

REGULAR MEETING
BOLTON TOWN BOARD

July 2, 2013

Meeting Call to Order: 6:30 pm.

Pledge: Susan Wilson

Regular Meeting:

Supervisor: Ronald Conover
Councilman: Robert MacEwan
Councilman: Owen Maranville
Councilmember: Cheryl Bolton (absent)
Councilmember: Susan Wilson
Town Clerk: Jodi Connally
Counsel: Michael Muller

Minutes: Approve Minutes of Town Board Meeting held June 4, 2013

Councilmember Wilson said she had one correction on page 2, paragraph 3. She had stated that it should read: it is a 34 acre parcel *primarily* surrounded by vacant or seasonal residences.

RESOLUTION #146

Councilman MacEwan moved, seconded by Councilman Maranville to approve the minutes of Town Board meeting held June 4, 2013 as amended. All in Favor. Motion Carried.

- **Convene as the Bolton Board of Health.**

RESOLUTION #147

Councilman Maranville moved, seconded by Councilman MacEwan to convene as the Bolton Board of Health. All in Favor. Motion Carried.

Public Hearing: Regarding septic tank variances at 27 Federal Hill Road, Hazel Sherman and Catherine Morris, Parcel ID #171.07-1-28 for: 1. Section 3.020 D – Horizontal separation between leachfield and pond / stream: 100 feet is required 29 feet is proposed from the toe of the slope to the pond and 48 feet from the toe of the slope to the stream and 2. Section 3.040 B.1 2 feet of natural soil is required for fill system 1.2 feet is proposed.

Rick Morris represented this project and explained that they were updating an outdated system, with a failed septic field that was not up to code. He explained that they had hired an engineer to draw up a plan and received approvals from the Town Engineer, Tom Nace.

Councilmember Wilson stated that all concerns by town engineer were addressed and the plan was an improvement and probably the only recourse for this site.

Rick Morris stated that this was correct, as it was a small site and they drew up the plan in a location with Mr. Nace's concerns in mind, and it will be an improvement, as it is close to the pond.

Supervisor Conover closed the public hearing.

- Resolution designating Bolton Town Board as Lead Agency under SEQRA

RESOLUTION #148

Councilmember Wilson moved, seconded by Councilman Maranville to declare Bolton Town Board as Lead Agency under SEQRA for the proposed Septic Variance for Hazel Sherman and Catherine Morris. All in Favor. Motion Carried.

- SEQRA Assessment & Finding

Supervisor Conover reviewed the SEQRA application as follows:

Would the action exceed any Type I threshold? No.

Will the action receive coordinated review as provided for unlisted actions in 6 NYCRR, PART 617.6? No.

C. Could the action result in any adverse effect associated with the following:

1. Existing air quality, surface or ground water quality/quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion drainage or flooding problems?

No. Supervisor Conover stated that it was in fact an improvement.

2. Aesthetic, agricultural, archeological, historic or other natural or cultural resources or community or neighborhood character? No.

3. Vegetation, fauna, fish, shellfish, wildlife species, habitats, threatened or endangered species? No.

4. Communities existing plans or goals that have been officially adopted or change in use or intensity of use of land or other natural resources? No.

5. Growth, subsequent development or related activity likely to be induced by the proposed action? No. It is designed for the use that's presently there.

6. Long term, short term, cumulative or other effects not identified in the above? No.

7. Other impacts including changes in use in either quantity or type of energy? None have been identified.

D. Will the project have an impact on the environmental characteristics that cause the establishment of a critical environmental area? No.

E. Is there likely to be controversy related to potential adverse environmental impacts? No. Supervisor Conover replied he received two phone calls on the application and when he informed them that it was an upgrade to the system they were satisfied.

Determination of Significance: Based on the information and analysis above, and any supporting documentation that the proposed action will not result in significant adverse environmental impacts.

RESOLUTION #149

Councilmember Wilson moved, seconded by Councilman MacEwan to make a negative declaration with regard to SEQRA for the septic variance application for Hazel Sherman and Catherine Morris – 27 Federal Hill Road, Bolton, New York 12814 – Parcel ID#171.07-1-28. All in Favor. Motion Carried.

- Resolution regarding variance requests for septic tank variances at 27 Federal Hill Road, Hazel Sherman and Catherine Morris, Parcel ID #171.07-1-28 for: 1. Section 3.020 D – Horizontal separation between leachfield and pond / stream: 100 feet is required 29 feet is proposed from the toe of the slope to the pond and 48 feet from the toe of the slope to the stream and 2. Section 3.040 B.1 2 feet of natural soil is required for fill system 1.2 feet is proposed.

RESOLUTION #150

The applicant's SEQRA submission and our analysis of the issues presented satisfactorily demonstrate that there are no significant environmental impacts or concerns. The applicant has provided clear and complete responses to issues recited in the SEQRA questionnaire and based upon all information reviewed by this lead agency and its SEQRA analysis including a thorough hard look and consideration of the applicant's entire submission and upon all Board and public comments received it is appropriate in the opinion of this lead agency to make a finding that the proposed action will result in no adverse environmental impacts and that any identified adverse environmental impacts will not be significant or where identified are sufficiently mitigated by virtue of the conditions imposed in granting approval. Having declared ourselves as lead agency for this application and having made a negative declaration for the SEQRA application.

Councilmember Wilson moved seconded by Councilman Maranville to approve this application for septic variance submitted by Hazel Sherman and Catherine Morris – 27 Federal Hill Road, Bolton, New York 12814 – Parcel ID#171.07-1-28. All in Favor. Motion Carried.

- **Reconvene as Bolton Town Board**

RESOLUTION #151

Councilman MacEwan moved, seconded by Councilman Maranville to reconvene as Bolton Town Board. All in Favor. Motion Carried.

Public Hearing: Regarding outdoor amplified noise permit for Allyssa A. Tillson, at Somewhere In Time, September 27, 2013: 4:30pm-8:30pm, September 28, 2013: 2:00 pm – 10 pm, and September 29 2013: 11:00 am to 1 pm (I POD wireless speaker 27-29 , DJ 5pm-10 pm on the 28th).

Allyssa Tillson explained that their plans for the upcoming event were to use a wireless ipod with speakers for Friday night, and have a D.J. from 5:00pm to 10:00pm on Saturday, followed by the wireless ipod on Sunday the 29th. She explained that the ipod was for background music and should not be disruptive. She also indicated they would be willing to work with the Town's conditions.

Supervisor Conover asked if she had entered into this contract with Somewhere In time back in November 6, 2012, to which she replied yes.

Supervisor Conover read the following letters and communications into the record:

Letter from Holly Whipple and Faith Miller in opposition to this application.

Letter from Jane Bozzone – secretary/treasurer of the Diamond Ridge HOA, in opposition to this application.

E-mail from Lawrence & Carol O'Connell in opposition.

Supervisor Conover asked if anyone was present that would like to address the application.

Linda Lant stated that Somewhere In Time was supposed to be a bed and breakfast, but instead was turning into a wedding factory. She did not have a problem with the wedding, but did not want the excessive music. She expressed that all the noise was unfair to the homeowners. She also expressed that she thought Mr. Gramegna should be the one applying for the sound permits, not the bride and groom.

Atty. Robert McNally rebutted that the Diamond Ridge HOA would be in opposition of every application for a sound permit, because they did not want the possibility of a reception being held there. He believes that the home owners are more concerned with the venue being there than the noise it is making. He explained that the Planning Board had approved this property to conduct weddings and other functions as an accessory use to this bed and breakfast. They do realize that there is a town code for sound and Mr. Gramegna has assured that the code will be followed in every respect. He stated that the venue was going to be advertised only as a bed and breakfast in the summer. The Planning Board said that this business could hold weddings after September 15th. This event is after that date. He informed the Board that the applicant was willing to accept any reasonable conditions from the Board and to let them know that the applicant understood that there was to be no music after 10:00pm or result in any inappropriate behavior.

Supervisor Conover asked if this was one of weddings recognized by the Planning Board as pre-existing. Councilmember Wilson replied that as Mr. McNally stated the Planning Board is allowing these events after September 15th, they cannot occur after June 15th or prior to September 15th. These previous weddings before September 15th were allowed by the Planning

Board so as not to punish innocent people who had previously contracted these events. Councilmember Wilson also wanted to clarify that the Board's decisions for approvals are made on an individual basis with everyone in mind, and what they felt was the right thing to do, and not by who the applicant standing in front of them may be. Supervisor Conover said that he wanted to support the Planning Board, but he also wanted it to be known that the Town Board had jurisdiction over the amplified noise. Councilmember Wilson explained that this was the last one. Councilman MacEwan asked if it was necessary to have music for all 3 days, and Alyssa Tillson explained that they had rented the venue for 3 days, and had events for all 3 days and she did not think 2 days with ipod music was an excessive noise. Councilmember Wilson said she did not think an ipod speaker was amplified noise. Town Counsel Muller replied that particular use of devices pertained to personal use.

Sue Wilson replied if music was played inside it was not in violation as long as it stayed within decibel level. Allysa Tillson replied she understood and would do what was required but would like to utilize outside. Councilmember Wilson explained what they did with applications for multiple requests last month. The Board members asked for a clarification on the times needed for music. Town Counsel Muller read the announcement from the internet explaining the parameter of events.

Supervisor Conover stated for the record that this was the last time he wanted to see any applications so close to the event. He wanted greater spacing of events and no music after 10pm. Councilmember MacEwan said he would like the owner to be the applicant going forward. Supervisor Conover said they could discuss that with counsel and he stated that he wanted it clear that the Town Board was the only Board that had the authority on sound permits.

- Resolution regarding outdoor sound amplification permit for Allyssa A. Tillson at Somewhere In Time.

RESOLUTION#152

Councilmember Wilson moved, seconded by Councilman MacEwan to approve sound amplification permits for Allyssa A. Tillson on September 27, 2013, for 45 minutes to a maximum of 1 hour, September 28, 2013, 6 hours allowed no later than 10 pm; and September 29, 2013 no amplified music allowed. All in favor. Motion Carried.

Public Hearing: Regarding outdoor amplified noise permit for Steve McCranels, Market Place Steak House, 3:00pm to 10:00pm through the end of the year, for low volume, light dinner music and 2 small T.V.s, news, sports.

Matt Slaughter spoke of his opposition due to the hardship his business is suffering due to the loud music coming into the door of his business. He explained that the football games and music are overwhelming his business.

Supervisor Conover asked if any particular establishments' music was traveling greater distances than others. Matt Slaughter replied absolutely, and that it literally drowns out his store.

Atty. Robert McNally stated the town ordinance does not provide any exceptions for personal use and he is looking forward to the meeting to see how they are going to accommodate for this.

John Gaddy stated that he would like to see street noise banned.

Dr. Michael Slaughter commented that he was opposed to the concept of using music on the outside of buildings.

Supervisor Conover explained that many places had low volume music with no problems or complaints for many years, and now due to some places not complying with this, they have an issue. Town Counsel Muller replied that the Board can make reasonable conditions of volume, and that they now have a device to measure and enforce this.

Supervisor Conover said that the problem is how long the process takes to deal with a violation. Town Counsel Muller inquired about the applicants use of speakers and TV's on deck and explained that low volume and light dinner music is not defined in this ordinance but the Board is charged with coming up with reasonable standards and parameters, which could be by decibel.

Councilmember Wilson asked if the Board had the ability to immediately pull a permit. She also asked if it was 2 TV's and dinner music competing with each other at this location. Supervisor Conover replied yes. Supervisor Conover stated his biggest concern was the ability to quickly deal with potential violations.

Councilman Maranville asked for permission to go to executive session due to concern for a potential litigation.

Supervisor Conover asked for a motion to table this application so they could move forward.

Councilman Maranville retracted his request to go into executive session at this time.

- Resolution regarding outdoor sound amplification permit for the Market Place Steak House.

RESOLUTION#153

Councilman MacEwan moved, seconded by Councilmember Wilson to table outdoor amplified noise permit for Steve McCranels, Market Place Steak House, 3:00pm to 10:00pm through the end of the year, for low volume, light dinner music and 2 small TV's, news, sports. All in Favor. Motion Carried.

Public Hearing: Regarding outdoor amplified noise permit for Iva and Audies Country Diner, Steve McCranels, 7:00am to 3:00 pm through the end of the year, for low volume, light dinner music.

Supervisor Conover suggested they table this item until later in the meeting.

- Resolution regarding outdoor sound amplification permit for the Iva and Audies Country Diner

RESOLUTION#154

Councilman MacEwan moved, seconded by Councilmember Wilson to table sound amplification permit for Iva and Audies Country Diner, Steve McCranels, 7:00am to 3:00 pm through the end of the year for low volume, light dinner music. All in Favor. Motion Carried.

Public Hearing: Regarding outdoor sound amplification permit for David Gabriels, for Dave’s Market for low volume music at the Market from 7:30 am to 7:00 pm, May through November.

Councilman MacEwan asked if this was something the applicant was doing all along and stated that it would be nice to have a little more information on these applications.

Supervisor Conover stated that he liked that the application said that it was very subdued music that would not even reach the parking lot. Councilmember Wilson stated that he had 4 speakers all facing west and he had separate volume controls for each. Supervisor Conover agreed and said they were all downward facing and were used for the patrons at the picnic tables outside. Councilmember Wilson said she had a concern with the early time, to which Councilman MacEwan asked if we could change that for him. Councilmember Wilson replied we could and she thought 9am to 7pm would be better.

- Resolution regarding outdoor music at Dave’s Market.

RESOLUTION#155

Councilmember Wilson moved, seconded by Councilman MacEwan to approve sound amplification permit for David Gabriels, for Dave’s Market for low volume music at the Market from 9am to 7:00 pm, May through November. All in Favor. Motion Carried.

Councilman Maranville stated that earlier Town Counsel Muller was referring to decibel levels, to which he replied that the courts were looking for a reasonable decibel level to measure and that a 75 decibel level seemed fair.

Supervisor Conover stated that when notification goes out to 40 or 50 neighbors within 500 ft, and they don’t receive one letter of concern, it goes to show that the music does not seem to be a problem and it shows well of the applicant.

Public Hearing: Regarding outdoor amplified noise permit for Jeff Strief / Mrs. Whizzy-Fizz-Popp’s Candy Store, Memorial Day to Columbus Day (low volume) 11am-9pm daily.

Sue Wilson stated that library had no concerns. Supervisor Conover stated of the 70 plus neighbors they did not receive one notice of concern.

Dennis Murphy stated that the new noise ordinance was getting out of control, common sense is needed and this has opened a Pandora's box.

- Resolution regarding outdoor music at Mrs. Whizzy-Fizz-Popp's Candy Store.

RESOLUTION#156

Councilmember Wilson moved, seconded by Councilman MacEwan to approve sound amplification permit for Jeff Strief / Mrs. Whizzy-Fizz-Popp's Candy Store, Memorial Day to Columbus Day (low volume) 11am-9pm daily. All in Favor. Motion Carried.

Public Hearing: Regarding outdoor amplified noise permit for Jeff Strief, Happy Jacks, July – December, 2013, 10:00 am to 10:00 pm, 10:00am to 6:00 pm after Labor Day.

Councilman MacEwan asked if he was requesting the same kind of scenario as the previous application. Supervisor Conover replied yes. Councilmember Wilson replied she never noticed this music before and it was kept low.

- Resolution regarding outdoor amplified music at Happy Jacks.

RESOLUTION#157

Councilman MacEwan moved, seconded by Councilman Maranville to approve sound amplification permit for Jeff Strief, Happy Jacks, July – December, 2013, 10:00 am to 10:00 pm, 10:00am to 6:00 pm after Labor Day All in Favor. Motion Carried.

Public Hearing: Regarding outdoor amplified noise permit for the Great Magua, South Trout Lake Road, for August 3, 2013, 12noon -12:00 Midnight.

Supervisor Conover stated that this was an application that had been before them every year for many previous years, and he has never received any complaints on this event. Councilmember Wilson commented that she was one of the neighbors within 500 feet of the property, and she has never had problem with it.

- Resolution regarding the Great Magua, Edward Corcoran Jr., 260 South Trout Lake Road 12:00 noon to 12:00 midnight.

RESOLUTION#158

Councilman Maranville moved, seconded by Councilmember Wilson to approve sound amplification permit for Great Magua, Edward Corcoran Jr., 260 South Trout Lake Road 12:00 noon to 12:00 midnight. All in Favor. Motion Carried.

Public in Attendance:

Tracey Clothier and Hal Heusner representing the Local Waterfront Resource Program.

Hal Heusner representing the Local Waterfront Resource Program, explained that the Committee was started in September 2011, and was made up of the following local volunteers from the community: Tony Bustamonte, Phil Farbanic, Chris Gabriels, Henry Caldwell, John Gaddy, John Famosi, Matthew Slaughter, Tom Guay, Susan Wilson, Harold Shippey, Ron Conover and Tracey Clothier of the LA Group. He stated that they have had about 15 meetings in which they took a look at and updated the 2002 LWRP. They concentrated on specific areas as they affect the town, such as land use, recreation, transportation, natural resources, economic development, community life, and infrastructure. Mr. Heusner said that they have had their final meeting of the Committee and they are targeting a final document to be presented to the Town Board next month with the hopes of having this document completed and submitted to the state for sign off by the end of the year.

Tracey Clothier of the LA Group highlighted and explained her handout on priority projects.

1. Establish a LWRP Implementation Committee whose purpose would be to recommend priority projects from the LWRP to the Town Board for implementation. Establish LWRP Implementation as a permanent agenda item.
2. Adopt the revised Town of Bolton Zoning Ordinance. Adopt the Bolton Citizens' Guide to Stormwater, Erosion Control, and Development.
3. Review and Update the Bolton Stormwater Management Ordinance.
4. Review the Dark Sky Ordinance proposed to the Town Board in January 2012 for consistency with the current Land Use Code. Continue the program of consolidating street lighting and replace individual street lights with dark sky compliant fixtures.
5. Develop a Ridgeline Overlay District and create a set of standards that addresses both the visual and environmental impacts of land use activities.
6. Explore the potential of hiring a consistent and continuous level of professional planning support to assist with local planning initiatives and interface with the Planning & Zoning Boards.
7. Conduct a detailed study determining the state of functionality of the Bolton Wastewater Treatment Plant and the collection system; and complete the slip-lining of the remaining sewer lines.
8. Develop and maintain an inventory of all on-site waste treatment systems in the town. Require an inspection of all onsite wastewater treatment systems in the town by both a licensed Professional Engineer and the Town Zoning Administrator prior to the sale, gift or any other transfer means of properties having subject systems.
9. Continue Implementing Master Plan for Rogers Memorial Park including:
 - Construction of a Visitor Center
 - Comprehensive Stormwater Plan
 - Park Entry Plaza
10. Implement the recommendations in the Trails Master Plan for the West Side of Lake George (completed May 2013).
11. Implement the Veteran's Memorial Park Master Plan. Priorities include:
 - Replacement of the south public dock.
 - Replacement of the all lighting.
12. Progress the Norowal Site Redevelopment Plan and incorporate planning for the boat wash station.

13. Develop a town recreation brochure. Expand the Town's website and the public's access to online information and services for citizens and visitors. Incorporate Quick Response Codes (QR Codes) for coordination for visitors with Smart Phone devices.
14. Continue to support the implementation of aquatic invasive species control measures as recommended in the LGPC DEIS on the Prevention of Invasive Species.
15. Support the Expansion of the Bolton Historical Museum.

She explained that in the right hand column of the hand out, there were plenty of strategies to help implement this plan.

Supervisor Conover asked for her to explain #1 in more detail about an implementation committee. Tracey Clothier explained that this committee would be a group of people who would take these recommendations and figure out how they could practically move forward with them. Councilmember Wilson asked if in essence this was formed so the results of this groups efforts, would not sit on a shelf somewhere. Tracey Clothier replied exactly.

Supervisor Conover stated that what he liked about this recommendation was that if the average overall transfer of property was 25 years, all the septic systems would be updated and inspected within the town. Tracey agreed and said that there was enough technical knowledge to be able to say what a failing system was and it could be administered here quite well. Supervisor Conover asked if you didn't do it at property transfer, when would it be done. He stated to Mr. Heusner if the property owner was against this, you could assume that they just don't want it done. Mr. Heusner agreed. Supervisor Conover said that he thought this was one of the strongest recommendations they had in this document.

Councilmember Wilson asked when this would be ready in its current form to go on the Town's website, to which Tracey replied that she needed 2 weeks, but she could put the schedule and priority projects up as soon as tomorrow. Supervisor Conover stated that he thought they should be posted as soon as possible, so people had the opportunity to react, and he thanked her.

Councilmember Wilson said she could not say enough about this committee, and commended them for a job well done.

Supervisor Conover asked if the Department of State had their comments so they could move to acceptance, Tracey Clothier replied yes they do.

Mr. Gaddy addressed the Board about expediting the installation of the dry hydrant on New Vermont Road. He stated that they have owned and offered the location for the dry hydrant since 2007 and now 6.5 years later it's still not installed. He expressed his frustration as to the lack of progress on this project and has counted 51 structures that would benefit from this. He asked that they please get this project done as soon as possible.

Supervisor Conover stated that he agreed with Mr. Gaddy and he would speak to the appropriate departments after the 4th of July weekend.

Correspondence:

- Robert Streeter, NYS DEC to Pam Kenyon, Zoning Administrator regarding National Flood Insurance Program and the lack of compliance with the flood program.

Sue Wilson said that Pam met with Mr. Streeter and was advised that we should look back to some of our approvals for properties located within the flood plain. Pam contacted Warren County and she is in the process of researching this matter and anticipates having everything completed in the time frame required.

- Ruben Caldwell regarding policies by the Town of Bolton to better protect rural scenic character of Bolton's town roads (material distributed to Board).

Supervisor Conover stated that these items were not dissimilar to the ones they faced on New Vermont road concerning the redevelopment of the road.

- Kristine L. Wheeler, P.E., Drinking Water Program Supervisor regarding sampling schedule and need for locations to be specified.
- Dave Wolff, Chair ADK Action regarding Monarch Butterfly and desire to stop mowing from end of June to September 15.

Supervisor Conover stated that the concern has to do with milkweed that the Monarch butterfly feeds on during their migration. Councilmember Wilson asked where they proposed to stop the mowing. Supervisor Conover answered specifically in areas with milkweed coverage. John Gaddy suggested that the mowing be put off until the fall.

- Carol J. Burometto, Laberge Group regarding consolidated funding applications.
- Bill Owens, Congressman regarding natural gas rural cooperatives and municipally owned utilities.
- Susan A. Picarillo, NYS, State Office of Emergency Management regarding notification that all claims relating to FEMA 1993 DR NY have been paid.

Supervisor Conover stated he believed that had been closed out now.

- Jeffrey M. Killeen, Chairman of the Fund for Lake George invitation to announcement on the Jefferson Project at the Sagamore on June 27, 2013.
- Chris Round, AICP Chazen Companies regarding possible assistance with funding through the Consolidated Funding Program.
- Paul Cummings, AICP, LEED AP, Chazen Companies regarding Wastewater Infrastructure Planning Grants.
- Daphne L. Inman regarding Bolton Tops Grocery Store grand reopening on July 2, 2013.

Supervisor Conover said that they had that opening today and it was indeed "grand."

- Pam Kenyon to James H. Korkus, President, Indian Summit Homeowners Association dated September 10, 2008 regarding biannual reporting requirements for storm water.

Supervisor Conover said he would discuss this with the Town Engineer, and that Mr. Korkus had indicated that he would like to meet with him about changing his twice a year reporting to once a year as are some of our other projects.

- Laura Saffer, Health Educator, Warren County Health Services regarding lead poisoning and efforts underway to prevent childhood lead poisoning.

Supervisor Conover stated he had attended the meeting on this topic and was commending the County Health Department on the information they sent out.

- Dan Daniger to Pam Kenyon regarding determination made in 2010 and requesting determination relating to complaint filed on May 8, 2013.

- Dan Daniger to Chief Neumann regarding noise on 6-19-2013 and desire for a Town nuisance law.
- John S. Mucha, Time Warner Cable regarding possible program changes and service offering.
- NYS Environmental Facilities Corporation regarding Waste Water Engineering Planning Grants through the Consolidated Funding Program
- Cornell University, Cornell Local Road Program regarding termination of the Local Technical Assistance Program.

Supervisor Conover stated that it would be a shame if this program were to be terminated and would be sending them a letter indicating this. Many of the Town Supervisors go there to learn new techniques for road improvements.

- Adirondack Gateway Council, Minutes of the AGC meeting June 18, 2013.
- Chris Round, AICP Chazen Company regarding professional services for NYS Consolidated Funding Program.
- Asian Clam post treatment survey, June 24, 2013.

Supervisor Conover stated that overall the results were very good, and there was some information from Darrin saying that they were unsure as to whether some surveys were beyond the project line.

- Offer of professional consulting services, Chazen Company, Engineering Planning Grant Program.
- Sue Wilson, Planning Liaison regarding proposed amendments to the noise ordinance.
- Michael J. Almond, President MAPCO expressing what a pleasure it is working with the Town on the Museum staining project and offering a bid proposal for fixing front entryway of Town Hall, realigning drains and painting entryway.
- Warren County Fire Prevention and Building Code Enforcement, Temporary Certificate of Occupancy for restrooms at the park.

Supervisor Conover relayed that the bathrooms were now open.

- United States Senator Kirsten E. Gillibrand, thank you letter to Supervisor Conover for speaking at a news conference to announce her efforts at the Federal level to reintroduce the Invasive Fish and Wildlife Prevention Act.
- Decision and Order from New York State Supreme Court Judge Krogman regarding appeal of ZBA decision regarding The Castle in support of ZBA determination.
- Letters of support for the Town to adopt a fertilizer ordinance from Pioneer Village residents Tim & Diane Sautter, Virginia Coffey, Peter Freese and Sherry Panzardi – President of The Pioneer Village Assoc.
- Letter of resignation from police officer Randy Morehouse, accepted with regret.

Supervisor Conover stated that they were losing a good officer.

Committee Reports:

Councilman Robert MacEwan

Water Department- Actual flow through the plant before deductions 8,712,700. John reports that June was a very busy month with all the rain he had a lot to keep up with. His monthly water samples came back satisfactory. He has to keep pumping out the valve pits because of all the groundwater along with the PRV stations. They completed one round of copper sulfate to the pond. Pond level is over the spillway. They have had a lot of clean up and maintenance work. He

reported one water leak down on Shallow Beach Rd. for a line that belongs to Elliott, Kluck & Panella.

Sewer- took in 5,635,942 gallons of waste water for an average of 187,865 per day. Monthly samples were done and DMR's were mailed with no violations. All beds are dry but one in use. They put new VFD in pump #1 at south station. They had to send lawn tractor to Falls Farm and Garden to be fixed. Changed the oil in gear box for flights in clarifier. Pumped all sludge out of clarifier, which took an extra day due to wrong sludge pumps. They hauled 32,000 gallons of sludge and they have been up there mowing when time allowed.

Transfer Station – They have a major plug in the line and Action Sewer came with a jet pump and a plug 50 to 60 feet in. Total receipts for the month is \$8799.00. Spring clean up cards total \$4218.00. Metal pile cleaned up, but she was not happy with end results. She mentioned once again the building needs repairs.

Supervisor Conover stated that the water leak in Shallow Beach had been repaired today and they had basically banded the whole line.

Councilman MacEwan stated that there was something wrong with the drain at the transfer station and they were going to have to look into it. Supervisor Conover agreed and said they would be taking pictures. They discussed putting in two containers at the landfill for metal and maybe move them down to the little building they had for sorting.

Councilman Owen Maranville

Police- patrolled 2,906.9 miles and used 210 gallons of fuel. They went to various calls. On June 28, Chief Neumann, Officers Keane, Kober and Varney received instruction and training on the use of the town's new decibel meter, which will come in handy. Also Police Officer Randy Morehouse has resigned due to family health issues and Police Officer Thomas Varney has been reinstated for the summer season.

Supervisor Conover and Councilman Maranville agreed that they were fortunate to have Officer Varney back as he was already trained and had uniforms.

Assessor-

1. During June, Dave's computer file was continuously updated to keep up with deed transfers and address changes. With regard to sales, they have had 3 more arm's length sales to report. Their count since last July is now 49.
2. Mid- June, he received an Email from the NYS Dept of Tax and Finance instructing me to remove two STAR exemptions from his files for non-payment of State Income Tax.
3. On June 17th, the updated computer file was turned into the County for processing of the 2013 Final Assessment Roll. The completed Final Roll was processed and picked up from the County during the last week of June with ample time for the July 1, filing.
4. On June 18th, Dave attended the Warren County Assessors' meeting held here in Bolton at the Lakeside Lodge. A report was prepared by one of the Assessors that shows the impact with the County Aged Exemption due to increasing the Income Limit last year. Briefly speaking there is now another \$22 million of assessed value that is now exempt. Economically, this has only a \$74,000 impact on the remaining tax payers.

5. Dave computer which is now approaching 5 years old and has a Windows XP operating system is having issues with our NYS V4 program. Dave's been advised to get a new computer with a Windows 7 or better operating system. V4 and Microsoft will no longer be supporting the older XP programs. A new computer is urgently needed in the Assessor's office.
6. Dave also attended a meeting held on June 26 by the Committee seeking his replacement. After reviewing all the applications and resumes received, the committee has narrowed the search to 3 candidates which they plan to interview in July.

Justice Court- During the month of June, 2013, Judge Harry Demarest took in \$6,525.00 and Judge Edward Stewart took in \$3,425.00. Total monies forwarded to the Town of Bolton amounted to \$9,950.00. There are itemized lists located in the Court if anyone desires to look them over.

Councilmember Susan Wilson

Code Enforcement- 36 page report, 32 site visits.

Library- continues with their Sembrich movie nights, July 8 & 22, August 12 & 26 which are open to the public. They will also be conducting their annual book sale on July 26, 27 & 28. Anyone interested in volunteering for this event can contact Councilmember Wilson.

Seniors- The Senior continue to have lots of activities planned straight through to the fall which are all posted on the Town website under community.

Councilmember Wilson stated that they will be looking at the newly adopted noise ordinance and will be updating and fine tuning as they go along as it is a learning experience.

Councilmember Wilson also said, as she had indicated last month, there is an interest in finding a place to set up a dog park. She has 5 members who anticipate holding a meeting in July to start the process.

Councilmember Wilson commented on the fact that Jane Gabriels spent 5 to 6 months designing and creating a unique piece of art. It is now hanging in the Community Center, she stated that it is a beautiful piece of artwork that depicts the scene looking out at the pond from the community center.

Conservation Park- There will be a reception on July 21, from 4 to 6 pm to view Jane Gabriels gift to the Town of Bolton. Everyone is invited with refreshments served.

Councilmember Cheryl Bolton

Supervisor Conover read her reports

Clerk's Office- July will bring us into a new water billing cycle. The phones have been busy with rentals for the Conservation Club with numerous graduations parties and weddings being scheduled. On Thursday June 27 Jodi attended the NYS Town Clerk's Association Meeting in Lake Pleasant at which Mr. Jim O'Connor from the NYS Dept. of Health spoke and answered questions about death records and the marriage season. The timing was excellent as our office did

3 marriage licenses just last week. The Town of Bolton will be hosting the next NYS Town Clerk's Association meeting scheduled for late August.

The week of July 7-13 is Invasive Species Awareness Week. On Tuesday July 9 from 9am until noon there will be a session on invasive pests at the Lake George Land Conservancy.

On July 25th at the Bolton Town Hall there will be a session on Terrestrial Invasive Plant Management which I would encourage everyone to attend. As you're probably aware we have a serious problem with Japanese Knot Weed (commonly called invasive bamboo) here in Bolton. These training sessions will help homeowners manage these invasive species.

The sign-up for all summer recreation programs is now available in the Clerk's office.

Recreation- There are 30 campers enrolled in the Bolton Summer Camp. Free programming began on Monday July 1, 2013. The Bolton Community Boat Cruise had over 200 in attendance, with 230 hotdogs served. 182 boarded the boat, while only 162 remained aboard and enjoyed the ride. Ben & Jerry's donated ice cream, The Sagamore donated hotdogs and rolls, Stewarts donated beverages, Neuffers Deli donated condiments, the Town supplied napkins, paper plates and additional condiments.

Supervisor Conover commented that this was a very nice cruise.

Bolton EMS-

EMR report regarding billing activity from May1, 2012 to May 31, 2013:

Calls: 320

Gross Charges: \$273,173.09

Net Charges: \$209,523.17

Payments: \$138,217.89

Balance Due: \$62,648.86

EMR report regarding billing activity from January1, 2012 to May 31, 2013:

Calls: 90

Gross Charges: \$64,962.99

Net Charges: \$49,732.79

Payments: \$21,537.58

Balance Due: \$28,160.63

Supervisor Conover commented that the public is now realizing that the Bolton EMR is now a not for profit and that they are billing for the calls they make to help finance their operating conditions. He also stated that the town contributes to this as well.

Supervisors Report:

- Receipts: \$249,611.74
- Disbursements: \$464,760.79
- Warren County Sales Tax: May/2013 up 4.2% year over year
- Historical Society Building Stain Project complete, looks very good. Mapco did a marvelous job.
- Thunderbird Road project ready for paving and should take place very soon.
- Veterans Park Parking Lot completed and it looks terrific.
- Assessor position received applications will be meeting with Lake George very soon

- Metal Pile removed at Transfer Station, asked for metal containers to be placed
- New Vermont Road Drainage Project: Bids received 3:00 pm on 6-26-13.

Supervisor Conover stated that there is a resolution to award, and that Carl Schoder recommended the award.

- Warren County Bicentennial Celebration at the Old Court House, LG Village wonderful event, big thank you to Ted Caldwell and Bill Gates, Bolton's representatives for a job well done and thanks to all of the volunteers for their efforts. We did receive a plaque that will be mounted and placed at the Historical Society building.
- Bathrooms at Rogers Park operational, contractor finishing work received temporary permit.

Supervisor Conover commented on the fact that there was still site work to be done, and they would work through this.

- Bolton school district Generator Project request for funding assistance through the hazard mitigation program.

Supervisor Conover explained that we did submit an interest letter regarding this project in the hopes of securing some grant assistance.

- Supervisor Conover had the opportunity to attend The Jefferson Project at the Sagamore on June 27. He stated that he thought this was a historic announcement between Darrin Fresh Water Institute, IBM and the Fund for Lake George. It seems as if in one day they will be able to do more testing that they have in the last 30 years. This data will be used for future decision making and policy for Lake George.

Old Business / Tabled Resolutions:

- Dry Hydrant on New Vermont Road (Spring 2013 Project)

Supervisor Conover stated that he agreed with Mr. Gaddy and he would be encouraging Timmy to taking care of this as soon as possible.

New Business:

- Resolution naming unnamed road Hemlock Ridge Lane (see attached map).

Supervisor Conover stated that Zoning Administrator Pam Kenyon has looked at this and feels it has sufficient identity on its own and once named it will become part of the 911 system.

RESOLUTION#159

Councilman Maranville moved, seconded by Councilmember Wilson to authorize naming unnamed road Hemlock Ridge Lane. All in Favor. Motion Carried.

- Resolution authorizing Supervisor to submit for projects through the Consolidated Funding Application Process and retain necessary consulting assistance as appropriate (projects can include community and economic development, infrastructure, housing, environment, parks and recreation, waterfront development, as examples). Said authorization to include consortium applications with adjacent Towns.

Supervisor Conover stated that this will have to happen by mid August, and that they were looking to take another pass at possible funding for a business center. He also said they are in conversation with the Town and Village of Lake George to a possible consolidated consortium pipe and sewage improvement program to be done through the Watershed Coalition. If funding were to be approved, this would help upgrade the remaining approximate 2 miles of sewer lines within the system.

Councilman Maranville suggested that they not do the lining during tourist season due to the odor, to which Supervisor Conover agreed. He stated that he would further any follow up information to the Board and if any further action is necessary he would call a special meeting.

RESOLUTION#160

Councilman Maranville moved, seconded by Councilman MacEwan to authorize Resolution authorizing Supervisor to submit for projects through the Consolidated Funding Application Process and retain necessary consulting assistance as appropriate (projects can include community and economic development, infrastructure, housing, environment, parks and recreation, waterfront development, as examples). Said authorization to include consortium applications with adjacent Towns. All in Favor. Motion Carried.

- Resolution authorizing Supervisor to seek funding through the EFC Waste Water Planning Grant Program and to retain necessary assistance related to this application.

Supervisor Conover stated that this was brought to his attention by the Chazen Group and it might be a nominal charge on their part for assistance. It's still up in the air which avenue we will go through but the gist of it would be to apply for a planning grant program to take a look at the sewer plant.

RESOLUTION#161

Councilman MacEwan moved, seconded by Councilman Maranville to authorize Supervisor to seek funding through the EFC Waste Water Planning Grant Program and to retain necessary assistance related to this application. Councilmember Wilson abstained. All others in Favor. Motion Carried.

- Resolution authorizing award of storm water project on New Vermont Road to Real Construction at a cost of \$138,000 and authorizing Supervisor to enter into contracts related to this project.

Supervisor Conover explained that this was the project that the Board authorized going out for bid, and that the bid was less than the Engineers estimate. The town had received a state grant for this project in amount of \$63,500 which is approximately 45% of the cost. It is an important stormwater mitigation project for New Vermont Road.

RESOLUTION#162

Councilman Maranville moved, seconded by Councilman MacEwan to authorize award of storm water project on New Vermont Road to Reale Construction at a cost of \$138,000 and authorizing Supervisor to enter into contracts related to this project. All in Favor. Motion Carried.

- Resolution regarding changes to the noise ordinance and authorizing Town Clerk to advertise a public hearing relative to same (see e-mail from Sue Wilson)

Councilmember Wilson stated that shortly after they passed the ordinance a staff member came to her with concerns about being in violation of the ordinance by sitting outside in their backyard playing the radio, and she realized this was something they had missed. She then contacted Town Counsel Muller and had language drawn up to remedy that situation that simply states: Noise which is projected or increased by volume or sound intensity by application of a separate electrical source, and is regulated by this ordinance is not intended to include limitation of sound sources from non-amplified musical instruments, non-amplified human voice and shall not include sound emanating from a standard radio, cd player, dvd player, tv or similar device and utilized for personal entertainment. She said this is one of the things she would like to see added to the new ordinance after next month's public hearing. Also she was trying to avoid a fee for permits, but she is proposing a \$10.00 fee to cover mailing the required public notices. Town Counsel Muller suggested that in the ordinance the Town Board may by resolution set a fee to cover postage. Supervisor Conover and Councilmember Wilson agreed to this.

Supervisor Conover said that the Town Counsel Muller will put this into proper amendment form, and the Board would have the Town Clerk provide notice for a public hearing for the next meeting.

RESOLUTION#163

Councilman Maranville moved, seconded by Councilmember Wilson to approve resolution regarding changes to the noise ordinance and authorizing Town Clerk to advertise a public hearing relative to same. All in Favor. Motion Carried.

- Resolution authorizing Highway Superintendent to apply credits in behalf of the Town of Bolton to the blasting contract in the amount of \$2,875 for misc. and fuel.

RESOLUTION#164

Councilman Maranville moved, seconded by Councilman MacEwan to authorize Highway Superintendent to apply credits in behalf of the Town of Bolton to the blasting contract in the amount of \$2,875 for misc. and fuel. All in Favor. Motion Carried.

Public in Attendance

Zandy Gabriels with regard to the charitable donation by Mrs. Gabriels, he commented that Mrs. Gabriels donation was not done as a work of art or charitable donation but as an acoustical solution for the Community Center. Councilmember Wilson replied that may be true, but there is no denying that it is very artistic and creative.

With regards to the Jefferson Project Zandy Gabriels commented they must keep in mind intellectual property rights and public access. The lake may not be as well served if the scientists collecting data maintain property strict rights. He made an analogy of the Federal Government climate control issue with this project and stated that he hopes that all 3 agencies will understand the need for everyone to comply with what the project is hoping to accomplish and the sharing of information collected.

With regard to Cornell Highway schooling Zandy Gabriels agrees with Supervisor Conover that it is a valuable tool for our highway superintendents and should be continued.

Zandy Gabriels stated that the Town Assessor should receive his new computers so he could understand how to correctly use the newer operating systems before he leaves to make this transition easier.

Zandy Gabriels said the Town does fund the fire and rescue squads and he encourages the Town to use town taxes and increase the town's contribution by 50%, they do a tremendous job and need full backing of the town.

With regard to Supervisor Conover's comments of Asian clams, Zandy Gabriels stated that the press and Supervisor Conover reported a 95% kill rate as being a very good response, he disagreed and said this at best was fair. Each individual clam can spin off between a 1,000 to 10,000 new ones. The standard needs to be 99 to 99.9% and we're not there. We're not sure if they were found just outside the mats or were stirred up afterwards, so the safety margin is not sufficient. He believes we need a better margin of safety instead of trying to put more mats around in other areas. He stated that he has stressed this at many of the meetings. There is no other lake in the world that has attempted to control Asian clams with matting. This is an experiment and not a production line so it needs to be much more meticulous and precise about the collecting and reporting of data. He used Sawmill Bay Marina as an example.

Supervisor Conover thanked him and stated that this was the first fall to spring program as opposed to just the spring project, and he too had questions as to how well it would work. Zandy Gabriels said that it was still an experiment and he did not feel comfortable saying that the fall treatment far outweighed improvements in the spring due to the lack of attention to detail. Supervisor Conover stated that he hopes that the survey did not find greater area or more sights.

Irene Neville, requesting a traffic mirror for the corner of Goodman Avenue and Lakeshore Drive, due to hazards from lack of sight pulling out into traffic.

Transfers: Motion to Approve Transfers

RESOLUTION #165

Councilman MacEwan, seconded by Councilman Maranville to approve the following transfers:

TO:	FROM:	AMOUNT:
<u>GENERAL FUND:</u>		

1410.2 Town Clerk EQ	1410.4 Town Clerk CE	\$293.00
1620.2 Buildings & Grounds EQ	1620.4 Buildings & Grounds CE	\$614.00
5182.2 Lighting EQ	5182.4 Lighting CE	\$7,536.00
7110.2 Parks EQ	7110.4 Parks CE	\$385.00
8664.2 Code Enforcement EQ	8664.4 Code Enforcement CE	\$743.00
<u>HIGHWAY:</u>		
5140.4 Brush & Weeds CE	5148.4 Serv. To Other Gov's CE	\$3,663.00
All in Favor. Motion Carried.		

Pay the Bills:

RESOLUTION #166

Councilman Maranville, seconded by Councilman MacEwan to approve payment of the following bills:

	Voucher	Amount
Mid Abstract 6A		
Rogers Park Dock	2	17,064.79
Mid Abstract 6B		
General	732-741 743-748 750 765	10,129.17
Highway	250	17.35
Sewer	131-134	2548.63
Water	155-156	1259.96
Lights	731 742 749	3801.50
Abstract 7		
General	630-730 751-764 766-774 776-782	76,863.59
Highway	228-249 251-267	45,251.65
Sewer	120-130 135138	9176.89
Water	134-154 157-161	24,543.28
Conservation Club	5	1,600.00
Tourism	9-25	23,613.11
Zoning Update	1	4,532.70
Lake George Watershed	1	23,894.24
All in Favor. Motion Carried.		

Executive Session: To discuss a legal matter relative to one of the applications.

RESOLUTION #167

Councilman Maranville, seconded by Councilman MacEwan to enter into executive session to discuss ongoing and possible litigation. All in Favor. Motion Carried.

- Resolution to come out of executive session.

RESOLUTION #168

Councilman Maranville, seconded by Councilman MacEwan to come out of executive session. All in Favor. Motion Carried.

Supervisor Conover stated that they had previously tabled to two sound permits for Steve McCranels for the Market Place Steakhouse and Iva and Audies Country Diner

- Resolution to bring Iva and Audies Country Diner application off the table

Supervisor Conover asked what the pleasure of the Board was. Councilmember Wilson stated that this application was also for 7:00am to 3:00pm and she would feel comfortable supporting 9am to 3:00pm.

RESOLUTION #169

Councilmember Wilson moved, seconded by Councilman MacEwan to approve sound amplification permit regarding amplified noise for Iva and Audies Country Diner, Steve McCranels, 9:00am to 3:00 pm through the end of the year, for low volume, light dinner music. All in Favor. Motion Carried.

Councilman MacEwan explained that they were tabling Mr. McCranels other application because they needed further information and that they would notify him so he could come and represent his own application. He feels that most of the applicants should represent themselves.

Town Counsel Muller stated that Mitzi Nittmann has done a great job, but he did not think that they had asked her to inform the applicants to show up to the meetings.

Matt Slaughter said he thought it stated in the ordinance that they had to show up, and Councilmember Wilson replied that she did not think that was true. He then asked if they would be re-notified of the tabled application to which Town Counsel Muller replied no.

Councilman Maranville asked Mr. Slaughter what the hours were that the music was interfering with his business. Matt Slaughter replied basically 10am to 10pm from the 4th of July on and they start music at 3pm. He stated that from then to 10pm it interferes with his business. He has asked many times for them to lower the sound.

Councilman MacEwan asked if it was music or tv's. Matt Slaughter replied it was football in the fall and music in the summer.

Councilman Maranville asked how many days a week it has been happening this summer. Matt Slaughter replied that it was more infrequent this year than in the past. He stated that in past years it was at least 3 days a week.

Councilman MacEwan asked if they would be looking to stop the music or tone it down. Matt Slaughter answered that he does not have a problem with music being played outdoors, but it becomes a problem when it interferes with his business.

Adjourn:

RESOLUTION #170

Councilman Maranville moved, seconded by Councilman MacEwan to adjourn at 9:22pm.

Minutes respectfully submitted by:

Jodi Connally
Town Clerk

Katie Persons
Minute Taker