

TB Minutes June 5, 2007

STATE OF NEW YORK

COUNTY OF WARREN

TOWN OF BOLTON

Present: Supervisor Alexander G. Gabriels III, Councilmen Rob MacEwan,

Owen Maranville, Jason Saris, Town Counsel Michael Muller, Town Clerk Kathleen Simmes

Absent: Councilman Scott Andersen

Pledge of Allegiance: Jennifer Torebka

Public Hearing: None

Regular Meeting:

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

Announcements:

Sewer spill at main Pumping Station in Rogers Park has been resolved. Rogers Park Beach opened Wednesday, May 23, 2007 and all tests were below NYSDOH standards.

RESOLUTION #93

Councilman Saris moved, seconded by Councilman MacEwan to pay \$1,000 to NYSDEC for the fine imposed for the sewer spill at the main pumping station in Rogers Park. All Favorable. Motion carried.

Time Warner Cable survey results of May 7, 2007 indicated that no roads have sufficient density to extend cable. Copies of the results are in Supervisor's Office for review.

Warren County DPW will be charging paving costs for Town roads per memo of May 7, 2007.

Dula descendants have rescinded deed restrictions on Rogers Park. Counsel said that he contacted the two last living heirs of the Dula family and they consented to lift the deed covenants. It is all cleared, signed and complete. The Town Board is the custodian and any needs for future events, lot line adjustments, etc. can be done by Town Board action.

Conservation Park - Pending

Town Board is looking for suggestions to control the Canadian geese in Veterans Park.

Meal Site Menu is available in the Town Hall.

There are now 2 Town of Bolton website addresses: [www.town.bolton.ny.us](http://www.town.bolton.ny.us) and [.townofboltonlanding.com](http://.townofboltonlanding.com).

Marathon swim from Lake George to Hague on June 30, 2007.

On July 1 & 2, 2007 there will be two swim marathons from Rogers Park and it is also the weekend of the Adirondack Runner run to Veterans Park.

Public in Attendance: Jeffrey Tennent, owner of the Subway restaurant, asked for permission to go to the beach and offer a menu for what they sell, then bring an order back to the patron. Councilman MacEwan asked if it would be like delivery and Jeffrey Tennent said yes, and they would also look for their and any others' garbage and take care of it. Counsel said that by law that would be acceptable. The Board gave the permission.

Lake George Land Conservancy - Padanarum development - use of EPF funds - local determination.

Nancy Williams, LGLC Director, handed out items to the TB members and said they are proposing to purchase 500 acres of Rolf Ronning's land located on Padanarum Road, which would include approximately 200 acres of wetlands. The land would be for use by the public in the capacity of conservation studies. The LGLC would like to use EPF funding and the 50% match would be by gift of land from Mr. Ronning. If the proposal goes through, Rolf Ronning would like the land purchased by LGLC to be named "Rolf Ronning Park." The LGLC is looking for TB approval/endorsement for this project. Councilman Maranville asked if there were any stipulations by Rolf Ronning and Nancy Williams said no, just that the land be made available for public use. Councilman Maranville asked if there were any stipulations on taking over roads in this area and Nancy Williams said no. She added that Rolf Ronning will be presenting a proposal to the LGLC and he does plan to develop the east side. Councilman Saris said that it sounds like a bonus for the Town and it doesn't cost the Town anything. He added that the preservation is worth the effort. Councilman Maranville asked if the LGLC could raise enough money to buy all the land there and Nancy Williams said that it hasn't been offered. Nancy Williams said that she would provide an enlarged copy of the map she handed out for public viewing in Town Hall. Ron Conover said that he owns property in this area, which is a very fragile area and he commends the LGLC for trying to preserve it. He said that the TB should be aware and declare in some fashion that the approval of the LGLC's land from Rolf Ronning is not a quip pro quo for future development on the east side and the Town would not want to pre-empt or preclude the review of this proposal and the development proposal. Supervisor Gabriels agreed. He said that the Town Board would only be authorizing the use of some money for a purpose and it would not reflect future development to be proposed. Bill Campbell read a petition with 229 signatures in opposition of the forthcoming development into the record and stressed concerns. Councilman Saris said that the Bolton PB is the board those concerned about development should speak to in terms of their views. He said that he would assume that if a developer owns all of this it would be developed to the fullest extent that it can. Ed Corcoran asked if there is a way to have a public hearing regarding any power lines that are proposed in that area. Supervisor Gabriels said that the TB and Counsel would have to look into the public authorities law regarding local controls.

#### RESOLUTION #94

Councilman Saris moved, seconded by Councilman MacEwan to resolve that the TB approves the following resolution:

Whereas, the Lake George Land Conservancy is applying to the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) for a grant under the Environmental Protection Fund for a park-conservation project located in the Indian Brook watershed, along and between Padanarum and Trout Falls Roads, a site located within the territorial jurisdiction of this Board; and

Whereas, as a requirement under the rules of these programs, said not-for-profit corporation must obtain the approval/endorsement of the governing body of the municipality in which the project will be located

Now, therefore, be it resolved by this august body that the Board of Bolton Landing hereby does approve and endorse the application of the Lake George Land Conservancy for a grant under the Environmental Protection Fund for a park-conservation project known as Indian Brook Watershed and located within this community.

All Favorable. Motion carried.

Nancy Williams addressed the LGLC's purchase of the Tavern on the Pond property. They will be having a grand opening on 07/28/07. She asked for the TB to declare Bolton Land and Water Festival Day. Supervisor Gabriels said the matter would be reviewed and voted on at the next TB meeting in July.

Hal Heusner of the Bolton Free Library asked the best way they can move forward with putting a plan together for expansion. Supervisor Gabriels said that feedback to this point has been positive and the TB needs a more detailed plan of what the Library wants to have done, then they will set a meeting date.

There were no additional public comments on this or any other matters at this time.

Correspondence: Letter from Linda Lopiccolo congratulating Town of Bolton on the success of the Block Party

Note dated May 7, 2007 from Don Kingsley regarding Edgecomb Pond Road condition

Letter from LGLC re: proclamation for July 28, 2007

Letter from Lindsay Gates suggesting the Conservation Park could be used for theatre development

Notification from Greater GF Transit that there will be modest increases in upcoming trolley fares

Email from Steven Cox requesting advance announcements of fireworks in Town of Bolton

Fax from Jeff Alonzo that his group will have their next fireworks display in town on June 26, 2007

Letter from APA re: projects for Dave and Laura Saffer and Trout Lake Preserve

Correspondence from the APA that the Town of Bolton proposed work on Homer Point Road is non-jurisdictional

Referrals from Zoning Enforcement Officer / ZBA / BPB: Timothy Harrington, 4 Forbidden Forest Lane, [156.00-2-28] extensive tree clearing without permit - BPB recommendations

Counsel said that the item is pending and while a planting plan is drafted, it has not been signed-off on by Mr. Harrington to date. Progress is being made slowly. Discussion ensued on the timeframe it has taken to get to this point.

Board of Health/Water Commissioners:

Discussion ensued on whether or not the TB had to convene as the Local Board of Health for the first item for a private well variance. Councilman Saris said that it is a matter out of TB jurisdiction, so the TB should convene as the Local BOH.

RESOLUTION #95

Councilman Maranville moved, seconded by Councilman Saris to adjourn as the Town Board and to convene as the Local Board of Health. All Favorable. Motion carried.

#### Private Well Variance from sideline setbacks Donald Lynch [171.07-2-10]

Dan Ryan, project engineer, said that they are looking to build a single-family residence on the lot and they comply with all regulations. He hopes this is looked at as a minor project and he would hate to see this postponed further for neighbor notification. The two adjacent property owners are on municipal water, but his clients were not able to tap in. They propose the well location to be 15 feet from their property line. Councilman MacEwan asked if the Town Engineer has approved this and Supervisor Gabriels said he doesn't believe so. Councilman Maranville asked if the Lynches would be able to tap into the proposed Pioneer Village waterline and Dan Ryan said that he believes it would be too far and may take a long time pending the status of the Pioneer Village waterline request. Supervisor Gabriels said he received quite a few faxes and letters of opposition from last Thursday to date on this matter. Dan Ryan said that he believes his clients have been at their location much longer than anyone else in Juniper Hills and asked if any opposition is for anything other than desire. Supervisor Gabriels read an additional letter of opposition into the record regarding tree clearing. Councilmen Saris and Maranville said they believe the only matter the TB can deal with as the Local BOH is the well. Councilman Saris said that the only justification he could see for a setback for a well from a property line is the setback requirement from a person's well to a neighboring lot owner's well and in this case, that is not an issue, in that it doesn't infringe on it. Councilman Saris said that the Juniper Hill wastewater system is clearly far enough away. Hugh Roberts, Juniper Hills resident, asked if the applicant requires a variance for well setback and said that the Juniper Hills Community has several concerns with the project. He handed out drawings to the TB members and said that they have the following concerns: whatever happens to that lot will affect their community, clearing the lot will alter the environment and diminish property values. He added that whoever uses that property would be encroaching on their properties and there are concerns with the proposed clearing of 70% of the lot, which will create a dangerous situation on their lots and the lot in question. Hugh Roberts continued, saying that they would suffer by construction intrusion if the project is allowable and he knows that there were a number of people who bought property in the Juniper Hills who did so with the understanding that the lot in question was an unbuildable lot and would remain so. Peter Lynch said that the concerns stated are in opposition to development of the lot, not the well and Juniper Hills is saying they don't want the Lynches to build a home in the Juniper Hills community. He said that a balance needs to be achieved in what a property owner wants to do and the effect it will have on the surrounding environment and this home is not being proposed as a rental, but as a home for his brother. He added that this request is reasonable and they request an interpretation on whether a variance is needed for a well 5 feet from a property line. He read Section 200-54 of the Zoning Code and said that it is considered conforming for purposes of building and while they have a 10,000 square foot dimensional lot, they meet all requirements for a single-family home. Peter Lynch said that the well placement is to meet the separation from the septic and in case law, when there is an ambiguity in the ordinance the rule is to consider the ambiguity in favor of the property owner. Peter Lynch said that they made several offers to the Town and to Juniper Hills to appease them and the answer is that Juniper Hills doesn't want them in the Juniper Hills community. Ronald D lia, adjacent property owner, said that he feels it is his right to object and if there were no variances that needed granting, then he wouldn't be here. He added that the electric line is an issue the Lynches need to take up with National Grid. When he purchased his lot, it was based on information given to him that may or may not have been accurate, in that the Lynch family lot was an unbuildable lot. He added that his property would be devalued if this project is approved. Supervisor Gabriels said that the Town of Bolton has taken the issue that neighbors be notified, so public notice to neighbors within 500 feet were sent and they have their right to speak tonight on the matter. Counsel said the question is if there is a setback requirement here and he doesn't think there is. He added that in NYS, the law says if there is an ambiguity, the decision must be favorable to the applicant. Councilman Saris said he agrees with Counsel regarding the well issue. Dan Ryan said that they met with the Town engineer on the site to review their proposal and the septic does comply with all DOH and Town of Bolton regulations. Supervisor Gabriels asked if the 15-foot setback requirement has been thoroughly researched and Counsel said yes. Supervisor Gabriels said that voting favorably on this well issue would mean the question is moot.

RESOLUTION #96

Councilman Saris moved, seconded by Councilman Maranville to determine that the Lynch well issue, Juniper Hill Drive [171.07-2-10], is not jurisdictional for the TB sitting as the Local BOH, because there is nothing in text requiring a 15-foot setback. All Favorable. Motion carried.

Septic Variance - Chester Oliver and Joan Miller, 8 Cottage Lane [156.20-1-25] - Pioneer Village - Nace approval

Supervisor Gabriels read correspondence received in favor of this variance. Jim Hutchins, Engineer, said that they are proposing a new wastewater system for a 10,000 square foot lot in Pioneer Village, with an existing structure. The new system would be a subsurface bed in the northeast corner of the lot with a small pit for gray water in the area west of the house. The well is approximately 76 feet from a stream, and Tom Nace and Pioneer Village Association have both approved this proposal. Councilman Saris asked if there are undeveloped properties around this and if this would affect the ability of others developing. Mitzi Nittmann said that the Sisca's plan is to put the septic in the same corner. Jim Hutchins said that this project shouldn't interfere with that. Councilman Saris asked if the placement of the proposed septic system would disable any neighboring property owners from putting in wells and Jim Hutchinson said no. Supervisor Gabriels asked if the Pioneer Village Board has approved this proposal and Chet Oliver said yes.

RESOLUTION #97

Councilman MacEwan moved, seconded by Councilman Maranville to grant Chester Oliver/Joan Miller, 8 Cottage Lane [156.20-1-25], the sanitary sewage disposal variance as presented and shown as follows:

**WHEREAS** an application for a variance from the provisions of the New York State Department of Health rules and regulations pertaining to placement, situation and/or design of a private sanitary sewage disposal system (and/or variance from requirements imposed by Ordinance 36 of the Town of Bolton entitled sanitary Sewage Disposal Ordinance) has been applied for the following reasons:

- (1) A 100 foot setback from the stream is required from toe of slope for the leachfield, **76 feet granted.**
- (2) A 10 foot setback from the right of way is required from the top of slope for the leach field, **2 feet granted.**

**WHEREAS** the town clerk office published notice of public hearing in the municipality official newspaper and the local board of health conducted public hearings concerning the variance request, and

**WHEREAS** the local board of health has been assured that the municipality has duly notified all property owners within 500 feet of the subject property,

**NOW, THEREFORE, BE IT RESOLVED** that

due to the nature of the variance(s), it is determined that the requested variance(s) would not be materially detrimental to the purposes and objectives of the rule, regulation or ordinance nor to another adjoining property, and will not otherwise create conflict with the purpose and objectives of any town plan or policy; and

the local board of health finds that the granting of the variance(s) is necessary for the reasonable use of the land in the manner in which it is proposed to be improved and utilized, and the variance(s) granted is the minimum necessary to alleviate the specific unnecessary hardship found by the local board of health to affect the applicant property; and

**BE IT FURTHER RESOLVED**, that the local board of health hereby specifically approves the application as follows:

Applicant/owner name: Chester Oliver/Joan Miller

Town of Bolton Tax Map Parcel Number: 156.20-1-25

Town of Bolton Street Address: 8 Cottage Lane

Specifications as to the variance(s) granted: variance granted with requirement that the installation shall be in accordance with requirements and specifications of plans submitted by James Hutchins PE and approved by Thomas Nace PE (for Town of Bolton)

Duly adopted this 5 day of June, 2007, by the following vote:

YES: Supervisor Gabriels, Councilpersons MacEwan, Maranville, and Saris

NO: None

ABSENT: Councilperson Andersen All Favorable. Motion carried.

RESOLUTION #98

Councilman Saris moved, seconded by Councilman Maranville to adjourn as the Local Board of Health and reconvene as the Town Board. All Favorable. Motion carried.

Reports: Councilman Maranville Assessor: The 2007 tentative assessment roll was filed on May 1, 2007 and a legal notice was also posted in The Post-Star and on the official signboard. During May, Town Assessor Dave Rosebrook reviewed a written stipulation of settlement for three pending Article VII proceedings with Verizon Outside Plant Properties. He agrees with the stipulation as written and urges the TB to ratify this settlement. The Board of Assessment Review met on May 24, 2007 where they authorized one assessment reduction and one correction to the tentative assessment role. JoAnn Burgess has announced her retirement effective 08/20/07 and is now on leave until 07/09/07. Upon her return she has offered to work 1 day per week to train someone new. JoAnn Burgess has entered into a semi-retirement status, which began on 5/31/07 and he suggested the TB employ Deb MacEwan part time for this position. Note: Councilman MacEwan recused himself from the following matter and has participated in no discussions or taken any action on this matter.

Supervisor Gabriels questioned the protocol for hiring part time employees and Counsel said that if it is a shifting of duties, then it is acceptable.

Discussion ensued on Deb MacEwan becoming part time clerk assistant to Assessor Dave Rosebrook.

RESOLUTION #99 Councilman Maranville motion, seconded by Saris, to hire Deb MacEwan as part time clerk assistant in the assessor office at a \$12.27 hourly rate. MacEwan recused. All others favorable. Motion carried. Police Department: Sgt. Neumann reported that May 2007 saw the addition of Officers Galante and Varney, both of whom completed firearms training. Statistical data will be provided with the June report, when the computer is received back from having repairs done. Justice Department: A/R for May 2007: Judge Harry Demarest - \$1,435.00. Judge Edward Stewart - \$2,905.00. Total: \$4,340.00. There is an itemized list located in the court breaking down the amounts. Councilman Saris Clerk's Office: Total Local Shares Remitted: \$13,596.21, Total Non-Local Revenue: \$349.09, Total State, County and Local Revenues: \$13,945.30. Sewer Department: The Plant took in 6,978,260

gals of wastewater for a daily average of 225,105 gals, all beds are dry. Two new pumps installed at the south station are up and running, which was done in a very timely manner. The sewer jet is fully operational again. They had 45,000 gals liquid sludge hauled. Parks Department: Councilman Maranville, on behalf of Councilman Andersen, said an itemized report for the Parks Dept. was submitted, the parks are looking better and Main Street is looking nice. Councilman MacEwan Transfer Station: Total A/R: \$7,000.00. Supervisor Gabriel Supervisor's Report: Total receipts: \$368,105.80 and Total Disbursements: \$339,397.07.

Stormwater: Parks Dept. did an excellent job in Veterans Park getting the grass green and growing for Memorial Day. The Town used a backhoe to dredge Norowal and Veterans beach apologies for the track marks out there. The backhoe will also be used to dredge Woodshire Estates and Artist Falls. Thanks to Warren County Soil and Conservation District for their assistance in the dredging projects and thanks to the NYSDEC for moving fast on turning the permit applications around, particularly with regard to Norowal. Norowal will be paying a portion of the backhoe cost at a rate yet to be determined, shared with the Lake George Watershed Conference.

Warren County: two current issues are the payment of the replacement seats at the Civic Center and the location and costs of the social services building.

Unfinished Business:

Retaining Wall Project

Supervisor Gabriels said that Carl Schoder has informed them that the contractor is requesting payment.

RESOLUTION #100

Councilman Saris moved, seconded by Councilman MacEwan to pay the contractor \$77,662 for the retaining wall project per Carl Schoder recommendation. All Favorable. Motion carried.

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Authorize Town Attorney to commence action in Supreme Court for enforcement against Robert & Yvette Scanlon and against Rosamond Clark - alternative remedies and notice letters have not been fully complied with

RESOLUTION #101

Councilman MacEwan moved, seconded by Councilman Maranville to authorize the Town Attorney to commence action in Supreme Court for enforcement against Robert & Yvette Scanlon and Rosamond Clark. All Favorable. Motion carried.

Town employees legal authority to enter property for inspection including engineer for purposes of determining whether building is unsafe or not Supervisor Gabriels asked for the law regarding this and Counsel said that he left a phone message for Mr. Law at his office. He added that the requirement here is the Town of Bolton should respect private property rights and in this instance it would be preferable that the owner consent to let an agent/engineer or any representative on behalf of the Town of Bolton to inspect, not presume the Town of Bolton has the right, and it is a building that is falling down, but it is not a crisis or burning building so there are not emergency circumstances. His recommendation will be to seek Walter Law's permission, which he does believe is forthcoming and if they don't receive permission,

the next action would be to seek a directive of the court for an administrative search warrant, but he does think they'll receive Walter Law's permission.

Supervisor Gabriels said that employees of the Town of Bolton will not be going on private properties with sort of a cowboy attitude. Counsel said that he feels there are proper policies and procedures in areas where more than likely a Town representative would go onto private property, that is in the application process for variance, site plan review or a stormwater management plan and he is assured they are using these forms. He added that when the applicant makes the application for whatever relief they seek from the various boards, they do consent, and so in a manner of speaking, the Town has obtained the consent, which is valid throughout the whole process, which does not end until the project ends. He added that there might be a matter that is important to the Coded Enforcement Officer or the Town Engineer, which the language has been included in getting a certificate of compliance. Councilman Saris asked what the law is regarding violations and Counsel said that the Town does not have an absolute right, so the Town should ask for permission and he has given M. Nittmann some instructions that are permitted in law and quite neutral. She can send a party notice by certified mail and also hand deliver a copy. Mitzi Nittmann said that she has files on her desk where even though there are no trespassing signs, but she has been given a complaint, she will be sending the owner a letter requesting permission to enter that parcel. Counsel added that this permission is also extended to PB and ZBA members because of the application process, but it does not extend to their guests. Supervisor Gabriels asked if it would extend to TB members and Counsel said no, probably not. Councilman Saris asked if it would extend to the TB for a case before the TB for alternative remedies. Counsel said that in the newer revised forms, yes.

#### Westwood Forest West

Supervisor Gabriels gave an overview of the situation and said that Rolf Ronning called him today regarding the performance bond and he gathers that Rolf Ronning is looking for the release of the full amount. Counsel said that the TB has signed an agreement that there is only one event upon which he can release the money and that is when Tom Nace gives him a certificate of substantial satisfactory completion. When he gets the sign-off from Tom Nace, he is prepared to release the money. He added that Rolf Ronning stood before the PB and accepted a further agreement that the same \$150,000 would not be returned to him but would go onto Saddlebrook. He has prepared that agreement, which doesn't have signatures on it yet and he feels this effort does not require any action from the TB, because it is going to go quite well and when Tom Nace feels comfortable with issuing a certificate of substantial satisfactory compliance and he gets it, he will release the money. Supervisor Gabriels said that he is not sure Tom Nace is fully cognizant of the need and receipt of the final as-built plans, which is needed for the TB to have in hand as part of this performance bond. Supervisor Gabriels also said that he knows the Town needs the as-built plans before the money is out of Counsel hands.

Supervisor Gabriels read a letter from Mike O'Connor (who is representing the Johnsons) to P. Kenyon regarding Rolf Ronning agreeing to no return of the money until the Johnsons sign off on the stormwater. Counsel said that Rolf Ronning shouldn't be self-dealing in this and Rolf Ronning offered the same amount of money to the PB and they accepted it. Claire Kingsley said that her understanding is that there was a private deal on the deed that when Rolf Ronning sold the property to the Johnsons that they had to be happy with the road and stormwater and they would not sign-off until they were happy. She added that she thinks the Johnsons assume they have to approve before Counsel could release the money. Counsel said that he can be held to that standard. He can only release the money after Tom Nace tells him when to let it go, which is an important part of an escrow agreement. Claire Kingsley asked if it is correct that Counsel is saying the private agreement the Johnsons have has nothing to do with the Town of Bolton and Counsel said yes. Claire Kingsley said that there is a stormwater issue on the Johnson's property in that the Johnsons don't want the basin and have never wanted it. She said that the Johnsons have never liked anything they have done and when Tom Nace was within hours of signing-off in April, the Johnsons enlisted the help of Warren County Soil & Water. One of the Johnsons workers is on the Board of Directors for the Warren County Soil & Water, so the Johnsons have been driving this for months, which is why there hasn't been a sign-off. Counsel said that he is happy to work with the project, but his standard would be that when Tom Nace gives him a certificate he certainly knows what to do and he

would urge Tom Nace to be careful giving a certificate because Counsel is obliged to let the money go. Claire Kingsley said that there are a lot of things the TB is not privy to which will be coming out soon.

Lori LaGoy regarding Town web site policies, procedures and content

#### RESOLUTION #102

Councilman Maranville moved, seconded by Councilman Saris to authorize Supervisor Gabriels to sign contract regarding Town website policies, procedures and content. All Favorable. Motion carried.

Stipulation of Consent Order Verizon versus Town regarding assessment - Town Assessor and Town Counsel approve - awaiting BCS approval

Supervisor Gabriels said that as shown in reports, Town Assessor Dave Rosebrook recommends the Town of Bolton enter into the agreement and Counsel recommends the same. Supervisor Gabriels asked if Bolton Central School is in agreement and Counsel said yes.

#### RESOLUTION #103

Councilman Maranville moved, seconded by Councilman MacEwan to enter into the agreement of Stipulation of Consent Order Verizon v. Town of Bolton. All Favorable. Motion carried.

Consider new boiler proposal for entire Town Hall from Thermal Associates

Item is pending.

Pioneer Village Improvement Association Water District Extension discussions ongoing request indefinite postponement of petition

Supervisor Gabriels said that a letter was received from Atty. McNally requesting an indefinite adjournment of the petition for extension of the water district pending further investigation. Counsel said that just means their timetables are suspended and that they are going to rethink parts of their project. He added that as he has said before, he felt it was important for the TB to give consideration of republishing and allowing the public to be at any future meeting on the matter, since there has been so much suspended animation on this matter. Supervisor Gabriels agreed. Ron Conover said that his concern is that he is uncomfortable with public infrastructure dedicated to the Town being designed and driven by a private entity and his concern is the Town accepting a line that may not be to Town standards. Supervisor Gabriels said that the Town Engineers for this type of project has been CT Male, specifically Alex Rhodes, and she came before the TB at the beginning of this project saying that she was requested to also do this line for Pioneer Village under their contract and asked the TB if there would be a conflict of interest and the TB said no. Councilman Saris said that to some extent, they did hire the Town Engineer. Ron Conover said that normally, it can be done on a number of other bases and he is not sure of the advantage or disadvantage of negotiating some kind of customized kind of arrangement from a public perspective. Supervisor Gabriels said that the Town is trying not to put penny one into this investment. Councilman Maranville asked if Atty. McNally gave a reason for the postponement and Counsel said that specifically, it seems to be a question of finances in that members of Pioneer Village that had already voted favorable for the project are now questioning the amount.

#### RESOLUTION #104

Councilman Maranville moved, seconded by Councilman Saris to grant indefinite adjournment of petition for extension of the water district to Pioneer Village Improvement Association. All Favorable. Motion carried.

Workshop meeting between Town Board and School Board

Supervisor Gabriels asked if any Town Board members were informed of another workshop between BCS and the fire company and all TB members said no.

Used 2-wheel drive truck for Parks Dept.

Councilman Saris asked if the TB could authorize Councilman Andersen and Parks Dept. head George Mumblo to a certain dollar amount to shop for a truck. Counsel responded by saying yes, the TB can, but there are policies and procedures in general municipal law that urges to have it well documented. Councilman Saris said that the Town would be better served for someone to go around and do some physical comparison-shopping, given certain budget limits discussed.

#### RESOLUTION #105

Councilman Saris moved, seconded by Councilman MacEwan to authorize Councilman Andersen and Parks Dept. Head George Mumblo to find a 2-wheel drive truck, cost not to exceed \$5,000.00 for the Parks Dept. All Favorable. Motion carried.

Rogers Park deed restrictions

The TB members agreed that the 2007 arts & crafts fairs can be held at Rogers Park.

Continuation of public hearing from October 3, 2006 on Zoning Code 200-46(10) cut and fill language - alternative amendments

Item is pending.

Pending Items: Reviewed and no action taken.

New Business:

Carl Schoder - Letter for compensation for reconstruction of pier plus two finger docks

Supervisor Gabriels said that other than money, timing on the project would be problematic.

#### RESOLUTION #106

Councilman Saris moved, seconded by Councilman Maranville to authorize Carl Schoder to begin drawing up documents for the Rogers Park pier project. All Favorable. Motion carried.

George Mumblo, Parks Department, would like to be paid for thirty-five (35) hours of unused vacation time. Anniversary date is this week. He has the time.

#### RESOLUTION #107

Councilman Saris moved, seconded by Councilman Maranville to pay George Mumblo of the Parks Department for thirty-five (35) hours of unused vacation time. All Favorable. Motion carried.

Increase petty cash limit from \$50 to \$100 for each park attendant (Owens & Baker & Batt)

#### RESOLUTION #108

Councilman Maranville moved, seconded by Councilman MacEwan to increase the petty cash limit from \$50 to \$100 for each park attendant (Owens, Baker & Batt). All Favorable. Motion carried.

Recreation Director has requested increase to lifeguard appropriations - \$2,424.50 three (3) additional hours of coverage per day from a total of \$31,985 to \$34,339.50

#### RESOLUTION #109

Councilman Saris moved, seconded by Councilman MacEwan to increase the lifeguard appropriations in the amount of \$2,424.50 (for three additional daily hours) from a total of \$31,985 to \$34,339.50. All Favorable. Motion carried.

Declare as surplus, safe and bureau from Police Office Bolton Historical Society would like to receive both items

#### RESOLUTION #110

Councilman Maranville moved, seconded by Councilman Saris to declare the safe and bureau from the Police Office as surplus items and to donate them to the Bolton Historical Society. All Favorable. Motion carried.

Bolton Police adopt NYS Manual of Procedures as Official Manual for Bolton

#### RESOLUTION #111

Councilman Maranville moved, seconded by Councilman Saris to adopt the NYS Manual of Procedures as the Official Manual for the Bolton Police Department. All Favorable. Motion carried.

Note that Luke Dague passed basic wastewater operators and sewer lab and received an increase of \$500 per Town policy - retroactive to 2006

Supervisor Gabriels said that this is being mentioned for the record, because in looking back there was no record of it in the minutes.

#### RESOLUTION #112

Councilman Saris moved, seconded by Councilman Maranville to acknowledge the \$500 increase to salary per Town of Bolton policy to Luke Dague for passing the Basic Wastewater Operators and Sewer Lab. This was done in 2006. All Favorable. Motion carried.

Supervisor has asked Donna Farrar, Whitmore, Downen & Ricciardelli, for proposal for accounting of Sagamore Hotel financial records for compliance with Contract of October 5, 1982 and Refinancing Contract of December 5, 1989 were the correct standards quoted by the firm?

Supervisor Gabriels said that Donna Farrar has sent back a proposal for looking at the Sagamore Resort records for the above agreement. Councilman Maranville asked if that is about the Sagamore paying the money back and Supervisor Gabriels said yes. Councilman Maranville asked if there was ever a deadline on when the Sagamore paid the Town of Bolton money and Supervisor Gabriels said no. Councilman Maranville asked if there is any way to get one on there and Supervisor Gabriels said only if they wish to put one on there. You would have to renegotiate that whole document. Councilman Maranville said that it seems they are liquidating everything they have and buying properties in the Town of Bolton. Counsel responded by saying that the Town of Bolton is a contractual recipient of residual property and it will never get there because GIA finds a place to spend it. Supervisor Gabriels said that six procedures were

agreed upon and Counsel states that the agreed procedures will also include preparation of the written report and opinion stating that If the Sagamore Resort and Green Island Associates owe the Town of Bolton any amounts due under the loan modification agreement dated December 5, 1989 specifying the amounts and identifying the source or basis of that amount. Councilman Maranville asked how much the Sagamore owes the Town of Bolton and Supervisor Gabriels said four million dollars. Donna Boggs suggested the TB make the audit a two-year deal, as has been done in the past, because there were many condominiums sold since 01/01/07. Discussion ensued on the timeframe. Supervisor Gabriels said that the Whitmore, Downen & Ricciardelli fees proposed for the one-year audit are between \$5,000 and \$6,250. RESOLUTION #113

Councilman Saris moved, seconded by Councilman MacEwan to accept the proposal from Donna Farrar, Whitmore, Downen & Ricciardelli to conduct a one-year audit for 2006 of the Sagamore Hotel Financial Records for Compliance with Contract of October 5, 1982 and Refinancing Contract of December 5, 1989 to include Town Counsel added verbiage. All Favorable. Motion carried. RESOLUTION #114

Councilman Maranville moved, seconded by Councilman MacEwan to approve the June 2007 transfers as presented. All Favorable. Motion carried.

From To Amount

#### GENERAL FUND

12204 Supervisor 14102 Town Clerk \$2,500.00

19904 Contingency 71504 Conservation Park 1,500.00

Unappropriated Surplus 71102 Parks 132,750.00

19904 Contingency 71401 Personal 2,415.00

#### SEWER

General Fund Transfer \$20,000.00

Increase Budget for Sewer Jet Insurance coverage

2680.9 Insurance Recoveries 81202.9.2 \$14,912.00

Public in Attendance:

John Gaddy said that he hopes there might be some synthesis with safety and maintenance and rural character. He gave example of New Vermont Road being kept beautiful by the County and asked that the Town of Bolton crews be able to do the same for town roads.

There were no additional public comments on any matters at this time.

Approve payment of Town bills

RESOLUTION #115

Councilman Maranville moved, seconded by Councilman Saris to pay the Town bills. All Favorable. Motion carried.

LGLC request to declare July 28, 2007 Bolton Land and Water Festival Day TB members decided to revisit this issue at this time instead of at the July meeting as stated earlier

RESOLUTION #116

Councilman MacEwan moved, seconded by Councilman Saris to declare July 28, 2007 Bolton Land and Water Festival Day as per the following proclamation:

WHEREAS, the Lake George Land Conservancy (LGLC) is a not-for-profit organization working to protecting the watershed of Lake George, the natural resources of the region, the rare plant and animal species that exist here, and the scenic qualities which are vital to the economic success of the area, and

WHEREAS, the LGLC is expanding its capacity through the purchase and reconstruction of an existing, dilapidated building in Bolton Landing into the Macionis Family Center for Conservation and

WHEREAS, on July 28, 2007, from 9:00 AM to 4:00 PM, the LGLC will hold an open house and community day full of festive activities to celebrate the Grand Opening of the Macionis Family Center for Conservation and

WHEREAS, the LGLC will collaborate with Bolton Landing businesses to offer activities, discounts, special offers, and raffle prizes at the Macionis Family Center for conservation and at other business locations around Bolton on July 28<sup>th</sup>, 2007, and

WHEREAS, the LGLC wishes to encourage visitors and residents alike to also visit businesses throughout the Bolton Landing community on July 28, 2007, and to participate in activities that highlight and celebrate the beautiful lands and waters that make the area so special, and

WHEREAS, it is fitting that the Town of Bolton recognizes a community day in Bolton Landing to celebrate the beautiful lands and waters that make the area so special.

NOW, THEREFORE, BE IT RESOLVED, BY THE BOLTON TOWN BOARD, that the Town of Bolton proclaims July 28, 2007, as Bolton Land and Water Festival Day

All Favorable. Motion carried.

Councilman Maranville moved, seconded by Councilman MacEwan, to adjourn the regular meeting and enter executive session at 10:20 pm to discuss a personnel matter. All Favorable. Motion carried. Councilman Maranville moved, seconded by Councilman MacEwan, to adjourn executive session and reconvene the regular meeting and adjourn at 11:00 pm. All Favorable. Motion carried.

Minutes transcribed by: Respectfully submitted by:

Jennifer Torebka Kathleen Simmes

Recording Secretary Town Clerk

06/11/2007