to make a decision now. Councilmember Rehm stated that they have already contacted all of the hunt club leasees and there was no interest or objections and felt comfortable moving forward.

Zandy Gabriels stated that when they did this 12 years ago with another piece of property, the Town had asked that the State finish drafting the Unit Management Plan. He stated that at the time the State promised them that they would have that plan in 3 years but they still have not received it. He asked if this purchase would cause a change in the Plan and suggested that they add that to the conditions of the resolution. Tom Martin replied that they would not be able to start the Unit Management Plan until the lands are classified. He stated that he feels as though it would fall into wild forest and it could be incorporated into the LG Wild Forest Unit Management Plan

that they are currently working on. He stated that it depends on how quickly the acquisition goes and how quickly the lands are classified. Councilmember Rehm asked if the Town could be kept informed during the classification process with the APA and Governor's office and if the land is not to be classified as wild forest that it come back to the Town for consultation. Tom Martin agreed.

RESOLUTION#118

Councilmember Rehm moved, seconded by Councilman MacEwan to endorse and agree with the State of New York's acquisition of the former Finch lands and the Lake George Basin Conservancy lands as described in the proposal. Parcels with easements will be working forests and the existing camps will be allowed to remain. The tract that is referred to as the Cat and Thomas Mountain Tract will become designated State lands held with fee with the following conditions: 1) That those lands being transferred to the State be classified as wild forest. and 2) If the APA and Governor's office decide not to classify these lands as wild forest that the proposal will return to the Town Board for consultation. All in Favor. Motion Carried.

2. John Gaddy stated that he is interested in learning about the light situation with the mill and fill project. He stated that he has spoke to Debbie Graff from National Grid to find out how the Town can reduce energy cost. She indicated that the Town has over 200 mercury vapor lights that are costing \$200/year per light. She stated that National Grid has a program that exchanges the vapor lights to a more efficient light which would save them \$60/year per light at no cost to the Town. He stated that this would also include a new head fixture that would be less polluting and this is an anticipatory response to Federal or State regulations. He stated that Ms. Graff indicated that she should not be speaking with him because he has not been authorized to speak on behalf of the Town regarding the lighting district. John Gaddy indicated that he would be interested in being the liaison between the Town and National Grid to discuss the lighting district. He feels that this will help the Town move forward and help save some money.

RESOLUTION#119

Councilman Saris moved, seconded by Councilman MacEwan to authorize John Gaddy to be the liaison between the Town of Bolton and National Grid to discuss lighting improvements for the Town of Bolton. All in Favor. Motion Carried.

3. Zandy Gabriels stated that the Town has a Local Development Corporation that falls under the NYS Public Authorities Accountability Act which includes a provision that elected officials cannot serve as an officer of a Local Development Corporation. He stated that the since this provision the Bolton LDC has made the correction and at the Warren County LDC they are still in the process of complying with this. He stated that WC LDC recently had their president resign due to a job change in March. In April he was approached by some former colleagues from the WC Board of Supervisors and he was asked to sit as president of the WC LDC and he accepted. He stated that the colleagues suggested that they would talk to the Chairman of the Board Fred Monroe and he also indicated to Fred Monroe that he would be willing to do that. He stated that recently he ran into the same colleagues and he went to Mr. Monroe to check out their comments. He stated that Mr. Monroe indicated that he had spoken with Supervisor Simmes and got the impression that it would not be a good idea for him to serve as president of the WC LDC and he would like to find out why. Supervisor Simmes replied that she did not know it was for president and thought that it was just to serve as a member. She stated that she would rather not get into personalities but that is probably why. She stated that she doesn't feel that he did a good job here and that he would probably not do a good job there.

4. Bob Sinnott asked if the Town has heard anything to stop the Thunderbird's action required by Resolution # 101 in removing the dock. Supervisor Simmes replied no. Bob Sinnott asked if there was any legal action pending at the moment. Supervisor Simmes replied no. Bob Sinnott stated that the dock is still there and asked how the Town plans to enforce their resolution if the Thunderbird does not remove the dock. Counsel replied that if the Town were to litigate, the Town would authorize him to bring forth all civil actions appropriate. He stated that Mr.

Chiraboga indicated that he was taking advice from his Counsel as to how he plans to comply with the TB's resolution. Bob Sinnott asked how the Town plans to proceed after the 30 days. Councilmember Rehm asked if it would be premature to authorize Counsel to act on this if Mr. Chiraboga does not comply within the next 2 days. Counsel replied no it was not premature.

RESOLUTION#120

Councilmember Rehm moved, seconded by Councilman MacEwan to authorize Counsel Muller to move forward with the appropriate legal action if the offending and subject south dock of the boathouse located at the Thunderbird Motel is not removed by midnight on July 3, 2008. Councilman Saris abstained. All others in Favor. Motion Carried.

CORRESPONDENCE

Letter from Attorney representing the Neuffer's concerning the 9N "mill & fill".

Bonnie Neuffer apologized to Supervisor Simmes for her tone during their phone conversation. She stated that they do object to the sidewalk that is proposed to be in front of their property. She stated that one of the issues is safety. Currently, there are two lanes for pull in and out parking north and south. This prevents people from having to back out onto 9N. If the sign is to be moved back as proposed, they will lose one of those lanes. She stated that they are also concerned because if they have to move their sign back it will not be as visible coming into Town.

Eric Neuffer stated that the Town says that this is private land and the State is saying that they own it. He stated that the Town wants them to pay for the removal of their sign and flower boxes that have been there for 60 years. He questioned why they are putting in the sidewalk and suggested that they stop the sidewalk where it is and put a crosswalk across the road. Bonnie Neuffer agreed and stated that she suggests that they move the crosswalk to where the end of the sidewalk is now which would match up with the sidewalk that goes into the park. She stated that most people already cross traffic at this point to get into the park at that spot and don't use the main entrance down by the Garden Center. It would be a solution for them as well as the Budners.

Bonnie Neuffer stated that they are also concerned with the start date of the project. It is supposed to start in May and that would take several weeks out of their season next year. She stated that although she cannot speak for the Budners she feels that this is probably a concern for them as well. Supervisor Simmes stated that she went down to the Garden Center with a couple of the project managers to speak with the Budners. DOT assured them that they would not be tearing up the entire area at the same time. Bonnie Neuffer stated that she feels that this will still affect their property because they are the only Laundromat in Town and their parking is already very limited.

Supervisor Simmes suggested that they attend the July 23rd meeting so that they can voice their concerns. She also stated that she has spoken to Mike a project manager and he stated that he would try to come up 2 or 3 scenarios that might work for that property. She suggested that the Neuffers put their proposal down on paper so she can pass that along to him for his input.

Eric Neuffer stated that if they force this issue down their throats and they have to pay for this, it is not going to come out good for anyone. Councilman MacEwan stated that this is all still negotiable. Eric Neuffer replied that he understood this to be a done deal and they will have to pay for it. Bonnie Neuffer stated that it is their understanding, according to DOT, that the Town has the right to change the plans and that is what they are asking them to do. Councilman MacEwan replied that he knows that already there have been some changes and he is certain that if there is some reasonable concern for safety it would be looked at. Eric Neuffer stated that Mr. Robinson of DOT told them that it was up to the Town to change the plans. Supervisor Siimmes stated that she was not familiar with Mr. Robinson but stated that there are different people involved in the project that she has not met yet. Councilman Saris stated that DOT has been very cooperative with the Town and they seem to have tried

to accommodate the Town's wishes, but he is not sure why DOT gave them the impression that the Town was calling all the shots because they are not doing the work or funding the project. Bonnie Neuffer asked that the Town take her suggestion into consideration and stated that she would put her proposal in writing. The Board agreed that they would.

Counsel copy of filed summons, complaint & Notice of Pendency of action for the Raven matter.

Counsel stated that he has had an appearance and the case has been assigned to Judge Krogmann. Judge Krogmann has proposed a pre-trial conference on July 15th. Ben Pratt, Mr. Raven's attorney, asked for an adjournment of that and he consented to that. He stated that Mr. Raven wants to propose a different plan but it doesn't involve work in Bolton, it involves APA violations, so they may still proceed.

Notice from DOT regarding a Permanent easement and a fee area at our Veterans Park driveway

Copy of Hamlet Sustainability committee notes for May 29th meeting. Second meeting was held June 26th.

Thank you note from the Library for the Town's support and for the cooperation from the Parks Dept.

Time Warner Notification of possible channel changes

Copy of Final interim report on LG Coliform monitoring program for 07

Copy of TB, PB, & ZBA minutes

APA notice project 08-140 Fedele Holdings for construction of a single family residence.

Notice from State of New York Department of Public Service granting a temporary operating authority while we negotiate the cable franchise agreement

APA notification of violations on the Eggleston property on S. Trout Lake Rd.

Notice from Encon: We have a violation for the PH level at WWTP. This is due to the trickling filter being out of operation and they understand that this is temporary

Notification from DOS that we have received a matching grant in the amount of \$27,858 for Updating the Rogers Park Master Plan and Town Pier Improvements.

Correspondence from WC DPW: They have tentative plans to rectify an ongoing drainage issue between the Sheppard and Kingsley property. Letter from Kingsley with concerns about the above and would like a meeting. Supervisor Simmes will schedule.

OLD BUSINESS

Cable Franchise agreement

Finch lands

Wastewater treatment ordinance supplied by Counsel

Councilmember Rehm asked if the Zoning Administrator or the Zoning Code Enforcement Officer have read this and submitted their comments. Code Enforcement Officer Mitzi Nittmann stated that she has submitted her comments to Counsel. Councilmember Rehm asked why they wouldn't adopt DOH 75A provision and just add a segment that says: "however in the Town of Bolton these additional rules apply." Counsel replied that they can.

Highway Road agreement: Waiting for Highway Superintendent to submit.

Algonquin agreement

Supervisor Simmes stated that she knows that they approved the agreement but she has not seen the agreement to sign it. Counsel stated that he has completed it but he was not sure of the amount. Supervisor Simmes replied that it is \$20,000. Counsel stated that he will complete it for their signatures.

Vacancy on Recreation Commission: Deb Gaddy is interested.

Supervisor Simmes stated that she saw Recreation Commission Chairman Don Russell and Michelle Cushing and neither one had a problem with appointing Deb Gaddy but it has not gone before their Board.

Town Hall Heating System

Councilmember Rehm stated that she talked to Mr. Ryan at Excel and he answered her questions. She stated that the three options offered varied greatly in their cost and she would suggest going with the least expensive option which would be the least expensive to operate. She also suggested that they could put this out to bid and see if the proposals are close. Supervisor Simmes stated that she thought the most expensive option might be a better option because it was two separate furnaces operating two separate zones so that they would never be without heat in the building. Supervisor Simmes stated that they would discuss this further and then make a decision.

Discussion Purposes

Update on Tennis Courts completed in 2001. A top coat surface should be done every 3 to 4 years. Consider for next year would cost approximately \$8000

Butch LaGoy plans on removing a large balsam tree that is causing problems for his mother's home and would like to offer it to the Town for a Christmas tree. He will not cut it if we are interested.

Supervisor Simmes stated that she has seen the tree and it is beautiful but she is unsure how they will get it down and transported to the park without ruining it. Councilmember Rehm suggested that they contact Meads to see what it would take and find out if it is practical to uproot the tree and transplant it. Supervisor Simmes stated that it was not their intent to replant it. Bonnie Neuffer stated that she is not sure if they would be able to do that considering that it probably has a large root ball. Supervisor Simmes stated that she would love to re-plant it because the tree currently there is slowly dying. She stated that she would call Meads to see if transplanting it is possible.

Supervisor Simmes visited Garden Time. They have an 8x12 building with duratemp siding, cape cod style with higher walls and a 6' opening for \$2345 delivered.

Councilman MacEwan stated that he thought they put a limit of \$2,000 for the purchase of this type of building but he would be in favor of this proposal. Councilmember Rehm stated that she was not thrilled with the idea but could approve it if she felt it could be adapted to something else if this doesn't work out. Supervisor Simmes stated

that it could also be used for recycling fluorescent bulbs and they could begin a program for that. Councilman MacEwan suggested that it could also be used in the sorting area as well.

RESOLUTION#121

Councilman MacEwan moved, seconded by Councilmember Rehm to authorize the purchase of the 8' x 12' building for \$2,345 for the transfer station to use as storage of reusable items. All in Favor. Motion Carried.

ZONING ISSUES

Harrington remediation:

Bob McNally of Stafford, Carr & McNally stated that he was there on behalf of Michael Stafford who was unexpectedly delayed and is unable to be present. He stated that due to the complex nature of what has happened he feels that Mr. Stafford is the best person to present the materials necessary and asked for a brief continuance until the next Board meeting. The Board agreed to table the matter until next month.

Elmer Clark Property

Supervisor Simmes stated that Mr. Elmer has a dilapidated house and there was a problem with the well, but that matter has been corrected. Code Enforcement Officer Mitzi Nittmann stated that the Clark's came to the office and spoke with Pam Kenyon. They indicated that they do not want to tear down the structure. She stated that they gave Mr. Slozak a letter stating that until they have further recommendation from the Board on their declaration, the building remains. She continued that Warren County has been there and they have provided comments for repairing or removing the back and east porch. She stated that she has been there twice and the structure is reasonably sound but it needs new posts in the dirt floor basement. She stated that she feels that it could be saved but she is not sure if anyone has ever contacted the Clarks since the inspections. Supervisor Simmes stated that she tried to contact Mr. Clark yesterday and he returned her call after hours and she tried again today but without success. She is not sure if they want the Town Engineer to go over and assess it. Counsel replied that Bolton does not have a property maintenance ordinance only a dilapidated building ordinance. This takes structures that are falling down and they go through the process of sending the Town Engineer who files a report and sending the CEO who also files a report and they are shared with the land owner who has the right to challenge that with their own engineer. Supervisor Simmes stated that the only reason that they are pursuing this is because Mr. Clark's neighbor Mr. Slozak keeps writing letters complaining about the property. Supervisor Simmes stated that they would have the Town Engineer look at the property and let Mr. Slozak know that.

RESOLUTION#122

Councilmember Rehm moved, seconded by Councilman MacEwan to authorize Tom Nace to assess the Clark property, located at 824 Trout Lake Road, Tax Map # 186.00-1-20. All in Favor. Motion Carried.

Rosamund Butler: CEO has heard nothing within the week that we were supposed to hear from Carl Schoder A month has gone by.

Mitzi Nittmann stated that she spoke to Carl Schoder on Friday and he has been to the site. He verified the tank location and that the system that was installed will work. However when he came before the Board for the variance he had gone off Chris Gabriels' rendition of what was in the field and he is getting Chris to dig up components and verifying that they are located where he says they are located. She stated that he is finalizing that and it should be ready for next month.

Lehmann barns update

Ms. Lehmann stated that she has just gotten into Town from Chicago and has assessed that a lot of damage occurred over the winter. She stated that she is concerned with the time frame that the Town has put her on because she would like to research possibly saving a portion of the building and restoring it. She stated that she would like to talk to Mr. Gates about barn restoration grants. She stated that financially she is prepared to try and save the barn but in the interim she is prepared to make the necessary repairs to the doors to prevent people from going in and out. She stated that she is only in Town for a few days but intends on making the necessary repairs to prevent usage of the barn or further damage. While she is here she also wants to start making contact about potentially saving the barn.

Counsel stated that Tom Nace suggested that they take one of the buildings down and take down the chimneys. However, she has the right as the landlord to challenge that with any person that is an expert of similar training and create a proposal on her behalf which the TB looks at. Counsel stated that if she does not act on repairing or removing the barn herself, the TB acts to have the building removed they would keep her apprised of what the engineering, Court, Attorneys and demolition fees were. He stated that if she cannot pay that it becomes an addition on to the Town and County tax bill in January as a special assessment. If that is not paid the consequences are that she could lose the property. Mrs. Lehmann stated that she has every intention of acting since it would financially motivate her to do so.

Counsel addressing the Board stated that they can exercise their discretion to give Ms. Lehmann more time if they feel that it is appropriate. The ordinance permits the owner to challenge the issue to see if she can remedy the problem herself. Councilman Saris asked if she could be prepared by next month's meeting to share her plan or proposal for the property. Ms. Lehmann replied yes, but asked if she would need to have everyone there in order to either restore or remove the barn at that point. Councilman Saris replied no but he would hope that she could come to the Board and let them know of her engineer's assessment or inspection of the barn and their next steps. Ms. Lehmann replied that she certainly can do that by the next meeting. She stated that she restored Jake's Round-up which was un-rentable and unable to sell and she still sees something in this property and wants to save it.

Laura Saffer provided contact information for the NYS Parks and Historic Preservation in Saratoga. She stated that they will lead her to the right engineer and people to help in possibly salvaging this property. She stated that they can also let her know what grants are available for this type of project. Ms. Lehmann stated that she appreciated the information since it could save her a few steps.

RESOLUTION#123

Councilman Saris moved, seconded by Councilmember Rehm to table further discussion regarding the Lehmann property until next month to allow Ms. Lehmann to investigate whether or not the property is salvageable with the condition that Ms. Lehmann will take the proper precautions to safeguard the property. All in Favor. Motion Carried.

LG Camping Equipment

Supervisor Simmes asked if Counsel could be available for a meeting if she sets one up with Wayne Smith and his counsel. Counsel replied yes and he would set up the meeting.

NEW BUSINESS

We have a bid from Alpha Drilling to blast on Sky High Rd \$7,750. Supervisor Simmes

sent paperwork to Britton. Supervisor Simmes has heard nothing. Today Supervisor Simmes called them again and Mr. Britton called Tim Coon and gave a verbal quote of \$3,800.

Supervisor Simmes stated that this is a dangerous situation and it needs attention and asked if the Board members would like to act on this. Councilmember Saris stated that Mr. Britton is an experienced blaster and it would be a considerable savings. Councilmember Rehm stated that she would agree as long as he puts the quote in writing. Supervisor Simmes stated that he intends to do that and the only reason it was a verbal quote was because he was out of Town.

RESOLUTION#124

Councilmember Saris moved, seconded by Councilman MacEwan to authorize Britton to blast on Sky High Road for \$3,800 and if that should not work out for any reason that the Town Board will reconsider their options. All in Favor. Motion Carried.

Bixby Beach deed

Request from LGA for sponsorship in honor of J. Buckley Bryan Jr. for over 30 years of commitment to the LGA. Event sponsorship minimum is \$100. If you would like to attend the dinner tickets are \$150 each.

RESOLUTION#125

Councilmember Rehm moved, seconded by Councilman Saris to authorize Supervisor Simmes to recognize Buckley Bryan Jr. by resolution honoring his 30 years of service to the LGA and the greater Lake George community. All in Favor. Motion Carried.

Sound permit for Sembrich Studio. Saturday August 2nd from 10 pm to Midnight. It is a fundraiser at Cate's Italian Garden. Four musicians, 1 vocalist, 1 piano accompanist 1 bass and 1 drum. There will be no amplification devices. Neighbors have been notified.

Andrea Maranville, Director of the Marcella Sembrich Memorial Association, stated that they are hoping to have their first fundraiser on Main Street. Most of their events are held on the museum property and they are hoping to bring an event to downtown Bolton to highlight the summer season and expand their audience. She stated that Valerian Ruminski, a nationally acclaimed opera star, will come to Bolton and sing an evening of Frank Sinatra which will be very soothing. Therefore, they are respectfully requesting to receive a sound permit from the Town Board for the evening of Saturday August 2nd for this event.

Councilmember Rehm stated that she endorses the premise but she is unsure as to why they picked the time frame. Andrea Maranville stated that since it is the middle of the summer season they could not expect a business in Town to close down their restaurant on a busy summer weekend. She stated that they chose a later time frame to accommodate the restaurant while still maintaining their priorities which was to bring the music to downtown Bolton Landing. Councilmember Rehm asked if all of the neighbors have been notified. Andrea Maranville replied yes, she and Supervisor Simmes notified all of the neighbors that this proposal was being discussed tonight. Councilmember Rehm stated that she is happy that this is for a good cause but she is concerned that someone with not such a good cause will want to follow suit and they could potentially set themselves up for problems.

RESOLUTION#126

Councilman MacEwan moved, seconded by Councilman Saris to approve the sound permit for the Sembrich Studio for the evening of August 2, 2008 from 10:00 pm to 12:00 am for a fundraiser to be held at Cate's Italian Garden. All in Favor. Motion Carried.

Grant application has been submitted by Elan Planning & Design to the Dept. of State to complete our Local Waterfront Revitalization Plan. The cost to submit is \$3500. The deadline was June 30th. We need formal approval in the form of a resolution that authorized the Supervisor to sign the grant application. This grant is under the environmental protection fund program

RESOLUTION#127

Councilman Saris moved, seconded by Councilmember Rehm to authorize Supervisor Simmes to sign the grant application submitted by Elan Planning & Design to the Department of State to complete our Local Waterfront Revitalization Plan. All in Favor. Motion Carried.

Similarly the same situation with a grant application that LA Group is submitting on our behalf with the same deadline. This grant is for the construction phase for the Rogers Park pier. The cost to submit is \$3500. A resolution authorizing the Supervisor to sign the application. This grant is under the Local Waterfront Revitalization

RESOLUTION#128

Councilman Saris moved, seconded by Councilman MacEwan to authorize Supervisor Simmes to sign the following grant application that was submitted by the LA Group to the Department of State with an application fee of \$3,500, to complete the construction phase for the Rogers Park Pier as part of the Local Waterfront Revitalization Plan:

WHEREAS, The Town Pier in Rogers Memorial Park has deteriorated to the point that has not been able to accommodate steamboats for many years resulting in a loss of tourists visiting downtown and spending money in local shops and restaurants; and the rehabilitation of the Town Pier requires extensive physical upgrades so that the large boats can safely dock at the site; and

The project should also include the following components:

New ADA compliant public docks along the north side of the Town Pier;

Placement of composite decking throughout the landing area;

New public shelter;

Stormwater improvements;

Two dry hydrants to service fire trucks;

New safety railing system.

WHEREAS, The construction of these physical improvements at the Town Pier is the primary recommendation of the Bolton Local Waterfront Revitalization Plan and Comprehensive Plan; and

WHEREAS, The construction drawings for the pier are being presently prepared as part of Bolton's grant award in the EPF 2007-2008 funding cycle; and

WHEREAS, The New York State Department of State's Office of Coastal Resources offers grant funds under the Local Waterfront Revitalization Program that could potentially provide 50 percent of the costs for the construction of the Pier; and

WHEREAS, The Town of Bolton supports the submittal of this grant and will be responsible for the \$250,000 match through a combination of both cash match and in-kind services.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

The Town of Bolton resolves to complete the Local Waterfront Revitalization Program Grant application to fund the construction of the proposed improvements of the Town Pier in Rogers Memorial Park.

All in Favor. Motion Carried

Copy of intermunicipal agreement with Warren County for Hyper-Reach Notification System. Cost is 20 cents per minute. Authorization for Supervisor to sign agreement. Supervisor Simmes stated that it takes approximately 30 minutes to make 1,000 phone calls. She also had Counsel review it and he did not have any problems with it.

RESOLUTION#129

Councilmember Rehm moved, seconded by Councilman MacEwan to authorize Supervisor Simmes to sign the intermunicipal agreement with Warren County for the Hyper-Reach Notification System. All in Favor. Motion Carried.

Chris Gabriels has given us a quote to make general repairs to our Rogers Park pier. Supervisor Simmes left a message with Horace Baker to see if he was interested. He did not return my phone call. Supervisor Simmes believes we have a potentially dangerous situation with the existing conditions. Supervisor Simmes stated that she considers this an emergency situation and she would like the TB to pass a resolution to authorize Chris Gabriels for the amount of \$4,320 to make some repairs to make it safer for now, but ultimately he will need to replace the 12 x 12 on top.

RESOLUTION#130

Councilman MacEwan moved, seconded by Councilman Saris to declare the Roger Park pier an emergency and authorize Chris Gabriels to make necessary repairs for the amount of \$4,320. All in Favor. Motion Carried.

Memorandum of agreement with David Bradway for removal of recyclable materials from our landfill and other locations from time to time has been drawn up by Counsel. It needs to be signed. We have his certificate of insurance.

Supervisor Simmes stated that Mr. Bradway has already started and is doing a wonderful job and she will have him go to the Water, Sewer and Highway Departments for metal scraps as well. Councilmember Rehm stated that she is not sure how they are setting the prices. Counsel replied that he could not be specific because the market value changes frequently and dictates what the Town gets.

RESOLUTION#131

Councilmember Rehm moved, seconded by Councilman MacEwan to authorize Supervisor Simmes to sign the Memorandum of Agreement with David Bradway for the removal of recyclable materials from the transfer station and other locations. All in Favor. Motion Carried.

Request from Brian Donat to play his cello on the sidewalks of Bolton or in the Parks. He is from Ticonderoga. He would do this in exchange for tips.

Councilmember Rehm suggested that they send a letter stating that they appreciate his offer but they do not allow solicitation. Supervisor Simmes stated that she would send a letter.

Request from Word of Life Ranch to pass out info on their not for profit summer day camp on the 4th.

Councilmember Rehm suggested that they send a letter to them suggesting that they stop at the Chamber if they want to distribute brochures.

Request from Highway to have Arrowhead Equipment sandblast & repaint one of their larger trucks. It was in the budget for last year. The cost is \$4813

Supervisor Simmes stated that Arrowhead is from Glens Falls and the next closest business that does this type of work is in Albany. Councilmember Rehm stated that she is not ready to support it until they have one other proposal.

Request to refund \$65 to Peter Gluck & Partners and also to Ellen-Deane Cummins for variances that were not required.

RESOLUTION#132

Councilmember Rehm moved, seconded by Councilman MacEwan to refund the \$65 variance application fee to Peter Gluck & Partners and Ellen-Deane Cummins. All in Favor. Motion Carried.

Request to refund \$60 to Cara Murphy for enrollment fee for summer day camp. Her daughter will not be attending camp.

RESOLUTION#133

Councilman MacEwan moved, seconded by Councilmember Rehm to refund the \$60 enrollment fee for summer day camp to Cara Murphy. All in Favor. Motion Carried.

Request to have an Ordinance to cover no parking areas within the Town. Cotton Point is one request.

Supervisor Simmes stated that she discussed this with Counsel and he indicates that they cannot put signs up that can be covered by their police department unless they have an ordinance. She asked the TB if they would like Counsel to draft an ordinance that would prevent that. Supervisor Simmes asked Counsel if he could draft an ordinance that specified Cotton Point but they could add to it by resolution. Counsel stated yes. He stated that for Cotton Point or any additions they will want to be somewhat specific to what length, one or both sides, etc. He stated that once it was drafted a public hearing would be held. Counsel asked the TB to consider what fine they would like to impose, but suggested that they allow the judge some discretion. Supervisor Simmes asked what the norm is for parking violations. Counsel replied that NYS has up to \$150. Councilmember Rehm suggested that

Counsel discuss the specifics with the owners of the land. Supervisor Simmes asked Counsel to draft an ordinance that included a fine of up to \$150. Counsel replied that he had enough information to get started.

Declare surplus one 1993 Ford F350 one ton with 9' plow

Councilman MacEwan stated that he thought that this was previously discussed and this was going to be declared surplus and was to be kept at the transfer station but could be used for other departments as well. Councilman Saris asked if they were making it the transfer station's responsibility to plow the transfer station property. Supervisor Simmes stated that would probably be the best idea because the Highway Department was not getting to them quickly enough for them to open by 8:00 a.m. Councilmember Rehm asked where the truck would be kept. Councilman MacEwan suggested the old highway garage. Supervisor Simmes agreed. Supervisor Simmes stated that they could just declare it surplus for now and determine what to do with it at a later time. Councilmember Rehm stated that they could let the transfer station use it and if it isn't working then they can always revisit the issue at a later time.

Laura Saffer stated that Warren County is now taking their surplus equipment and putting it on EBay and suggested that they could look into that option as well.

RESOLUTION#134

Councilman MacEwan moved, seconded by Councilmember Rehm to declare the 1993 Ford F350 one ton with 9' plow surplus and let the transfer station have it for their snow removal. All in Favor. Motion Carried.

Sound permit for Ed Corcoran of 260 S. Trout Lake Road for August 2nd from 1 pm to midnight, 3 to 5 musicians per band.

Ed Corcoran stated that this is the 10th year for the Great Magwa. He stated that they have gone to midnight for the last 2-3 years. He stated that most of the neighbors come to the event and there is a good turn out. Councilmember Rehm asked how many people attend the event. Ed Corcoran replied that last year they have 75-100 people. He stated that most of the bands are from the Bolton area.

RESOLUTION#135

Councilmember Rehm moved, seconded by Councilman Saris to approve the sound permit for Ed Corcoran for August 2, 2008 from 1:00 pm to 12:00 am for the Great Magwa to be held at 260 S. Trout Lake Road. All in Favor. Motion Carried.

Request to place a tent on the pier for a wedding on September 13th.

RESOLUTION#136

Councilman Saris moved, seconded by Councilmember Rehm to approve the request to place a tent on the pier for a wedding on September 13, 2008. All in Favor. Motion Carried.

COMMITTEE REPORTS

Councilman Saris

Town Clerk- Total local shares- \$12,941.33, non-local revenue- \$239.67 Total State, County and Local revenue- \$13,181.00.

Sewer Department- Took in 5,769,410 gallons of waste water for an average of 192,314 gallons a day. All upgrades are complete. They painted the south station, the Alum meter is now fixed and automated. They hauled 56,000 gallons of liquid sludge. Our beds are dry except for the one in use. Councilmember Rehm asked Councilman Saris to ask Mr. Dagles what other options they have for removal/disposal of sludge since it is one of their high expense items to truck. She asked if they have ever looked at a sludge press. Councilman Saris replied that he does not believe so but he will ask Mr. Dagles.

Councilmember Rehm

Recreation Commission- They are pleased that they have gotten off to a good start for the summer. They are very appreciative of the Parks and their help in keeping the parks waste free from the geese. Lifeguards are on duty. Summer programs are moving ahead. Councilmember Rehm indicated that one of the highlights of the summer is a trip on Labor Day weekend to Yankee Stadium. The stadium will be torn down after the 2008 season.

With regard to the geese problem, Supervisor Simmes stated that Harry Simmes got a call from a gentleman from EnCon and met with him, but since then has not heard anything further. She stated that Tom LaGoy works for EnCon and he told George Mumblow that Long Island has been trapping baby geese. Apparently the parents get so upset that they cannot get their babies that when they are released the parents will take them away from that area. Laura Saffer stated that recently in Queensbury some residents on a small lake got air guns and would use them every time the geese would land. She stated that the geese did not like the sound so that they would not come back anymore. Councilman MacEwan stated that Barbara Havenick has tried everything to get rid of the geese and he is concerned that nothing will get rid of them. Supervisor Simmes agreed but stated that they are going to try the trapping plan for now.

Seniors Citizens- They are attending some youth theater presentations this summer and if anyone is interested in going should contact the senior center on Wednesdays.

Library- Councilmember Rehm stated that she was remiss last month's report and failed to properly give appreciation to Town Clerk Pat Steele who was a vital member of the Committee that put together the Library's plan of service.

The Library has an open house on July 17th in the evening. For the summer they are open 6 days a week, most days until 9:00 pm. The book sale is July 25-27th. Kate Mandigo will be selling her works on August 9-10 with 20% of the proceeds donated to the Library.

Councilman MacEwan

Transfer Station- Total receipts was \$6,743. Mr. Bradway finished cleaning up the metal pile. According to Lisa, Al is somewhat keeping up with his brush pile. Supervisor Simmes stated that she was up to the Transfer Station on Saturday and found that the chipper had been brought to the Highway Department for the weekend. She stated that they moved it back on Monday and it will stay at the Transfer Station. Councilman MacEwan stated that they still need the compactor fixed and he knows that Jim Palazzo has taken a look at it. Supervisor Simmes stated that Con Burke was supposed to go up last Tuesday, and stated that she will talk to Lisa about that.

Water Department- Gallons made 8,268,905 with an average of 275,063 gallons/day. They had a minor leak in front of the new house going in by the school which was fixed.

Supervisor's Report

Receipts - \$364,411.07 Disbursements- \$322,756.69

TRANSFERS

RESOLUTION#137

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

General Fund

From 19904 Contingency to Docks 57204 \$2,000.00

Sewer District \$16,000.00 from General Fund

Abstract (partial) \$6,171.29

Payroll 3,837.19

Insurance 1,237.72

Light bills 4,468.44

All in Favor. Motion Carried.

PAY BILLS

RESOLUTION #138

Councilman MacEwan moved, seconded by Councilman Saris to pay the following bills:

General \$59,248.59

Light District 2,257.91

Highway 55,129.44

Water 6,524.28

Sewer 15,489.36

Zoning Ordinance Update 1,431.88

Tourism 59,244.20

All in Favor. Motion Carried.

Councilmember Rehm commented that on her morning walks she has been annoyed by the abundance of phone books at every driveway. Supervisor Simmes stated that she has already contacted the company and they are supposed to be picking them up.

Councilmember Rehm asked why they were not allowing Veterans to go to Veterans Park for free on July 4th. Donna Boggs stated that Mary indicated that it was never discussed before.

RESOLUTION#139

Councilmember Rehm moved, seconded by Councilman MacEwan to allow Veterans with military or service IDs to park at Veterans Park for free on July 4th every year. All in Favor. Motion Carried.

EXECUTIVE SESSION 8:49 p.m.

Supervisor Simmes moved, seconded by Councilman MacEwan to enter in to Executive Session to discuss a possible contract negotiation and personnel issue. All in Favor. Motion Carried.

ADJOURN

Resolution #140

Supervisor Simmes moved, seconded by Councilman MacEwan to return to regular session and adjourn the meeting at 10:30 p.m. All in Favor. Motion Carried.

Respectfully submitted by: Respectfully submitted by:

Patricia Steele Kristen MacEwan

Town Clerk Recording Secretary