

TB – Minutes
2005

July 5,

STATE OF NEW YORK
COUNTY OF WARREN
TOWN OF BOLTON

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

Absent: None

PUBLIC HEARING:

At 6:30 pm, Supervisor Gabriels opened the public hearing regarding proposed amendments to the Zoning Code Ordinance under:

Chapter 125 – Town of Bolton Stormwater Management Ordinance Section 125-16 through Section 125-20 providing for enforcement procedures.

Chapter 150 – Town of Bolton Land Subdivision Regulations Article III providing for enforcement procedures and Article IX Separability.

Chapter 150 – Town of Bolton Land Subdivision Regulations Section 150-23 Sketch Plan B (6).

Chapter 200 – Town of Bolton Zoning Ordinance Article XIII providing for enforcement procedures.

Chapter 200 – Town of Bolton Zoning Ordinance Section 200-16 Special Density Regulations in certain districts; Section 200-23 Parcel Located in more than one Zoning District. Section 200-55 Gifts, Devises and Inheritances; Section 200-8 Definitions (Driveway/Road)

Supervisor Gabriels said the Town Board had already reviewed the provisions for a number of months and asked if the APA was in agreement with the language. Counsel said the APA is on notice. He has not received a reply, but yes they are on board.

No public comments.

REGULAR MEETING:

Supervisor Gabriels called the regular meeting to order at 7:02 pm.

Pledge of Allegiance – Town Counsel Michael Muller

Announcements:

June 13th Storm Damage has been proclaimed an Emergency Declaration by the Governor. They have sent the applications to Washington, D.C. and at this time, the Town of Bolton has not heard any information on whether or not FEMA will accept the Governor's assertion of Emergency Declaration. The Town Board will keep the public informed.

There is a group that will be showing movies, free to the general public, in Rogers Park. Thursday's movie will be Sandlot 2, which is rated PG and all are welcome to attend.

- The 2nd Bolton Folk Fest will be in Rogers Park on Sunday, September 4, 2005.
- Bolton United/Bolton Cares have scheduled a Second Bolton Pride Day for Sunday, October 2, 2005 in Veterans Park.
- Joan Baldwin has volunteered to serve as Bolton's representative on the WC Youth Board and her first meeting will be in July.
- Meal Site Menu, brochures and public information documents are available in the Town Hall.
- There are now 2 Town of Bolton website addresses: town.bolton.ny.us and townofboltonlanding.com

Public in Attendance:

- Elinor Fosmer asked if the Town Board would be getting a Senior Citizen Bus available to bring seniors who don't drive to their out-of-town trips. She said there used to be one, and suggested the Town Board get a bus and find someone to drive it.

Supervisor Gabriels said the Town had the Senior Citizen bus for a long time. He recalls it not being used substantially as the reason the Town stopped, but if there is a need the Town Board will take a look at the options of either getting bus service or acquiring a bus and a driver.

Correspondence:

- Several letters of thanks to Town forces for getting the Town back in operation after the June 13, 2005 storm.
- Letter to the PB and TB from the Highway Superintendent opposing the Town of Bolton taking over Mr. Ronning's proposed road from County Route 11 to New Vermont Road.
- Letter from Jeff Urtz stating he will not at any time, for any reason allow Jim or Tenee' Casaccio on his property.
- Letter from Lori Jordon regarding the Bolton Yankees and the opportunity for hosting next year's all-star game and the need for concession stands and bathrooms. The Yankee's are playing in the Championships.
- Correspondence and communication from Michael Muller on the issue of alternative remedies.
- Correspondence from Ray Oliver of Diamond Point with concerns of private property owners using a Town right-of-way. P. Kenyon was given a copy of the letter.
- Letter from Woodshire Estates regarding the new water system they will be putting in and questioning our concerns.
- Correspondence from CT Male and the DOH regarding Pioneer Village's application to extend the Town's water main from the north end to Pioneer Village.
- E-mail from the Curri family encouraging the Town to look at the retention basin put in on their property about 8 years ago. There is a concern since the June 13th flooding.
- Correspondence from Sagamore Hotel that they will be renewing their liquor licenses at The Club Grill, the hotel and two additional bars.
- Correspondence from Michael Muller regarding the Brandow/Denison subdivision on Trout Lake.
- Correspondence from Michael Muller on the Stars and Bars Inc. outstanding matter.
- Copies of three web site searches on movie projectors for the Town Board's consideration to review.

- Indication from the Office of Real Property Tax Services on the Town of Bolton's total special assessment roll for NIMO, Citizens Telecom, Verizon, Atlantic Telecom and Time Warner. The total is \$4,192,501 in value.
- Information from the Lake George Park Commission on Log Bay Day indicating they will use the same degree of enforcement should that event occur this coming year.
- Notification from the APA that they received an application from Jeff Tennent in the Diamond Point area, which is designated as moderate intensity and rural use in the APA plan and that the project is underway.
- Indication from the Planning Office requesting a return of \$25.00 for a septic permit application to Jarrett & Martin Engineers. That application fee had already been paid.
- Request for a noise permit from Ed Corcoran at 260 South Trout Lake Road for August 6 from 2-11pm to have outdoor music.
- Correspondence from Marv Lemery, Code Enforcement Officer, regarding the property located at 25 Horicon Avenue, two properties further up on Horicon Avenue, and the property at the corner of CR11 and Route 9 and his recommendations.
- Letter from the APA on a proposed subdivision from Marilyn Otto that has been approved with conditions.
- Correspondence from Nace Engineering on the Owen Roberts septic variance application.
- Correspondence from Nace Engineering on the Kenis Sweet septic variance application.
- Correspondence from Nace Engineering on Wide Waters three-lot subdivision septic variance application.
- General correspondence from various agencies.
- Correspondence on Mr. Saris' development on North Bolton Road.
- Memorandum from Tom Jarrett dated June 6 regarding the maintenance of Norwood Drive.
- Indication from APA that Mr. DiNapoli's area variance, which was approved by the local ZBA, has been denied at the APA level.
- Town of Bolton's Recreational Calendar for the next two months.
- Lake Champlain Basin Program State of the Lake.
- Question whether or not the Town of Bolton would like to be lead agency on the West Brook Stormwater Facility Development at the former Gaslight Village.
- Number of correspondence back and forth on the issue of Urtz and Casaccio and the Town of Bolton.
- Correspondence from Warren Washington County Homeless Youth Coalition.
- Correspondence from Senator Little.
- Correspondence from Cornell Cooperative Extension.
- Correspondence from the NYSDEC and APA discussing the value of clean water for all of society.

Reports:

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Councilman White:

ASSESSOR:

- During June, the office returned to more normal activities in addition to adjusting the day-to-day transfers of property, exemptions and other administrative items. This year entails

completing the floor plan drawings of some of the larger, more complicated homes. The Assessor made the changes ordered by the Board of Assessment Review, and changed the final special franchise assessment and transition assessments set by the state. The Assessor began making property inspections. Because of the storm damage to some properties in Warren County, the State enacted special legislation allowing assessments of any property to be reduced if damages exceed 1/3 of the overall property value. To date, only one property, which is located on New Vermont Road, appears to be eligible and the Assessor contacted the owner, made the inspection and processed the paperwork. The Assessor and Attorney Michael Muller reached an equitable settlement with Kileen concerning his assessment and an order of stipulation is being sent out to the Town Board for their approval.

WATER DEPT:

- Water made: 8,321,845 gals Daily average: 277,371 gals.

Currently due to the heavy rainfall, the pond level is over the spillway. They have been very busy at the Water Plant. They had to shut off the water to the entire Town during the flooding. They have also been working for the last 2 1/2 weeks trying to remedy some of the situations as a result of the storm.

JUSTICE COURT:

- A/R: Total: \$8,475.00. There is an itemized list located in the court breaking down the amounts.

Councilman Saris:

TOWN CLERK'S OFFICE:

- Total Local Shares Remitted: \$16,856.53. Non-local Revenues: \$599.27. Total State, Local and County Revenues: \$17,455.80.

HIGHWAY DEPARTMENT:

- The storm of June 13 has basically dominated the Highway Department's activities this last month. Everything is in pretty good shape and passable. The Highway Department is now concentrating on a lot of shoulder work. Councilman Saris said the Highway Department did a heck of a job in getting things opened back up again in some very tough conditions.

Supervisor Gabriels has received many inquiries concerning road paving in the Trout Lake area and the answer is yes, those roads are going to be paved. The County has made that commitment to the Town of Bolton and while he is not sure exactly when, it will get done.

SEWER DEPT:

- The Plant took in 9,083,650 gals of wastewater for a daily average of 302,788 gals. They are back to being in pretty good shape and most of the beds are dry. They had 80,000 gallons of liquid sludge hauled. Councilman Saris said everyone should know that the guys in the Sewer Department are also some of the unsung heroes of the flooding disaster the Town had. Those

guys spent five days manning the Sewer Plant around the clock, to make sure the Town did not have a spill. They were prepared if there was a spill and made a tremendous effort. Tom French passed his lab test and will take his ABC test in the fall.

Councilman Andersen:

PLANNING OFFICE:

Permits applied for: 13 certificates of compliance / 6 wastewater systems / 9 variances / 3 site plan reviews / 4 subdivisions / 3 stormwater permits. A/R: \$1,603.50.

Councilman Andersen asked for a status on Greenmeir/Hubbell and Counsel answered by saying he does not know why the stipulation hasn't been signed by all parties yet.

CODE ENFORCEMENT:

57 site visits / numerous inquiry reply letters sent / 4 stormwater conferences took place regarding sites that needed repair. 360 miles logged.

BUILDINGS & GROUNDS DEPT:

The Parks Department is doing its normal maintenance. They have done some work on the streetlights. They did have to remove a large old tree that came down at the park during the storm.

Supervisor Gabriels said he received several inquiries concerning replacement of the tree. He feels the Town Board should discuss the type of tree, size, location, etc.

RECREATION DEPT:

The Summer Program has started. Schedules have been mailed out. They also started a daily structured youth program that has quite a few kids.

Councilman MacEwan:

TRANSFER STATION:

A/R: \$6,728.00. Lisa French reported they got a lot of their storm damage cleaned up thanks to George Mumblo and the Parks Department.

Supervisor Gabriels:

SUPERVISOR:

- Total receipts: \$325,567.22. Total disbursements: \$393,627.26.
- No more specifics available on stormwater other than what has already been discussed.
- Warren County: no specifics.

Unfinished Business:

Public hearing on proposed amendments to the local Zoning Ordinance. There were no comments from the public or Town Board.

RESOLUTION #134

Councilman Saris moved, seconded by Councilman Andersen for the Town Board to close the Public Hearing on the proposed Zoning Amendments. All favorable. Motion carried.

Counsel requested the Town Board hold off on making a decision on the proposed amendments, because he wants to send another copy to the Warren County Planning Board and to prepare a SEQR statement. The Town Board can take action at next month's meeting.

The Bolton Arts & the Friends of the Library group, in conjunction with the Bolton Occupancy Tax Committee, recommended the Town acquire an outdoor movie projector to show movies in Rogers Park. Supervisor Gabriels said after several months of diligent research, including consulting the Director of the Saratoga Film Forum, the group has selected a Sanyo Multimedia Projector at the cost of \$3,995.00 plus shipping. The group provided three on-line price comparisons and this one was the cheapest. Funds will come from the Bolton Occupancy Tax Fund. They are in an emergency situation since the first movie is scheduled for Thursday.

Counsel said he urges the Town Board to strictly follow its own policy and the State requirements for bid policies. There is a sense of urgency and a professional opinion as to what projector to buy does apply to this situation. Counsel suggests that if the Town Board is going to buy this equipment that it does so with these noted procedural deficiencies.

RESOLUTION #135

Councilman MacEwan moved, seconded by Councilman Saris as a result of an emergency situation, since movies in the park begin in two days, to approve the use of Occupancy Tax Funds in the amount of \$3,995.00 plus shipping to purchase the Sanyo Multimedia Projector for outdoor movies in Rogers Park. We have received three on-line bid comparisons, rather than having advertised in the paper for bids. All favorable. Motion carried.

Water District Ordinance Amendment This amendment would ban the drilling of wells within the water district, the Town Board agreed there should be another Public Hearing on this matter.

RESOLUTION #136

Councilman Saris moved, seconded by Councilman Andersen to set a Public Hearing on the topic of Water District Ordinance #39 amendments for August 2, 2005 at 6:30 pm at the Bolton Town Hall. All favorable. Motion carried.

Proposed changes to the Parks & Beach Ordinance #38. Counsel said this is a draft in an effort to make a more comprehensive and enforceable ordinance. The Town Board will review the draft, make suggestions and fax it back to Counsel with any revisions.

Comprehensive Plan and Zoning Ordinance

Supervisor Gabriels said the Town received a \$20K grant from the State and there is a matched amount in our budget for this process. At this time the Town has no specific contract with a consulting firm for this service. Councilman Saris said an Implementation Committee was formed to review the plan in a reasonable timetable. The Implementation Committee concluded one of the first things that needs to be done is to review the Zoning Ordinance, and he recommended the Town Board talk to ELAN, since they are most familiar with the plan, and they are the ones that helped the Town create it.

Counsel said bidding is not required for professional services. Supervisor Gabriels said he would contact ELAN and ask for a proposal to be reviewed at the August 2, 2005 Town Board Meeting.

Rainbow Tax Certiorari Case

Counsel gave an update saying the Town Board voted that Town Counsel replace present Counsel on this case and to date, the Town has not been served with any papers in a new Tax Certiorari Case by Rainbow Beach, but the Town should be prepared for that.

Regarding the Highway Garage and “floating concrete pads,” Supervisor Gabriels said it still remains unanswered by Mr. Krueger and he is beginning to document all actions more thoroughly.

Board of Health/Water Commissioners:

RESOLUTION #137

Councilman Saris moved, seconded by Councilman MacEwan to adjourn as the Town Board and convene as Board of Health to hear two septic variance requests and two WC Building Code Administrator recommendations. All favorable. Motion carried.

Wide Waters Septic Variance

Supervisor Gabriels gave an overview of the situation and that this issue be tabled without prejudice for the current owners or any subsequent owners.

RESOLUTION #138

Councilman Andersen moved seconded by Councilman Saris to table the Wide Waters septic variance request without prejudice to the current owners or any subsequent owners. All favorable. Motion carried.

Regarding the small barn on Horicon Avenue owned by Janet Lehman Tax Map # 171.15-1-28, WC Building Code Administrator, Marv Lemery, recommended the Town have that small barn removed in the interest of public safety as he found it is an unsafe building. Counsel said if the Town Board agrees with Marv Lemery’s findings it needs to make the same findings. The process is as follows: the Town Board has to give due notice to the owner of what the Town’s intent for that small barn is and then give the owner the opportunity to accomplish that. If they did not then you could proceed and prosecute.

RESOLUTION #139

Councilman White moved, seconded by Councilman Andersen, to accept WC Building Code Administrator, Marv Lemery’s findings that the small barn located on Horicon Avenue Tax Map #171.15-1-28 owned by Janet Lehman is a public safety hazard. We will advise the owner of Marv Lemery’s report and that the Town concurs and proceed with notification that it is considered a safety hazard and needs to be removed. All favorable. Motion carried.

Regarding the modular cabins on the corner of County #11 and 9N, owned by Robert Devito Tax Map # 156.00-2-19 WC Building Code Administrator, Marv Lemery, recommended in his June

8, 2005 letter that the Town have the cabins removed in the interest of public safety as he found they are unsafe buildings.

RESOLUTION #140

Councilman Saris moved, seconded by Councilman MacEwan, to accept WC Building Code Administrator, Marv Lemery's findings that the small modular cabins on the corner of County #11 and 9N owned by Robert Devito Tax Map #156.00-2-19 are a public safety hazard. We will advise the owner of Marv Lemery's report and that the Town concurs and proceed with notification that they are considered a safety hazard and need to be removed. All favorable. Motion carried.

Kenis Sweet septic variance request Supervisor Gabriels stated Town Engineer, Tom Nace and project engineer, Tom Hutchins came to an agreement on this matter and he read Tom Nace's letter dated June 2, 2005 outlining his comments and recommendation for this project.

Councilman Saris asked which variance the ZBA denied. Counsel answered by saying that the ZBA denied setbacks. The ZBA didn't like the topography of the lot and the ZBA felt the house could be smaller. The ZBA discussed the possibility that this may not be a building lot, since it is too narrow and way too steep. Councilman Saris said the bottom line is that the house that was proposed with the septic system cannot be built. Counsel said that is correct.

Kenis Sweet, the applicant, said the ZBA did deny the variance request and one of their reasons was a question about the septic. His hope is things will move forward with the granting of the septic variance now and then they will go back and try to come up with a different more accommodating footprint for the house. The lot has been considered a building lot from when it was established over 30 years ago and no matter what size structure is to be built, it is going to need a variance for setbacks from the front and back of the property.

Councilman Saris said usually the septic system is designed to go with the house and approving a septic to go with a house when there is no design is like putting the cart before the horse. Kenis Sweet said he does not necessarily agree, because he feels the septic system being proposed is conservative. It is being designed for a three-bedroom house and the new plans for the house would never be bigger than the denied plans, so the septic system would meet the needs.

Councilman Andersen asked for the status on whether or not this is a building lot. Counsel said he thinks every property by zoning and code is a potential building lot. This can be a problem, because the ZBA's summary is that this particular lot may have so many constraints on it that perhaps it is not a building lot. This is not his call or the Town Board's call, but is possibly reflected in an assessment. Counsel added that it is clearly in a proper zone to have a house constructed on it, but it just has a substantial amount of constraints.

Counsel said procedurally he doesn't want to prejudice this applicant. He thinks as the Town Board of Health, there should be some difficulty in trying to consider the possibly of acting favorably on this, unless there is really a plan that has some specificity. Procedurally the applicant would need to achieve what's necessary first before going on to what is needed second.

Counsel continued by saying this item can be tabled without prejudice. This piece of property did not win favorable support for a variance that was needed to build a house. It may with a better or different plan. He thinks the Board of Health would set bad precedent to act favorably on a decision as to septic setbacks knowing that the first step has not been achieved.

Kenis Sweet asked if the variance has an expiration. Counsel answered by saying that he is not trying to steer the Town Board into a no vote, but if the item was tabled by the Town Board as a Board of Health without prejudice, then the applicant could float on the agenda as long as needed until the applicant gets ZBA approval, if obtainable. His speculation is that the ZBA would feel a bit more comfortable with what the applicant would then propose, because the applicant already has Tom Nace's letter saying it can work.

Supervisor Gabriels and Councilman Saris agreed that Tom Nace's first comment that the plan is preliminary and not for construction is one that causes some reservation, but in looking through the rest of Tom Nace's comments, it seems somewhat reasonable. Councilman Saris said he would prefer to see a plan that incorporated Tom Nace's suggestions.

Jim Hutchins, project engineer, said he stamps all of his plans "preliminary, not for construction, prior to approval," as a safeguard so the wrong sets of drawings won't be used and he has no problems resolving the issues with Tom Nace.

RESOLUTION #141

Councilman Andersen moved, seconded by Councilman White, to table Kenis Sweet septic variance request, without date, subject to the applicant successfully proceeding through the ZBA process. All favorable. Motion carried.

RESOLUTION #142

Councilman Saris moved, seconded by Councilman MacEwan, to reconvene as the Town Board. All favorable. Motion carried.

Referrals from Code Enforcement Officer / ZBA / BPB:

Regarding Yvette Scanlon, 4 Bell Lodi Lane, Bob Scanlon, owner, gave an overview of the situation. He said last fall he leveled the land and installed a storage shed for which he was unaware he needed a variance or permit and he is present to find out how to proceed.

Councilman Saris said the applicant is here for alternative remedies and if a variance is needed the applicant will have to go before the ZBA, because the Town Board cannot offer relief for setbacks. Supervisor Gabriels listed the options for the Town Board, since we have dealt with similar situations in the past and asked that the Town Board act with consistency.

Councilman White said he is concerned with where the water is going now and Bob Scanlon said the water continues to go into the existing drainage ditch. Councilman Saris said he is sure the Zoning Office will look at it and that Bob Scanlon will need a certificate of compliance.

Councilman White said the precedent has already been set to impose \$1,000.00 civil penalty and the possible removal of the structure. This is similar to past situations. Councilman Saris said in

the past there has also been the issue of a variance and while the Town Board has required removal of a structure, that has been imposed when the Town Board found there was clear evidence that the applicant knew a permit and/or variance was needed prior to construction, he feels this is not the case here and that Bob Scanlon was unaware of the need of a permit prior to construction.

RESOLUTION #143

Councilman White moved, seconded by Councilman Andersen, to follow precedent by imposing a \$1,000.00 civil penalty on property owned by Yvette Scanlon Tax # 186.06-1-11.2 to be paid to the Town Clerk within 30 days and for the applicant to proceed to the proper boards to make the project compliant. All favorable. Motion carried.

New Business:

Town Road Damage

Supervisor Gabriels said some Town roads were significantly damaged by the June 13 storm, Donna Boggs is keeping record of all expenditures for road repairs and possible slight improvements to try to remediate any similar occurrences. The Bolton taxpayers are responsible for paying for the repairs but the Town has made an application to the State for funding from FEMA. No response has been received to date. The Town has sufficient local resources to pay the bills with the anticipation that FEMA will compensate the Town of Bolton. This could take up to six months or more, and it is possible the Town of Bolton may have to go out for a short-term bond anticipation note to cover the expenses.

Councilman White asked if FEMA's basis for funding is on the Town's estimate of the damage and Supervisor Gabriels answered by saying that FEMA makes their own estimate of the damage and in the past, FEMA estimates are accurate and in many cases generous.

Regarding the water main break due to the June 13th storm, Supervisor Gabriels said the Town is waiting for bills to come in and is also waiting on FEMA for possible reimbursement for that storm damage.

Councilman White said he feels it is in the Town's best interest to have all Town dams, public and private inspected and asked if the inspection of these dams and future dam inspection be considered in the anticipated reimbursement by FEMA or through the Town budget. Supervisor Gabriels said that's a good point. He's not sure about financing inspection of dams and asked the Town's authority to spend taxpayer money on private dams. Counsel said the Town has the authority to spend taxpayer money on private dams because of public safety and welfare. Supervisor Gabriels said he will see if FEMA would cover the cost of inspecting dams, but if FEMA won't cover it, the Town Board agreed that the money would come from unappropriated surplus.

RESOLUTION #144

Councilman White moved seconded by Councilman Andersen to have any and all dams in the Township of Bolton inspected. We will ask our Town Engineer Tom Nace for his recommendation. Funds will come from unappropriated surplus All favorable. Motion carried.

Bolton Beans noise permit for Saturday, July 9, 2005 from 3:00-9:00 pm for 2-10 bands to conduct a fundraiser for a local family.

RESOLUTION #145

Councilman Saris moved seconded by Councilman MacEwan, to grant Bolton Beans a noise permit for July 9th from 3 to 9 p.m. All favorable. Motion carried.

Ed Corcoran noise permit for 260 Trout Lake Road for August 6, 2005 from 2:00-11:00 pm for 3-5 musicians per band.

RESOLUTION #146

Councilman Saris moved, seconded by Councilman Andersen, to grant Ed Corcoran a noise permit for August 6th from 2 to 11 p.m. All favorable. Motion carried.

Zoning Office requested the Town Board authorize the return of a \$25.00 filing fee to Jarrett-Martin Engineers, PLLC, for Martin Smith's application, since he has already paid the appropriate fee.

RESOLUTION #147

Councilman Andersen moved seconded by Councilman White to authorize a refund of \$25 to Jarrett-Martin Engineers, PLLC. for Martin Smith's septic filing fee that was already paid by Martin Smith. All favorable. Motion carried.

RESOLUTION #148

Councilman Saris moved seconded by Councilman MacEwan to authorize \$4,025.00 from the Occupancy bed tax funds to pay Mark Perry Enterprises for the municipal garden/flower maintenance for the remainder of summer 2005. The balance amount of \$2000 will come from the Rogers Park Trust fund. All favorable. Motion carried.

Bolton seniors have requested to use the public area in front of the Town Hall to sell crafts during Rescue Squad's Arts & Crafts Fairs this summer.

RESOLUTION #149

Councilman Andersen moved seconded by Councilman Saris, to allow the Bolton Seniors to use the area in front of the Town Hall to sell crafts in coordination with all 2005 Town of Bolton Arts & Crafts events. All favorable. Motion carried.

The highway road agreement with the Highway Superintendent for paving Town Roads in 2005 is still pending.

Veterans Park basketball court

Supervisor Gabriels said per his request, George Mumblo secured three competitive bids to complete the basketball court-paving project.

Counsel said the bids look like requests for proposals. The numbers are dramatically different because they are showing different ways to do it. There is a lack of specificity and he would like to encourage the Town Board to go through the bid request process, since this is unlike the movie situation. Councilman Andersen disagreed and said this is just like the movie situation and it is absolutely an urgent situation, since that park is used two months out of the year. The Town has already lost the first five days of this month.

Councilman Saris agreed with Councilman Andersen and Counsel and suggested the Town Board conduct a special meeting to address the situation. He asked if the Town Board could ask all three bidders to re-bid based on agreed upon specs. Councilman White said the project completion timeframe should also be included in the specs. Councilman Andersen suggested the Town Board use the specs. of 4" item 4, followed by 2" binder, followed by 3" top coat.

Councilman Andersen asked if the Town Board declares this an emergency, if it would qualify for the Town Board to call back the three bidders and give them parameters on when replies need to be submitted. Counsel said yes, the Town Board has authority to declare this an emergency if it feels comfortable in declaring an emergency. The basis for that would be that the Town has a very short season. The Town's plan was to have the Highway Department complete the paving, but they are not available due to the unreasonable workload resulting from the June 13 storms. The Town Board needs to bid it out and get it done right away.

Councilman Saris feels the Town has a construction site there now and with a large number of tourists using the parking area and no one to monitor the site, it is a hazard. Councilman White said he does not want the insurance company coming in and saying there is an issue.

Counsel said there is a perceived liability. The Town can get it done by inviting the three bidders to re-bid and any additional bidders should be considered. The Town Board needs specific bid specs, including a deadline for the bids and a completion date for the project.

RESOLUTION #150

Councilman White moved, seconded by Councilman MacEwan to fax the basketball court specifications of 4" item 4, followed by 2" binder, followed by 3" top coat to the three bidders requesting re-bids which are to include a project timeframe including a start and a completion date. The bids are due by close of business Monday, July 11, 2005 and the Town Board will hold a special meeting on Tuesday, July 12, 2005 at 8:00 am to make a final decision on award a bid. All favorable. Motion carried.

The Town Board needs to authorize Counsel to defend the Town in the Casaccio Vs Town of Bolton/Urtz case. Counsel said our insurance company will also need to be involved in this matter. Counsel said Mr. Urtz was given a July 1, 2005 deadline date for a report from the Engineer. Mr. Urtz asked for an extension. Counsel recommended the extension be granted since Jarrett-Martin, PLLC was hired late and he knows Mr. Jarrett will come through at the new deadline date. Supervisor Gabriels said the engineer and Mr. Urtz have been granted a four-week extension.

RESOLUTION #151

Councilman Andersen moved seconded by Councilman Saris to authorize Michael Muller to defend the Town in the Casaccio vs. Town of Bolton & Urtz notice of claim at a standard rate of \$125.00 per hour. All favorable. Motion carried.

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Budget transfers
RESOLUTION #152

Councilman Saris moved seconded by Councilman White to authorize the following budget transfers:

FROM	TO	AMOUNT
General Fund		
19904 Contingency	75504 Celebrations	\$1125.00
19904	35102 Dog Equipment	443.00
19904	35202 Animal Equip	222.00
19904	90408 Workmens Comp.	403.00
35104 Dog Contractual	35204 Animal Cont.	57.00
Sewer District from General Fund for June		\$25,000.00

Increase Highway Budget for FEMA and SEMA reimbursement from 2004

Revenue 3960	State Emergency Management	\$21,204.65
	Federal Emergency Management	\$127,227.92
Total		\$148,432.57
Appropriations 51101	Road Repairs Personal	\$25,000.00
51104	“ “ Contract.	75,000.00
51204	Bridges	13,432.57
51304	Machinery Contractual	35,000.00
	Total	\$148,432.57

All Favorable. Motion Carried.

C&D Ramp

Supervisor Gabriels said Schoder River Associates prepared a plan, but the Parks and Highway Departments looked at the ramp and planned on completing it this summer but due to June 13 storms the project is two weeks behind.

RESOLUTION #153

Councilman Saris moved, seconded by Councilman MacEwan, to request Carl Schoder of Schoder River Associates to prepare a set of bid specs for the C&D ramp from the plans he designed, with the intent of going out to bid and seeking a private contractor to do the work. All favorable. Motion carried.

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Approve Payment of Lake George Watershed Conference Bills:

RESOLUTION #154

Councilman Saris moved, seconded by Councilman MacEwan to pay the Lake George Watershed Conference bills; one in the amount of \$10,858.58 and one in the amount of \$5,280.00. All favorable. Motion carried.

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Approve Payment of Town Bills:

RESOLUTION #155

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

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Executive Session:

Councilman White moved seconded by Councilman Andersen, to adjourn the regular meeting and enter executive session at 9:15 p.m. to discuss a personnel matter and litigation. All favorable. Motion carried.

Councilman White moved seconded by Councilman Andersen to adjourn executive session and reconvene the regular meeting and adjourn at 10:15 pm. All favorable. Motion carried.

Minutes transcribed by:
Jennifer Torebka
Recording Secretary
07/07/2005

Respectfully submitted by:
Kathleen Simmes
Town Clerk