

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

Pledge of Allegiance - Councilman Andersen

Supervisor Gabriels called the meeting to order at 7:00 pm.

Announcements:

- 4th Annual Bolton Family Cruise on the Mohican is scheduled for Thurs, June 17 from 7-9 pm, refreshments to be served by the Recreation Commission prior to boarding
- 27th Annual Adirondack Distance Run is scheduled for Saturday, July 3
- New hours at the Health Center: M-F 8:30 am - 4:30 pm & Sat 8:30 am - 1:30 pm
- Orange County Choppers will be utilizing Veterans Park from June 8-13
- Stormwater project across from the cemetery on Route 9N will cease for the summer
- Gov Pataki was in the area last Friday announcing several grants awarded by EPA for nearby Towns
- Meal site menu available
- New Town of Bolton website address is: [.town.bolton.ny.us](http://town.bolton.ny.us)

Public in attendance:

Linda Bennett spoke on Heifer Project International, which is a fundraising project some individuals in Town are participating in for Make a Difference Day on October 23rd. They are seeking the Town to take sponsorship of their effort. The program is a community-building project that involves supplying livestock to needy families so they may in turn raise and sell the livestock as a means of income. There will be coin drop displays at various businesses throughout Town.

Engineer Carl Schoder indicated that bids for repairs to the culvert/bridge near High Nopit were opened Friday, May 27. The low bidder was William J. Keller & Sons Corp from Castleton, NY with a bid of \$166,166.00. Mr. Schoder checked several references and found this company to be very reputable. He suggested the Board move forward on accepting the bid, with the following contingencies: 1) final receipt of the APA jurisdictional determination and 2) any all easements be finalized, which Counsel is working on. Mr. Schoder indicated that if the Board awards the bid now, the project should be completed by Sept 12.

□ Doug Houghton, resident of Woodshire Estates subdivision (formerly “Bradley Stables” and “Lakeview Hill Estates”), sought the Board’s help on a private matter involving his water service. He gave a history of the subdivision and the status of the HOA, noting that his deed specifies he must pay \$200/yr for certain services. Clay Roberts, the current owner of the property previously held by the developer, is threatening to shut off Mr. Houghton’s water on June 4 because he refuses to pay the raised fee of \$750/yr.

Although he is not in the water district, Mr. Houghton gets Town water (for which he has paid all along) through a nearby pump house controlled by whoever owns the road. Litigation is pending between Mr. Roberts and some of the homeowners, and there is an upcoming court date of June 8. Mr. Houghton is requesting that the Board somehow convince Mr. Roberts to postpone shutting his water off pending the outcome of the court hearing. After a lengthy discussion, it was the Board’s position to not get involved, as the property did not lie within the water district and there lacked a written contract between the Town and the developer regarding any water service agreement. Counsel felt the matter would best be addressed under Supreme Court jurisdiction. He also informed Mr. Houghton of his option to request an expansion of the water district, noting that there was a group in the audience who has done the same, which involves a tedious process beginning with a detailed petition.

□ Supervisor Gabriels referred to Pioneer Village Association President Chet Oliver, who gave a presentation on the association’s request to obtain Town water on a seasonal basis (April 15- Oct 15). Mr. Oliver noted that they had been in front of the Board in August 2002, at which time the Board was receptive to the idea, following up with Town Engineer Tom Nace, who prepared a report for the Board. At Mr. Nace’s suggestion, the association had an engineer (Jim Hutchins) provide a report on the current situation at Pioneer Village. Mr. Oliver explained that the association’s springhouse is on adjacent property owned by the Sagamore, who has banned the association from their property. The springhouse is in dire need of repair. They have looked into other options such as drawing water from the Lake or drilling individual wells, but obtaining water from the Town seems to be the best option. The Health Dept did an inspection and has since been persistent in asking the association to address the matter. The DOH supports the prospect of a seasonal municipal waterline.

Supervisor Gabriels feels that there is enough supply of Town water to accommodate the request. He believes that Town Engineer Tom Nace did a preliminary study when the proposal was first contemplated, indicating one of his concerns was the effect from drawing off fire hydrants during drills and emergencies. He also believes Mr. Nace had given an estimated cost of \$135,000 to extend the water district approx 2,800’, which would also require securing easements. Mr. Oliver indicated there are currently 42 homes in the association, some of which could potentially be shut-off at anytime, and he asked the Board for assistance in expediting the request. It was noted that another option was to seek resolve through the Supreme Court.

John Englert, resident of Pioneer Village, spoke saying that the Sagamore had requested to build condominiums along Federal Hill Road in the 1980’s, at which time Pioneer Village, the APA and LGPC were very adamant about protecting the association’s water supply. Ever since, the Sagamore has been non-cooperative with the association. He therefore feels that pursuing a resolution with the Sagamore would be difficult.

The Board was favorable to meeting with the association and Counsel to discuss the matter further, noting that having more water customers would be beneficial to the Town. Counsel suggested the association seek its own counsel to ensure that the association's petition meets the requirements of town law.

□ Ed Corcoran, resident of South Trout Lake Road, addressed the Board with concerns over the new police presence in Town during late evening hours. Specifically, he noted that the Police were writing tickets enforcing the 1 am closing time of Dula parking lot, which is across from the Brass Ring bar. He has never seen parking lot hours enforced in his 11 years of residency in Bolton, and he feels doing so is unfair to the late night establishments and patrons. He asked the Board if it was their position to have bars close at 1 am.

Councilman White informed Mr. Corcoran that the Police presence is a result of numerous complaints from residents in the Dula lot area regarding late night activities there. Mr. Corcoran felt that the parking lot should be open at least until the establishments close at 4 am.

□ Vasiliki Tekmitchov, property owner of 5139 Lakeshore Drive, addressed the Board with concerns over clear-cutting that occurred on adjacent property to the north. She sought the help of Zoning Administrator Pam Kenyon, who was very helpful in immediately visiting the site, requesting that work cease. Two hours later, Ms Tekmitchov revisited the site and found that clearing had resumed. It is her understanding that the clearing was being done for a new dwelling, for which the owners had not yet obtained permits. She is concerned over encroachment of the cleared area onto her property, erosion and the quality of her well water. She asked that the Board require property owners to submit surveys and obtain proper permits prior to undertaking work on projects.

Correspondence:

□ Letter from Bolton Fire District opposing the Town's proposal to take over building code enforcement from the County

□ Follow-up letter from Tom Wysocki, National Sales Manager at the Sagamore re: their request to use Veterans Park Thurs, Aug 19 until 9:30 pm for a special event sponsored by Samsung/Cheil Communications

Mr. Wysocki addressed the Board at this time, asking for a decision on the company's request to use the park, as they would have to pursue other options if denied. The company requests that the orchestra be allowed to play until 9:30 pm instead of 9:00 pm, as originally suggested by the Board. Samsung/Cheil Communications is offering \$3,000 for any associated expenses the Town may incur, such as for re-sodding if necessary in the area of the proposed bonfire, which will encompass roughly a 6' wide area. Mr. Wysocki noted that the fire is for traditional ceremonial purposes, and would only be lit for approx 20 minutes. Bolton Fire Dept staff will be on-site during the lighting and extinguishment. Mr. Wysocki indicated that clean up would be completed by 10 pm, with the exception of dismantling the stage, which would be done first thing the following morning.

RESOLUTION #122

Councilman White moved, seconded by Councilman MacEwan, to grant the Sagamore's request for Samsung/Cheil Communications to use Veterans Park on Thursday, August 19, as discussed. As part of the approval, the Sagamore shall provide a letter outlining the terms of their agreement with the Town. All favorable. Motion carried.

Correspondence (cont'd):

- E-mail from Bruce Checca of the Barbershop Quartet Festival re: scheduling a meeting with the Town to discuss specifics of the event
- Letters from Counsel and Judge Krogmann re: litigation between Stephen Byers and the ZBA
- Letter from Marv Lemery of WC Building Codes Dept re: his concerns following an inspection of a property at the corner of CR11 and Lakeshore Drive (Devito, tax map #156.00-2-19)
- Bid from Britton Drilling and Blasting in the amount of \$14,800 for widening along Alderbrook Road and ditch work
- Letter from Kevin Hastings of LA Group re: municipal water service for Bluebird Cottages Subdivision
- Letter from Tom Nace re: Rajeski stormwater complaint
- Project Notice from APA re: proposed work at the Sagamore (Shelving Rock Terrace and Conference Center)
- Notice of violation from DEC re: nitrate levels at Sewer Plant
- E-mail from Willie Bea McDonald re: occupancy tax
- List of delinquent tax parcels within Bolton from WC Real Property Tax Services
- Memo from Tom Jarrett of Jarrett-Martin Engineers re: stormwater report for Bell Point Shores
- Memo from Zoning Administrator Pam Kenyon requesting the Board refund a \$500 major subdivision filing fee to Rolf Ronning, who has withdrawn his application (parcel id #139.00-1-8)

Supervisor Gabriels referred to Counsel as to how the Town should handle the following situation, brought to his attention by feuding neighbors on the east shore of Lake George. The Town of Bolton's jurisdiction extends from East Schroon River Road to the high water mark on the east shore of Lake George, along which there are docks. The Town of Bolton has not in the past assessed those docks, as there is no means by which to tax them since they are attached to tax map parcels in Fort Ann. Counsel advised that any litigation resulting between the neighbors would be under the jurisdiction of the Fort Ann justice court, which extends 300' out beyond the shore.

Correspondence (cont'd):

- Letter from Northfield Design summarizing the structural issues at the Conservation Park facility, requested by Supervisor Gabriels
- Proposal from Cornerstone Telephone Co to have the Town switch telephone service from Verizon to Cornerstone, which they estimate will save the Town nearly 45%

- Letter from Tim & Jackie Hendricks thanking Superintendent of Highways Tim Coon and his staff for their prompt attention to the washout on Hendricks Road as a result of the storms on May 23
- Article in the May 20 Times Union re: North County Wild Care operations
- Letter from Kathleen Spahn re: Make a Difference Day
- Several faxes from NYS Law Dept soliciting the Town's support of the proposed Collateral Source Bill (S.622/A.3483)
- Correspondence from Bolton United/Bolton Cares re: underage drinking
- Sound amplification permit applications from Frederick's Restaurant and Twin Pines
- Letter from Office of the NYS Comptroller re: NYS Retirement System contributions
- Letter from Time Warner re: programs that highlight area towns
- Letter from NYS DEC re: celebration of Water Week

Reports:

Councilman White:

ASSESSOR:

- Tentative assessment roll was filed with the Town Clerk on May 1. Hours for the BAR's grievance day (May 27) were extended in anticipation of a large turnout. 44 complaints were received.

WATER DEPT:

- Water made: 7,700,199 gals. Pond level is over the spillway. Due to heavy rains, there has been an increase in regular maintenance. Repairs had to be made to a water main at the south end of Town. The Dept assisted at the Sewer Plant.

POLICE DEPT:

- Hours officers worked: White - 137.25, Howse - 121, Schoder - 68.25. Miles patrolled: 1,722 miles. Fuel used: 144.3 gallons. Officers investigated 6 criminal reports, 1 found property, 2 assists to other agencies, 7 security alarms, 18 traffic summons, 12 written warnings for overnight parking, 6 parking tickets, 5 auto accidents, 3 domestic complaints, 4 court securities, 2 arrests, 6 emergency medical assists, 2 fire dept assists, and 6 misc complaints, 5 open containers and 1 underage possession of alcohol. The Dept requests that the Board consider increasing the fine for open container (currently \$25).

JUSTICE COURT:

- A/R: Judge Demarest - \$4,915. Stewart - \$4,470. Total: \$9,385.

Councilman Saris:

- HIGHWAY DEPT:

- The Dept continues road maintenance and spring clean-up, which included washouts from recent storms.

- TOWN CLERK:

Total local shares: \$8,495.41. Non-local: \$179.59. Total state, county and local revenues: \$8,675.

SEWER DEPT:

The Plant took in 6,393,824 gals of wastewater for a daily average of 206,252.4 gals. There were 60,000 gals of liquid sludge hauled. One well at the Plant was cited for a nitrate violation. 2 relays were repaired at the south pump station. Plant Operator Chet Dagles requests the Town purchase a generator to have in times of power failure, as occurred this month. There have been numerous high water alarms at the south station, where the pumps are struggling to keep up. Mr. Dagles thanked the Water and Highway Depts for their assistance at the Plant.

RESOLUTION#123

At the recommendation of Chet Dagles and George Mumblow, Councilman Saris moved, seconded by Councilman White, to hire Luke Dague seasonal full time at a rate of \$9.27/ hr, based on a 40-hr workweek to be divided between the Sewer Dept and the Building & Grounds Dept. All favorable. Motion carried.

Councilman MacEwan:

TRANSFER STATION:

A/R: \$5,773. Lisa French is still inquiring about repairs to the C&D bin. She is requesting a lawn mower and weed wacker be purchased for the transfer station, as they've been borrowing this equipment from the Parks Dept.

SENIOR CITIZENS:

Mr. Consaga will be providing the Town with a report on upcoming trips and activities.

FIRE DEPT & RESCUE SQUAD:

Councilman MacEwan sent a letter to Fire & Rescue requesting they provide monthly activity reports for the Town Board to pass on to the public.

Councilman Andersen:

PLANNING OFFICE:

Permits applied for: 21 Certificates of Compliance / 9 Wastewater disposal systems / 6 Variances / 5 Site Plan Reviews / 2 Subdivisions. 150 miles traveled. A/R: \$1,275.75. Outstanding issues: *Hubbell-Greenmier*: illegal subdivision - latest conference date was rescheduled. Zoning Administrator Pam Kenyon is still requesting the Town hire a code enforcement officer, noting that notices of violation are virtually ineffective. The Dept is utilizing a newly developed stormwater permit form, for which P. Kenyon is suggesting the Board adopt the following fee schedule: minor projects (between 5,000 and 15,000 sq ft): \$25 and major projects (over 15,000 sq ft): \$100.

The Comprehensive Master Plan Implementation Committee has been concentrating on the most important recommendations in the Plan, which they hope to expedite soon with grant funds.

Regarding notices of violation, Councilman Andersen feels very strongly about adopting stricter penalties for zoning violators. Counsel felt that recently approved grant money could be used to rework portions of the zoning ordinance in an effort to address enforcement concerns. He added that the ZBA and Planning Board are within their rights to require applicants to remove structures built without proper approvals and require remediation of work undertaken without proper permits.

RECREATION DEPT:

The recreation ball field, named after Tommy Colegrove, was officially dedicated Wed, May 26.

BUILDINGS & GROUNDS DEPT:

Councilman Andersen noted that the Dept and the Beautification Committee have worked hard to make the Town look great.

Supervisor Gabriels

SUPERVISOR:

Total receipts: \$121,178.45. Total disbursements: \$265,468.45. Stormwater: County suggests a French drain be installed (estimated \$6,000) to address concerns over runoff allegedly originating from the Town's sewer plant onto the Donohue property off Mohican Hill Road (parcel id 171.19-1-10). The County reports that the trash plant refinancing program was completed. Discussions continue as to proposed allocation of occupancy tax money. The County continues to explore the concept of establishing an outdoor theatre. Federal funds will be sought for County sewer projects.

Unfinished Business:

Regarding Ben Rae's proposal to lease his vacant lot on Horicon Ave (parcel id 171.15-1-37) to the Town for parking, Mr. Rae indicates that he would assume the tax liabilities, and is agreeable to modifying the proposed contract accordingly. Fencing and stormwater details still need to be worked out. The terms of the agreement indicate that the land would be leased at \$700/month for the first 2 years, after which time the rate increases to \$800/mo for the 3rd year and \$900/month for years 4 & 5.

Councilman Andersen would like the agreement to allow for the Board to negotiate the monthly rate after 2 years, instead of automatically locking the Town into the Mr. Rae's suggested increased rate. Counsel will request on behalf of the Town that such language be added to the lease agreement, although he cautioned that doing so may result in the Town forfeiting this rate, as Mr. Rae would have the right to increase it. Counsel suggests the Town request the right of first refusal should Mr. Rae opt to sell the land. Councilman White would like to incorporate a purchase price into the agreement to be considered when the 2-year lease expires. The term options were discussed further, and it was determined that Counsel would address the Board's requests with Mr. Rae's attorney.

Don Roessler addressed the Board regarding Orange County Choppers (OCC) using Veterans Park for a motorcycle demonstration during Americade (June 8-13), noting that there have been no significant changes to what he presented last month. OCC estimates that 400-500 people will pass through per hour. Mr. Roessler received a fax from the office of Assemblyman Roy McDonald, who wishes to present the Teutuls with a plaque thanking them for their recognition of our veterans and fallen fire and rescue personnel on 9/11 through their commemorative POW and Firemen bikes. Mr. Roessler suggests the presentation of the plaque be coordinated with the Discovery Channel's day of filming at Veterans Park. He noted that the bikes will be on display beginning Wed, and the Teutuls will be here on Thurs, Fri and Sat from 10 am - 5 pm and Sun from 10 am - 2 pm. There has been discussion regarding raising the original proposed admission fee of \$2 due to unforeseen expenses incurred by the organizers for ambulance service, as several medical stations will be set-up throughout the area between the park and the firehouse.

Supervisor Gabriels suggested the Board meet with Highway Superintendent Tim Coon to discuss a highway agreement regarding which roads to pave. He has scheduled a tentative meeting with the Barbershop Festival organizers for Tues, June 8 at 8:30 am, and asked the Board if they wished to meet with Mr. Coon the same morning. The Board scheduled a meeting with Mr. Coon at 8 am, June 8. (Bookkeeper Donna Boggs later pointed out that Mr. Coon would be away at school that week. The Board decided to meet at 8 am anyway to discuss options to present to Mr. Coon at a later date.)

Regarding the Farbaniecs' (Bluebird Cottages Subdivision) request to tap a 4" line into the Town water supply, Supervisor Gabriels indicated that the Town and the prospective HOA needed to work out the legal language. It was suggested that the HOA be the billed customer of the main meter, although the individual homes would be metered separately.

Water bill collector Kathleen Simmes expressed concern over the prospect of billing an HOA should one individual homeowner fail to pay their bill. She also pointed out that the meter readers read in different increments depending on the size of the meter, noting that the main would be larger than the individual meters. Councilman Andersen felt strongly that there likely is technology in place to address such a problem.

There was a lengthy discussion regarding the technical aspects of metering and billing, recognizing that the main problem would be if the HOA were ever dissolved. Supervisor Gabriels noted that the Farbaniecs are requesting a 4" line, although the Town's regulations specify a 3/4" line. Counsel suggested that in the future the PB be made aware of municipal water issues so that they may be addressed at the initial stages of review.

RESOLUTION #124

Councilman Saris moved, seconded by Councilman Andersen, to grant permission to Philip and Cynthia Farbaniec property tax map #186.14-1-59 to put in a 4" line for their subdivision with the condition that Attorney Muller will make sure that all language meets the Town Board's approval relating to the private maintenance obligation on the part of the Homeowner's Association and that they be responsible for any deficiencies in the minimal billing as opposed to the gross billing. All favorable. Motion carried.

Supervisor Gabriels referred to Todd & Kelly Dittrich's request that the Town provide water to all 12 lots within their subdivision (Cobblestone Subdivision, parcel id 171.07-1-51), even though only 5 lots are within the water district. The Dittrichs have been unable to obtain DOH approval for their subdivision as it is currently proposed. DOH will not accept an HOA as a legal entity responsible for the water. They will only accept the following options: 1) utilization of a transportation corporation, which Counsel and Supervisor Gabriels feel is not appropriate for a subdivision of this size, or 2) the Town take over ownership of the lines for the entire subdivision. The Dittrichs' lawyer, Michael Stafford, submitted a proposed document today for the Town's review, which Supervisor Gabriels indicated he did not have time to review.

Mr. Stafford explained that the proposal is for the Town to consider expanding the boundaries of the current water district to include all 12 lots in the Dittrichs' subdivision. They are not asking for the Board's approval this evening, but they are looking for the Board to accept the application and schedule a public hearing, which is a prerequisite to the Board acting on the request. Mr. Stafford pointed out that under the proposal, it would not cost the Town any money, as the Dittrichs will assume all construction and maintenance costs. The proposal had been submitted to Town Engineer Tom Nace, who provided comments that were subsequently incorporated into the plan. The matter is time-sensitive, as the Dittrichs have sales contracts, pending the outcome of this request. Supervisor Gabriels noted that the prior owner of this property (Manss dba Scenic View Campground) likely provided water to the entire property.

Mr. Stafford noted that under the proposal, the Dittrichs would put in all the mains and lines (which would include a 4" line coming off the Town line off Braley Hill). The individual homeowners would pay their own hook-up fee. Thereafter, the water main would become the Town's responsibility to maintain, as is the case throughout the water district. In reading over the proposed agreement (top paragraph on the second page), it was Councilman Andersen's interpretation that the HOA would be responsible for all costs associated with installing and maintaining the waterline from where it hooks into the Town line on Braley Hill. Atty Stafford concurred, but later stated that he felt the homeowners in this subdivision should not be treated any differently than other homeowners within the water district, such that residents on a certain street within the district do not assume responsibility for their street's waterline. Counsel agreed.

The idea of billing was discussed, at which time it was determined that the property lines of the individual lots go to the center of the common roadway, which is maintained by the HOA. K. Simmes was concerned that the HOA could not be billed since it did not have its own tax map number. Counsel asked if the parcels were proposed to the center of the road in order to meet the minimum lot size requirements, to which the Dittrichs responded that was not the case. It was determined that, like the Fabaniecs' subdivision, the Dittrichs would likely propose a master meter and separate meters for the individual lots. For billing purposes, Supervisor Gabriels suggested that if there is a difference between the master meter and the individual meter readings, it be divided among the 12 homeowners, to which the Dittichs agreed. K. Simmes was not certain how to go about doing this, noting that her current water computer program is not set up to bill in such a way.

Although the some technical issues remained, Counsel felt that there was enough groundwork done to schedule a public hearing. He noted that the hearing must be held no less than 10 days, and no more then 20 days, after the notice is published.

RESOLUTION #125

Councilman Andersen moved, seconded by Councilman MacEwan, to accept Todd & Kelly Dittrich's petition, to expand the Town of Bolton water district to include their subdivision known as Cobblestone, as complete for the purposes of the statute. A public hearing is scheduled for 6:30 pm on Tuesday, July 6, 2004. All favorable. Motion carried.

Tim Coon has indicated to Supervisor Gabriels that if the Town still intends to pave Alderbrook Road, it would require blasting, for which he has obtained 1 bid in the amount of \$14,800 from Britton Drilling & Blasting Services. It was noted that attempts were made to obtain other quotes, but no other contractors were available in this area. Councilman Saris wondered if the Town could accept the bid, but not move forward on the work until such time that the Board could discuss the highway agreement with Mr. Coon. Counsel indicated this would be acceptable.

RESOLUTION #126

Councilman Saris moved, seconded by Councilman White, to accept the bid in the amount of \$14,800 from Britton Drilling and Blasting Services for proposed blasting along Alderbrook Road, but not authorize work until a road agreement is discussed. All favorable. Motion carried.

Regarding the floating concrete pads at the highway garage, Counsel noted that Mr. DeVoe has found one individual, Jeff Mann dba The Concrete Mann, who is interested in doing the work. Both Supervisor Gabriels and Counsel indicated that they had not heard from Richard Jones Associates, who was sent a letter on the matter.

Regarding the outstanding zoning violations on the Robert Parrotta property, Counsel advised that the Board authorize him to commence litigation. The function of the escrow was to ensure that Mr. Parrotta followed through with the stormwater remediation work, which he did not, therefore forfeiting the funds. Counsel will pursue litigation through Supreme and civil courts in an attempt to resolve the matter as soon as possible.

RESOLUTION #127

Councilman Andersen moved, seconded by Supervisor Gabriels, to authorize Counsel to commence litigation proceedings in civil and Justice court against Robert Parrotta for the failure to perform stormwater remediation work on his property at 24 Hidden Hills Drive (tax map # 171.11-2-11). All favorable. Motion carried.

RESOLUTION #128

Councilman Saris moved, seconded by Councilman MacEwan, to support NY Bill S6220/A3483 Collateral Resource Bill. All favorable. Motion carried.

RESOLUTION #129

Supervisor Gabriels moved, seconded by Councilman Saris, to adjourn as Town Board and convene as Board of Health. All favorable. Motion carried.

Regarding Christain and Renée Jensen's failed septic (tax map #123.00-2-55), Counsel reported that Mrs. Jensen visited him at his office today. She acknowledges there is a problem, but has been dealing with her husband, who became permanently disabled as the result of a recent automobile accident, and is subsequently out of work.

Mrs. Jensen feels the fault lies with the Town for allowing an inadequate system to be installed. Mrs. Jensen doesn't see how, financially, she can bring the property into compliance anytime soon, and she requested 2 years in which to address the matter. She has been unsuccessful in pursuing financial aid.

While the Board was sympathetic to the Jensens' situation, they felt they had a responsibility to protect to health, safety and welfare of the neighbors, as well as the Jensens themselves. Counsel agreed. In speaking with Mrs. Jensen, he suggested temporary remedies such as pumping the septic tank or bringing in additional soil to place over the system. Mrs. Jensen indicated that her engineer (Jim Hutchins) said nothing is going to work other than an Elgin system, which is expensive and necessitated by the fact that the separation distance between the well and septic is only 86'.

Counsel suggests the Board request that the Jensens attend the July 6 Town Board meeting to state their case, after which the Board should mandate that the situation be rectified within a reasonable amount of time, to be set by the Board. If the situation is not remedied, the matter should go to Supreme Court in an effort to bring the property into compliance.

It was suggested that the town engineer be consulted regarding the temporary remedies suggested by Counsel. In the meantime, Counsel will contact Mr. Hutchins to discuss the same.

RESOLUTION #130

Councilman Andersen moved, seconded by Councilman Saris, to have Counsel send a notice to the Jensens requiring that they be present or represented at the July 6, 2004 Town Board meeting, at which time the matter of their failed septic system will be addressed. All favorable. Motion carried.

RESOLUTION #131

Councilman White moved, seconded by Supervisor Gabriels, to place Robert & Ann Devito (tax map parcel 156.00-2-19) on proper notice that they are in violation of Town Ordinance #27 Unsafe Buildings and Collapsed Structures. All favorable. Motion carried.

Regarding the Zill property at 1 Sawmill Road, Counsel could not recall whether he placed Mr. Zill on notice re: the Board's health and safety concerns over accumulated garbage on the property. He indicated he would do so this month if he had not already.

RESOLUTION #132

Councilman Saris moved, seconded by Councilman Andersen, to adjourn as Board of Health and reconvene as Town Board. All favorable. Motion carried.

New Business:

Supervisor Gabriels announced that the Town's crossing guard has resigned and a replacement is needed. The Police Dept was approached to fill in until a replacement is found, but the Dept was not receptive to the idea. Councilman White later stated that he would again ask the Police to do so.

RESOLUTION #133

Councilman Saris moved, seconded by Councilman Andersen, to approve the sound amplification permit for Twin Pines on Saturday, June 26 from 2 pm to 7:30 pm. All favorable. Motion carried.

RESOLUTION #134

Councilman Saris moved, seconded by Councilman White, to approve the sound amplification permit for Frederick's Restaurant for the following dates: June 6, 11, 12, 13, 20, 27, July 4, 11, 18, 25, Aug 1, 8, 15, 22, 29 and Sept 5. Times are allowed as specified in the permit application (most dates are from 5-9 pm, one is from 5-10 pm, and some are from 2-6 pm). All favorable. Motion carried.

Supervisor Gabriels noted that Marv Lemery of the County Fire and Building Codes Dept has asked to make a presentation to the Board as to why the County feels the Town should not reassume the duties of building inspections. Councilman Saris indicated that the feedback he has received from contractors has been that the Town needs a building inspector because the County staff does not adequately perform the duties. The Board decided to invite Mr. Lemery to meet with the Board at 9 am at its special meeting on June 8.

Supervisor Gabriels noted that the Town will renew a Statutory Installment Bond (due June 19) @ 4% for the 2002 Sterling dump truck.

RESOLUTION #135

Councilman White moved, seconded by Councilman Saris, to approve the following transfer(s):

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
Police 3120.4	3120.2	\$6,000

All favorable. Motion carried.

Supervisor Gabriels asked the Board to consider how to pay for the bridge/culvert repair work near High Nopit.

RESOLUTION #136

Councilman Saris moved, seconded by Supervisor Gabriels, to refund a \$500 filing fee to Rolf Ronning for a major subdivision he withdrew (tax parcel #139.00-1-8). All favorable. Motion carried.

RESOLUTION #137

Councilman Saris moved, seconded by Councilman MacEwan, to grant permission to Main Street resident Linda Galusha to park 1 car in the Town Hall parking lot overnight. All favorable. Motion carried.

Public in attendance:

q Bob Weisenfeld indicated his support of adding a code enforcement officer to the Planning/Zoning staff. He thanked Counsel for his letter dated 5/6/04 re: the status of the NW Bay Partners, Ltd corporation.

RESOLUTION #138

Councilman Saris moved, seconded by Councilman White, to adopt the following fee schedule for stormwater permits: minor projects (between 5,000 and 15,000 sq ft) \$50 and major projects (over 15,000 sq ft) \$250. All favorable. Motion carried.

RESOLUTION #139

Councilman Saris moved, seconded by Councilman Andersen, to pay the LG Watershed Conference bills in the amount of \$9,833.91. Voucher was submitted on 06/01/04, as approved by K. Millington (DOS), pending availability of funds from NYS, for payment under contract C006305 - LGWC and Plan for the Future. All favorable. Motion carried.

RESOLUTION #140

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

Councilman Andersen moved, seconded by Councilman White, to enter executive session at 11:40 pm for the purpose of discussing personnel issues. All favorable. Motion carried.

Councilman Andersen moved, seconded by Councilman White, to adjourn executive session and reconvene the regular meeting and adjourn at 11:55 pm. All favorable. Motion carried.

Transcribed by:

Respectfully submitted by,

Melanie Quigan
Recording Secretary
06/16/04

Kathleen Simmes
Town Clerk