

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

REGULAR MEETING

Supervisor Gabriels called the regular meeting to order at 7:03 pm.

Pledge of Allegiance – Supervisor Gabriels

Announcements:

- No decision from NYS on proposed joint stock acquisition of NoRoWal Marina. Discussions are still underway.
- Introduced Andrea Maranville (not present), resident of Bolton, as the new Community Liaison for the Lake George Park Commission.
- Town has received notification from FEMA that funding will be certified to Bolton. No check has been received to date, but it is a very substantial repayment for the emergency suffered by the Town of Bolton last August with the torrential rainstorms and downpour.
- Warren County cancelled a public meeting tonight on Solid Waste Franchise hauling by towns.
- Cornell Cooperative Extension will be conducting an Erosion & Sediment Control Workshop on Thursday, March 10, 2005 from 10:00 am-2:00 pm at their office on Schroon River Road, Warrensburg.
- Meal Site Menu, Extra Helpings and other hand-outs of significant nature, including a brochure on Adirondack Forest Preserve Camping-Lake George Islands Public Campground are available in the Town Hall.
- There are now 2 Town of Bolton website addresses: [.town.bolton.ny.us](http://town.bolton.ny.us) and [.townofboltonlanding.com](http://townofboltonlanding.com)

Public in attendance:

- No comments.

Correspondence:

- One bid was received for the F800 Ford Dump Truck. The bid was opened from Terry Morrison of Warrensburg in the amount of \$4,575.00.
- Correspondence to Supervisor Gabriels and Pam Kenyon regarding two septic issues for variance requests to come before the Board later in the meeting

- Correspondence back and forth from Barry Kincaid to Pam Kenyon and the Town on an issue of an interpretation of a particular provision of the Town's Code regarding Mohican Heights tree cutting
- Copy of Minutes from Bolton United/ Bolton Cares
- Letter from Patty Gramberg of Boathouse Bed and Breakfast requesting a noise application variance for Saturday, September 17, 2005 to play music until 11:00 pm for her wedding at Shelving Rock Terrace. The time requested is an hour later than Town Ordinance allows.
- Sagamore has donated money (\$2,319) to the Bolton Recreation Department for (1) equipment and programming expenses for the recreation center and (2) the establishment of a scholarship fund for students in need of accessing greater recreation programming. The Town Board is very appreciative.
- Correspondence from Pam Kenyon regarding the issuance of 911 numbers throughout town and the requirements that need to be followed.
- Letter from Schoder River Associates on modifications to the proposed C&D ramp at the transfer station.
- Four or five requests for identifying road name changes in the Town of Bolton requested by the various developers.
- From Senator Schumer: The National Endowments of the Arts has announced the application guidelines for access to artistic experience available to the residents of Bolton.
- Letter from Andrea Maranville regarding the Lake George Park Commission's Recreational Study Program for activities on Lake George.
- Letter from Joseph Mammola, President of the Bolton Free Library thanking the Town for funding the library a grant in the amount of \$13,750.00, which will help develop the library's resources and allow the library to provide additional services to the citizens of Bolton and to the many summer visitors who use the library.
- Several faxes received from Energy Services Providers, who suggest the Town can save money if they change their electricity service provider, if the Board wishes to undertake that.
- In Adirondack Council's winter version, they site the Town of Bolton and New York State's proposed joint stock acquisition of the NoRoWal Marina.
- E-mail received suggesting the Town of Bolton get a web-cam looking at the lake.
- Minutes and handout from the Historical Society of the Town of Bolton.
- Notification from the ZBA that there is a variance being requested by Mr. Datello whose property falls within 500' of town municipal property.
- Notification of failure to comply concerning violations levied by NYS Department of Labor. Two citations at the Bolton Highway Department resulting in a total penalty assessed to date of \$3,792.00.
- E-mail from Brian Donahue on the C&D ramp and its condition and also on municipal trash hauling in the county.
- Per board request, an estimate from Northeast Information Systems in the amount of \$9,270.00 to upgrade the telephone system in the Town Hall Building was received.
- Certification from FEMA regarding emergency money in the range of \$148-160,000 to the Town of Bolton Highway Fund for storm damage in August 2004.
- Annual SPEDES compliance for the sewer plant.
- From Holmes Associates, a mass mailing to all members of the Lake George Basin concerning the Lake George Park Commission's Recreation Study.

- Lake George Park Commission Marine Patrol 2004 Annual Report.
- Bolton Eagle.
- Letter from Mayor Blais stating he will be changing the financing for foreign students that come to the U.S. for summer work. The Town of Bolton was requested and did contribute, but Mayor Blais is going to finance it differently.
- Indication from HVS Capital Corporation regarding lease back arrangements.
- Indication from Time Warner of audit in the years 2000-2003 and funds in the amount of \$1,078.00 are owed to the Town.
- Letter from Norman Crisp at 11 Anchorage Road, regarding stormwater run-off from Rogers Memorial Park Road and driveway onto his property. He is looking for the Town to come up with a solution.
- Letter from Niagara Mohawk that they made changes to the street lights, replacing various mercury vapor lights with high pressure sodium lights which equates in a reduction in costs to the Town of Bolton.
- Notification Melody Manor will renew its liquor license.
- Notification The Sagamore Hotel will renew its liquor license.
- Notification from Adirondack Park Agency they have a project under review for Melanie Masters/John Santo on or near Wall Street.
- Notification from Cathy Radner on the on-going case of Byers vs Town of Bolton on a Planning/Zoning issue.
- Correspondence on Rainbow Beach Tax Certiorari Case with the Town of Bolton.
- Correspondence from Time Warner, their quarterly franchise check in the amount of \$5,702.58.
- Notification from DEC of the water quality improvement projects, grant applications and programs.
- Time Warner Community Action Annual Report for 2004.

Reports:

Councilman White:

ASSESSOR:

- Kept up-to-date with daily maintenance of deeds and property transfers, also created new parcels and making map change corrections when they arrived from the county. Also met with County Senior Mapper on more than one occasion to assist with making corrections needed to the maps. Continued working on field inspections, following up on copies of the zoning requirement certificates and/or building permits. He has taken several new STAR applications from many of the property owners who have built homes this year and also been present to help those seniors who must renew their applications each year. Ongoing litigation cases continue, with discussions on-going with Mancini and Killeen. The Mancini case seems to be going more slowly. A letter was sent from the Town to Mr. Beebe on the Rainbow Beach case, and a reply has not been received to date.

WATER DEPT:

- Water made: 5,779,818 gals Daily average: 206,422 gals. Pond level over spillway and continues to flow at heavy rate. Department busy with general maintenance. During 1st Quarter, the water sample testing parameters were less than the associated maximum contaminant levels, which is very good. Frozen lines at VonTek and the Chamber Office. VonTek water is back on,

and the Chamber Office is off. On February 10, 2005, Mr. Perry advised that there was a problem at the pressure reducing station on Valley Woods Road with water pouring out of the manhole covers at 6:30 am. He had to pump out the manhole and found there were 4 pressure gauges broken off in the manhole. Mr. Perry felt this was an act of vandalism and filled out a report with the Bolton Police Department, pictures were taken and new valves were put on. Still watching the small leak near Chamber of Commerce Building, as soon as weather permits, it will be dug up and fixed.

JUSTICE COURT:

- A/R: Judge Demarest - \$2,090. Stewart - \$3,315. Total: \$5,405.

POLICE DEPT:

- Hours officers worked: White – 139.5, Howse – 109.5, Schroeder - 75. Miles patrolled: 1,208 miles. Fuel used: 117.2 gallons. Officers investigated 1 criminal arrest, 3 security alarms, ___ traffic summons, 2 parking tickets, 2 auto accidents, 2 domestic complaint, 5 court securities, 4 emergency medical assists, 1 fire dept assist, and 4 misc. complaints.

Councilman Saris

TOWN CLERK:

- Total local shares: \$6,709.66. Non-local: \$104.32. Total state, county and local revenues: \$6,813.98.

HIGHWAY DEPARTMENT:

- Took down Town Christmas Decorations. Dealt with 3 significant storms (3", 7" 10"). Main Street cleanup of snow. Steamed out 14 culverts. Dealt with ice problems on Brereton Road, Potter Hill Road and Mohican Road. Put stone dust down on South Trout Lake Road, Lamb Hill Road, Edgecomb Pond, Potter Hill Road, East Schroon River Road, Wall Street, New Vermont Road, and Mohican Road (some more than once). Highway Department has been busy with truck repairs, as they reported the poor condition of some of the aforementioned roads is beating up the equipment pretty badly

SEWER DEPT:

- The Plant took in 3,746,960 gals of wastewater for a daily average of 133,820 gals. No violations. Hauled 8,000 gals liquid sludge. Having problems with alum line freezing. DEC conducted annual inspection and the Sewer Plant did very well. The guys at the sewer plant have done a great job in keeping everything in compliance. On morning of February 10, 2005, when Town lost power, had the opportunity to hook trash pump up to the NoRoWal pump station and it performed very well. The Sewer Department has been busy plowing and shoveling. Chet Dagles reported both of his employees are still working out splendidly.

Councilman Andersen

PLANNING OFFICE:

- Permits applied for: 10 certificates of compliance / 3 wastewater disposal systems / 3 variances / 8 site plan reviews / 6 subdivision / 3 stormwater permits. A/R: \$2,052.34.

CODE ENFORCEMENT:

34 pages of field notes. Traveled 277 miles in her duties. Attended the Association of Towns meetings in New York City, and took classes related to Planning and Zoning. Code Enforcement Officer completed 28 different inspections, which resulted in 5 enforcement actions taken.

BUILDINGS & GROUNDS DEPT:

They have been out early in the morning trying to keep sidewalks clear and keep up with that task.

Councilman MacEwan:

TRANSFER STATION:

A/R: \$3,174.00. Lisa French still wants work done on the hydraulics in the compactor, she's contacted Albany Hydraulics and is still waiting for a response. She would like to thank Barbara Dommaschk for covering for her while on vacation. Mrs. French is inquiring on the summer hours for the transfer station.

ANIMAL CONTROL

18 hours 88 miles: 4 calls, 2 dogs picked-up and transported, 3 dogs returned on their own

Supervisor Gabriels

SUPERVISOR:

Total receipts: \$191,764.41. Total disbursements: \$423,734.62. County: nothing on stormwater. Warren County: (1) considering expanding jail and putting on new pod, would bond at \$7 million, no decision had been made yet, (2) Bed Tax: Occupancy Tax Committee has decided a formula to disburse a portion of the 1% Bed Tax revenues generated over and above the \$30,000 that has already been received by the towns, and it will be disbursed on a formula based on the percentage generated in each of those towns, which means a considerable influx of revenues for tourism promotion for the Town of Bolton. Precise disbursement amount to Town of Bolton should be available by month's end.

Unfinished Business:

Public hearing on all Zoning Amendments remains open pending APA acceptance.

Regarding authorization of Warren County mowing contract for 17.64 miles of county roads once per year in the amount of \$2,029.00. There is a NYS Highway Law Provision that states mowing of obnoxious weeds has to occur between July 15-August 15.

RESOLUTION #41

Councilman Saris moved, seconded by Councilman White to accept Warren County contract for Snow and Ice Removal, as per 2005 Schedule A payment rate in the amount of \$83,306.00.

Additional services: mowing one time per year of all 17.64 miles of county roads @ \$2,029.00.

Total reimbursement of \$85,335.00. All favorable. Motion carried.

Donohue's Report Re: On groundwater on his property on Mohican Hill Road and the Sewer Plant impact, the report is still pending NYSDEC response.

Rainbow Beach Tax Certiorari Case: The status is ongoing. Town Counsel Mike Muller said the Town is waiting for an answer from Mr. Beebe.

Brickner easement: Re: Need for expanded easement by contractor's action while installing the new sewer pump station, a resolution is still pending.

Highway Garage floating pads: Mr. Kruger has not made any report back to Supervisor Gabriels or Tim Coon concerning the "floating concrete pads" or on the minor rain damage to the roof from the general contractor.

C&D landfill ramp: Board members received the conceptual proposal from Schoder Rivers Associates in November 2004, showing the material cost estimate at \$30,000, the design work at \$3,500 and the services during construction range of \$1,680-\$2,240. The Board is presented with the question of whether or not to proceed with final design drawings

RESOLUTION #42

Councilman MacEwan moved, seconded by Councilman Andersen to approve the contract with Schoder Rivers Associates for the C&D landfill ramp giving an estimate of the cost of the design work at \$3,500 and for services during construction at a range of \$1,680-\$2,240. All favorable. Motion carried.

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RESOLUTION #43

Councilman Saris moved, seconded by Councilman Andersen to adjourn as Town Board and convene as Board of Health to hear two variance requests. All favorable. Motion carried.

Supervisor Gabriels gave an overview: Carl Schoder is the Engineer on both variance requests, both were sent by ZBA to Town Engineer Tom Nace, who reviewed and made comments.

Carl Schoder stated the first variance request for Donald King and Joanne Vanstone is a proposal to develop an existing lot by placing a single-family residence on it. He added the location is lot #2 from a subdivision at 42 Braley Hill Road. Schoder said the difficulties this lot presents are (1) relatively high bedrock in most of the area and (2) relatively high water in a part of the area. Mr. Schoder looked at the lot and found one area somewhat upslope and northwest of the residence on a side hill where they excavated test pits which showed good soil. However, he added that to use that location for the septic, there are two variance issues to be addressed (1) the septic would be a shallow trench system requiring a 20% maximum grade and there is a 20.5% grade and (2) there is a need to extend one of the trenches to approximately three feet below grade instead of 30" below grade in order to key it down into existing grade in order to make that process work.

Mr. Schoder said on the site, it is mitigated that in building on the slope, maintaining a 15% top slope on finished grade, because of the existing side slopes, there is a long downstream toe, which will present a significant buffering area with respect to wastes being able to infiltrate. He added the basal area is much larger than would normally be for a shallow trench system.

Mr. Schoder added that there is a property line adjustment indicated on the shown drawings with an inaccuracy brought to his attention after the drawings were generated. He added they are currently in the process of resolving this, further saying that it appears Mr. King has purchased lot #2 in its entirety as per the original lot #2 from the subdivision. Mr. Schoder said it appears now they will not need the property line adjustment but rather will be able to contain the septic fully on site.

Supervisor Gabriels said the maximum slope is 20% and pointed out that the variance request is for a 25% slope. Mr. Schoder agreed that the variance request is for 25%, not the aforementioned 20.5%.

Supervisor Gabriels said this project needs two variances, (1) the maximum slope allowable is 20% and the request is for 25% and (2) the NYS Code requires a maximum of 30" between the bottom of the laterals and the finished grade and 36% is proposed on one of the four laterals, the remaining three would meet the code requirements. Supervisor Gabriels said Town Engineer Tom Nace commented that there are no wells 200 feet downstream of the proposed septic. Mr. Schoder confirmed that there are no wells within 200 feet from the total slope of the proposed system and added up-gradient that all the wells are in front of the houses at 150 feet, within the 100 foot requirement on the up-gradient by the Department of Health.

Supervisor Gabriels said Tom Nace also suggested that variable depth of the sewer effluent main be increased where practical and that the applicant's engineer should verify that the specified solenoid valve would automatically shut off the water supply to the house in event of a power outage. Mr. Schoder said both items were addressed in his correspondence to the Town in response to Tom Nace's comments. He added the burial depth can easily be increased on the site and certainly will be. If there is any outcrop of bedrock, they will require a four-foot wide by two inch thick layer of insulation that would go over the pipe, but he doesn't see the need as he thinks they will be able to increase the burial depth to four feet. Mr. Schoder said regarding the solenoid valve, this house is served by public water and there is a difference in the design of the pumping facility for a house served by public water. He added that in the event of a power outage, there is still water supply, so the toilets would still function without the pump functioning. Mr. Schoder said this situation changes the type of solenoid valve to be used and that modification will be made on the final drawing. Supervisor Gabriels asked if Mr. Schoder could assure the plans on open versus closed would be put in the right way, to which Mr. Schoder said there is no choice, the valve is specified as "normally closed" or "normally open."

RESOLUTION #44

Councilman Saris moved, seconded by Councilman White to approve the variance request by Donald King and Joanne Vanstone (171.07-2-43.2) as follows: to approve the variance for a 25% slope and to approve the variance for a trench depth of 36" on one lateral of the shallow trench system as requested. All favorable. Motion carried.

Supervisor Gabriels gave an overview on the William T. and Helen G. Schwarz variance, per Pam Kenyon, that the following variances are required; (1) a 10 foot setback from the property line is required, zero is proposed to the bottom of the slope on the north side of the property, the parcel to the north is owned by Jacobi Point Homeowners Association (2) a minimum tapered slope of 20 feet is required, 13 feet is proposed, and (3) a 5 foot vertical separation to bedrock for seasonal high ground water from the bottom of the leech field is required, 3 feet is proposed to seasonal high ground water. He added that Tom Nace added the comment that the variable depth of the sewer effluent main be increased or that insulation be used along the entire length of the force main. Supervisor Gabriels said that Mr. Nace is especially concerned about freezing, as the force main is located under the driveway. He added that Mr. Nace commented that the proposed variances are reasonable and that the new system will be a significant improvement over the existing system.

Carl Schoder said this is a replacement system, not a new construction, adding that the Schwarz residence is located very close to the lake. He added their existing septic tank and seepage pit are located immediately behind and are well within the required lake setbacks currently. Mr. Schoder said the present system has experienced some distress during spring high ground water conditions and the Schwarz's requested he look at the property. Mr. Schoder found on the drawing, a location on the property where a mound system with separation to bedrock at 3 feet would work. He added the perc. rates were acceptable, having a 15 minute perc. rate at 18 inches below. Mr. Schoder said in designing the system, as referenced in the drawing of the cross-section of the system, shows a conventional map with pressure distribution and bed within it, the water line shown, and bedrock evidenced by test pits. He added the 3.0 feet distance is to seasonal high water, not to bedrock.

Mr. Schoder said the variance is being requested for: (1) the 3.0 foot separation distance and (2) issues related to taper of side slopes and where the system winds up relative to the neighbor. Mr. Schoder said there is a property line on the northerly boundary of the Schwarz property that the system would front right up to. He added that the 13 foot taper question pertains only to the side slope (they are able to maintain the required 20 foot taper on the down-slope side). Mr. Schoder said the proposed system will greatly increase or enhance the current situation and regarding the neighbor to the north, Mr. McAneny, wrote a letter that he has no contest to the separation. Mr. Schoder added the water supply is coming from Lake George.

Supervisor Gabriels said Mr. Schoder is correct, the Town received the letter written by Mr. McAneny and the project is not a problem. Supervisor Gabriels asked what the setback to the lake is and Mr. Schoder responded that the total septic system shoreline separation distance is 209 feet.

RESOLUTION #45

Councilman White moved, seconded by Councilman MacEwan to grant variance to William T. and Helen G. Schwarz (171.08-1-2) as proposed: (1) relief from the 10 foot required setback, zero feet proposed, (2) grant relief from the required 20 foot taper on the side of the mound, 13 feet proposed, and (3) grant relief from required 5 feet separation to seasonal high ground water, 3 feet proposed. All favorable. Motion carried.

RESOLUTION #46

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

Referrals from Code Enforcement Officer / ZBA / BPB:

Joe Mammola of Woodland Ridge Association, given the developing nature of this situation, Supervisor Gabriels put this item on the April 5, 2005 TB meeting agenda.

Barracks/Smith – Edgecomb pond Road (171.00-1-29), it is still pending.

Noise complaint with Nicoletti: Town Counsel said it is still pending, but it is his understanding there is an upcoming date with the Justice Court on this matter.

New Business:

At a Special Meeting of the TB, Supervisor Gabriels stated Mr. Walter (Buzz) Lamb has compressed the timeframe to this coming Friday (March 4th) for the TB's decision on whether to purchase NoRoWal Marina, with or without the State's involvement. Supervisor Gabriels said the TB could discuss the matter now and make a decision tonight or the TB could have a meeting later in the week to make a decision.

RESOLUTION #47

Councilman Saris moved seconded by Councilman Andersen to schedule the Special Meeting of the TB for Friday, March 4, 2005 at 8:15 am at the Town Hall, to discuss the decision for the Town of Bolton to purchase NoRoWal Marina. All favorable. Motion Carried.

The Bolton Bed Tax Committee has made a recommendation for use of bed tax monies to the TB to fill a request for a significant upgrade to the Bolton Chamber's website. Supervisor Gabriels noted that the Bolton Chamber has a quote from Mannix Market in the amount of \$8,700 (actual amount is \$8,690) for the upgrade. Supervisor Gabriels asked Mr. Forshay for further explanation of the costs. Dave Forshay, representing the Bolton Chamber and the Bolton Occupancy Tax Committee, said the \$8,700 upgrade includes the annual fees that amount to approximately \$2,300 in recurring expenses. Councilman Andersen asked if the Bolton Chamber has shopped around for other quotes from web designers and web pages to get price comparisons. D. Forshay said they have not, because Sara Mannix, of Mannix Marketing, is the current webmaster for the Town of Lake George, as well as several local sites including Gore Mt., Hague, Ticonderoga, Etc., and he said she understands the business and owns the sites where the Bolton Chamber wants to be. D. Forshay added that included in the proposed package, the Bolton Chamber would be presented on several Mannix Marketing owned websites for example, "LakeGeorge.com" and "Warrensburg Garage Sale," etc.

Supervisor Gabriels said the current proposal is for the Town of Bolton to authorize bed tax money to include the annual expenses and asked what happens next year when the design work is done. D. Forshay said in his personal opinion the Bolton Chamber should take care of the annual expenses itself, redirecting \$2000-\$2500 of its advertising budget to the ongoing maintenance of the website.

Supervisor Gabriels said County Attorney Dusek has strongly suggested that in granting this and/or other application that the Town of Bolton get a signed contract between the Town and in this case, the Bolton Chamber, for the amount, so there is a paper trail to show where public money is being spent. Supervisor Gabriels asked Counsel what the protocol would be for generating a contract, and Counsel said the contract could be drawn up upon acceptance of the request, once he is given the details of the agreement.

Councilman Andersen commented that he uses Mannix Marketing along with a number of other groups and he said he would feel much more comfortable if the Bolton Chamber would shop the \$8,700 figure first before moving forward with the design and hosting with Mannix Marketing. D. Forshay said if they take the time to shop websites, they will lose 2005. D. Forshay said that for his personal motel business, Chelka Lodge, he gets leads on an annual basis from the Bolton Chamber and from Lake George. He added that he received approximately a total of 25 leads per day from the Bolton Chamber and from Lake George Chamber he received approximately 45 leads per day.

RESOLUTION #48

Councilman Saris moved, seconded by Councilman MacEwan to approve the expenditure of \$8,690 from local bed tax monies to upgrade the Bolton Chamber website. All

favorable. Motion was carried.

After the resolution was passed, Councilman Andersen added that while he was in favor of the motion, he did so with much reservation.

Killeen Tax Certiorari Case: Counsel stated the Town is waiting on Mr. Killeen's decision - the matter is still pending.

Regarding the authorization of five new private road names; "Wright's Farm Road," "Cobblestone Court," "Diamond Ridge Road," "Ridge Lane," and "Lake Ridge Road," as shown on the document provided by Town Zoning Administrator P. Kenyon. Supervisor Gabriels said Ms. Kenyon has reviewed the existing road names and doesn't find a conflict with any of the names and she also provided him with general locator maps. Supervisor Gabriels said that more specific details of where the roads are located, their length and direction are in the process of being developed in conjunction and coordination with the Warren County Planning Office. He added that if the TB does not name the roads, 911 numbers can not be issued.

RESOLUTION #49

Councilman Saris moved, seconded by Councilman Andersen to authorize the 5 new private road names; "Wright's Farm Road," "Cobblestone Court," "Diamond Ridge Road," "Ridge Lane," and "Lake Ridge Road." All favorable. Motion carried.

Supervisor Gabriels stated that the bids received for the purchase of three new town trucks were received and opened, and the decision has been tabled pending review and comparison of bids to NYS contract.

Regarding the noise application variance made by Patti Gramberg of Boathouse B&B, for Saturday, September 17, 2005 for an extension of one hour from 10:00 pm to 11:00 pm, at Shelving Rock Terrace. Councilman White said a precedent had already been set regarding this matter.

RESOLUTION #50

Councilman White moved, seconded by Councilman MacEwan to grant the noise application variance as requested by Patti Gramberg of Boathouse B&B for one hour extension of our ordinance allowing music until 11:00 pm, on Saturday, September 17, 2005 at the Shelving Rock Terrace. All favorable. Motion carried.

The free C&D tickets for the 2005 season and the method of distribution (mass mailing or handed out at the Town Clerk's Office) was discussed. The policy for 2004 was a mass mailing and the tickets were good until used up. Town Clerk Simmes suggested the Town notify the public on the Town of Bolton website and advertise in the paper that if people need new C&D tickets, they can pick them up at the Town Hall, rather than

doing a mass mailing. Supervisor Gabriels said the decision for the TB is the issuance as a matter of policy that any family that wants a C&D ticket for 2005 can get one. Councilman Andersen said the goal is to have a nice town, the C&D tickets is a worthwhile project.

Councilman Saris agreed and said in general the project works well and took care of the problem of overwhelming the staff. Town Clerk Simmes clarified that the project should be advertised on the Town of Bolton website, in *The Post-Star*, and the Bolton Central School Newsletter. Councilman White said it should also be included in *The Adirondack Journal* and *The Lake George Mirror*. The Board agreed unanimously to continue the project by allowing persons to receive the new card by applying at the Town Clerk's Office.

James LaFoy's (Highway Dept. employee) request to be paid for 40 hour of 80 hours credited for 2005 vacation time was discussed. The matter was tabled in February upon Councilman Saris discussing the matter with the Highway Superintendent (Tim Coon). Councilman Saris said T. Coon didn't have a preference one way or the other. Councilman Saris added that his understanding is that this is Mr. LaFoy's time as of the first of the year and that if there are issues with requests like this, they should be reviewed at the time of the next contract negotiations.

Supervisor Gabriels asked if the precedent the TB is going to take is also applicable to those outside the Highway Department union. Councilman Saris said most likely. Counsel said whatever the TB's decision, the Town will be open to similar requests and will need to make a similar decision and he added that the Town should have a written policy. Counsel added that the Department of Labor has written a policy for Towns if they don't have one of their own which states that vacation time accrues as of January 1st. Councilman Andersen asked if the Town could have a document wording the vacation policy otherwise; for example vacation being pro-rated throughout the year. Counsel: Councilman Andersen is correct, as long as the Town has a policy in writing, acknowledged and signed by Town employees. Counsel added that without a written policy, the Department of Labor's policy is in effect. The TB consensus is that the TB should get something in writing, then get it reviewed by the union representative. The matter was tabled pending written policy.

Authorization is needed to impose the temporary weight limit of 6 tons on town roads per request of T. Coon, Highway Superintendent, Town Clerk Simmes said a legal notice has to be placed in the paper and it is not legal until the signs are put up.

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RESOLUTION #51

Councilman Andersen moved, seconded by Councilman Saris to authorize the imposition of the temporary weight limit of 6 tons on town roads and for Town Highway Superintendent, T. Coon to post annual weight limit signs. All favorable. Motion carried.

Regarding expanding Financial Depositories, per the suggestion of Town Clerk Simmes, Supervisor Gabriels stated Charter One Bank gave a better rate of interest than what the local banks are offering for short term rates and he suggested the Town expand its listing of financial depositories as established in Resolution #4 of 2005 of the TB Organizational Meeting, to include Charter One Bank.

RESOLUTION #52

Councilman Saris moved seconded by Councilman MacEwan to include in our 2005 TB Organizational Meeting under Resolution #4 of that Charter One Bank is listed as an additional depository for Town funds. All favorable. Motion carried.

Regarding the contract between the Local Development Corporation (LDC) & NoRoWal which would include lot line adjustments, Supervisor Gabriels stated the Town Board is under time limits to make a decision on the NoRoWal deal and the TB needs something in writing that they and Mr. Lamb can feel comfortable with. Counsel stated that Mr. Lamb would be comfortable with the latest draft since it is a product of his attorney's recommendation.

Counsel added he is not uncomfortable with it, but it remains a draft. Counsel added that (1) the real property the corporation owns is an old issue, yet definable and (2) personal property, things that are acquired by virtue of fact that the corporation owns them, that is probably ascertainable, but cumbersome and (3) Mr. Lamb reserves to himself certain things. Counsel said the contract is fundamentally ready. Supervisor Gabriels asked for a timeframe of when the final contract would be done if a positive decision is made by the TB, to which Counsel responded two things are needed (1) the surveyor's report and (2) establishment of who is conducting the inventory. Councilman Andersen said the Town will be under obligation to have the inventory taken. Counsel said then there is a complete contract which requires a meeting of the minds of those who constitute the LDC, since they are the real buyers.

Regarding the notice of authorization of the survey of NoRoWal Marina property for the LDC, Supervisor Gabriels stated the survey is now underway by Surveyors VanDusen & Steves LLC, and he asked if Counsel had provided VanDusen & Steves LLC with the proposed lot line adjustments. Counsel said the only thing he believes was provided was what constitutes to be existing deed that the marina owns and he suspects that the existing deed contains more than what the Town is buying. Counsel said he was told by Councilman Andersen that there is property in the existing deed that is individually owned by Mr. Lamb but would constitute property that is coming into this transaction. Counsel said the contract says the individuals, being Mr. & Mrs. Lamb and Mr. Phinney would pursuant to the agreement convey their real estate that would be part of this transfer into the corporation prior to the Town stock acquisition. Councilman Andersen stated in his conversations with Mr. Lamb that the property the Town would be gaining would be from Mr. Lamb's individual property, which would be transferred

from him to his corporation before the acquisition. Counsel feels we still needs a survey to determine accuracy and will place a follow up call to the surveyor tomorrow.

Counsel said the second draft of the contract shows that the Town is walking into this, as purchasing stock, not buying real estate and that the second draft contract shows the owner as Bolton's LDC and shows the sellers as Mr. & Mrs. Lamb, because they are selling their stock, not real estate.

Regarding the authorization of the business valuation of NoRoWal Marina property, Supervisor Gabriels stated that an LDC member suggested the Town secure the professional services to have a business evaluation of NoRoWal Marina and an LDC member suggested Paul Curtis of Curtis, Murphy and Jeffreys. He added the Town would need to enter into a contract with Mr. Curtis. Counsel said the NoRoWal contract is not subject to the results of Mr. Curtis' business evaluation. It is not part of the negotiations, but doesn't diminish the need for the Town to know what it is getting into. Councilman Andersen said having the business evaluation done will show the Town provided due diligence along the way. Counsel agreed and added the LDC is not here to be in business, it is a not-for-profit and the intent is to have the Town hold on, disburse and reallocate.

Supervisor Gabriels said the decision will be interesting, as NYS has shown interest, but has not provided anything in writing. He also said the Town plans on securing some sort of long-term debt to finance its portion of the \$4.5million acquisition. He added the Town consultant believes the business operation would throw off revenues to cover some long-term debt and if the State comes in at some magnitude, there should be sufficient revenues after expenses to cover all of that debt with no tax impact. Supervisor Gabriels said that if the State does not come in at a significant level, there may be a tax impact, adding that for every \$10,000 the Town has to raise to cover any expense, means there is a \$.01 increase in the tax rate. Councilman Saris said it is important to consider that should that piece of property be diminished in some way, so it doesn't bring people into this area that it presently does, then there would be an economic impact to the Town which would result in a tax increase.

After considerable consideration, the TB unanimously agreed to invite Mr. Curtis to offer a proposal on his timetables and fees and to table the matter of hiring Paul Curtis to conduct a business valuation of the NoRoWal acquisition pending the Special Meeting of the TB set for Friday, March 4, 2005 at 8:15 am at the Town Hall.

Supervisor Gabriels spoke regarding an article involving the Supervisor of Stillwater using his executive powers to lend money to a taxpayer in an emergency situation. The money was paid back to the Town. The newspaper suggested that that was inappropriate. Counsel advised that a court case upheld that a Supervisor has broad executive powers in an emergency situation.

The proposed salt storage shed at the Highway Department is being worked on.

RESOLUTION #53

Councilman Andersen moved, seconded by Councilman Saris to authorize the following March 1, 2005 budget transfers:

GENERAL FUND:

FROM	TO	AMOUNT
14101 Town Clerk Personnel	Central Communications 16504	\$1,700.00
19904 Contingency	Central Communications 16504	1,068.00
80201 Planning Bd. Personnel	Central Communications 16504	1,250.00
80204 Planning Bd. Contractual	Central Communications 16504	2,074.00
80101 Zoning, Personnel	Central Communications 16504	1,250.00
80104 Zoning, Contractual	Central Communications 16504	658.00

Increase General Fund Budget:

2705.1 Donations for Recreation from Sagamore Hotel	2,319.00
71404.1 Recreation Contractual	2,319.00

Establish Petty Cash for Recreation \$250.00 to be located in Town Clerk Safe to be used by Recreation. All favorable. Motion carried.

The Highway Superintendent has valued the Ford F800 Dump truck that we put out to bid at between three and five thousand dollars. The deadline for bids was tonight and only one bid was received opened from Terry Morrison in the amount of \$4575.00.

RESOLUTION #54

Councilman Saris moved, seconded by Councilman Andersen to accept the bid from Terry Morrison of Warrensburg, NY and sell the Ford F800 Dump Truck to him in the amount of \$4,575.00. All favorable. Motion carried.

Barry Kincaid handed out a draft design for the new Trout Lake Road sign that he has designed. He is going to build the sign and install it at his own expense. The TB members agreed it was great design, that fits the Adirondack motif and a great gesture on Barry's part to offer to make the sign and the Town Board thanked him.

The Town has an outstanding debt of \$115.00 owed to the Town by Barry Burns. This charge is for the euthanization of one of his dogs last spring. To date no money has been received and the Town has taken no action to recoupe these funds. Supervisor Gabriels asked the TB how it would like to proceed, either sending a dunning letter or taking action against Barry Burns in small claims court. Counsel said if court action, it would only give the Town a judgment. Councilman Saris said the Town should set precedent that if they impose something on someone, they should follow through with it. Councilman Andersen commented that a letter should be sent and if there is no reply, then the Town should take court action. Town Clerk Simmes asked if community service was an option. Councilman White suggested the Town send a letter to Barry Burns offering him the opportunity to work off the debt through 15 hours of community service, which the TB unanimously agreed to be the course of action to take.

The board discussed a small claims issue resulting from a water break during Americade week in June 2004. The water break was repaired. Two bills were submitted to Don Kingsley, the contractor who caused the break. The first he felt was too high. After TB review, it was agreed

that the formula used to compute the labor costs was too high. The Town sent a second bill to Mr. Kingsley in the amount of \$550.85 and he has made partial restitution in the amount of \$428.54 as of last Friday. He would like to set up an appointment with Supervisor Gabriels to discuss his reason for non-payment on the balance of \$122.31. Supervisor Gabriels asked for comment on action to be taken. Councilman White said he felt the Town should not drop it.

Councilman Saris said the TB should formally listen to what Mr. Kingsley has to say and if the TB finds he has a valid reason for not paying the balance or if there was a mistake by the Town, then the TB wouldn't press the issue. This matter was tabled pending a meeting with Mr. Kingsley.

Summer Hours at the Transfer Station: Councilman White said the hours in place last year worked well. Town Clerk Simmes said the biggest complaint was that people don't remember when the summer/winter hours change. Councilman White said the hours should remain the same as last year. Councilman Andersen said Lisa French suggested the hours be changed from opening at noon on Wednesdays to opening in the morning and closing at noon. This item was tabled pending further discussion.

James LaFoy vacation pay request: This item discussed earlier and tabled. Donna Boggs asked the TB if they could approve payment of the requested 40 hours vacation pay, as James LaFoy requested the funds in order to go on a trip. D. Boggs added that the Town has never put off vacation payment before and the vacation time was accrued as of January 1, 2005, which is in the current CSEA contract. Counsel agreed and said that since we don't have a policy in place the policy written by the Department of Labor that says as of January 1st, all the vacation time is accrued. Counsel added he commends the Town for wanting to write a policy, but a new policy would not be applicable to this matter.

RESOLUTION #55

Councilman Saris moved, seconded by Councilman White to approve the payment of 40 hours accrued vacation pay to James LaFoy. All favorable. Motion carried.

Lake George Park Commission's Water Based Recreation Study: Councilman Andersen, per previous discussion with Councilman Saris, suggested the TB be involved in some capacity in the LGPC meetings on the subject and asked for the Board's view.

Councilman Saris said the full TB has received limited information on the project and most of the study will be conducted in Bolton. Supervisor Gabriels said he received an explanation of the project from Andrea Maranville, copies were not made and distributed to the full TB, but a copy was given to Councilman Saris. For informational purposes, Councilman Saris gave an overview of the LGPC's Water Based Study. The TB agreed to schedule a meeting concerning this study.

Councilman White requested a memo be sent to Tim Coon, regarding the resurfacing of the Town basketball courts this spring.

Councilman White asked about the location of the East Side boundary line of the islands in town jurisdiction. Supervisor Gabriels said the east line is determined by the mean high water on the East shore. Counsel said there are mainland properties in Fort Ann that

have small islands still part of the acquisition, but the islands are still in the Town of Bolton and have a Bolton Tax Map Number and they pay Bolton Taxes. Councilman White said there are a large amount of boathouses being built on the East Side and asked if the Town of Bolton is collecting taxes on them. Counsel said the Town of Bolton is not collecting taxes on the boathouses on the east side and referenced a Tax Certiorari Case he brought on behalf of a taxpayer in Queensbury.

Supervisor Gabriels said the boathouse doesn't have a corresponding tax map number associated with it. Counsel added that if an island exists on the East Side, it is in the Town of Bolton, it has a Bolton Tax Map Number and if there is an improvement being constructed on it, it is something that requires compliance with the Town of Bolton. He added, he knows of none and is unsure of how it is being policed.

Public in attendance:

□ Rolf Ronning re: He knows Town policy on subdivision roads, and that has been that we don't take over new roads. He said at Saddle Brook he is planning the parcel to be subdivided into 24 lots in Phase 1, each lot being 5 acres or more, designed to be purchased by families as primary residences and he will be fully-funding an access road on County Route 11 through the woods and exiting at High Meadows Farms Road onto New Vermont Rd. R. Ronning added that at the last PB meeting, he was told he would have to pave any part of the proposed road containing a grade greater than 5%, which R. Ronning said would mean he'd wind up having to pave the entire road. He asked the TB to consider taking over the maintenance of the proposed Saddle Brook Road. Supervisor Gabriels asked if the Town taking over the road would be strictly for maintenance (snowplowing and cutting on the sides of the road), and R. Ronning confirmed that is the intention and he added the public will be served by the Town taking over this proposed road. Councilman Saris said the downside of the Town taking over the proposed road is that the Town is already challenged with maintaining its current roads. Supervisor Gabriels said he understood R. Ronning's request, but asked if his application with the PB depends on an answer from the TB on this matter. R. Ronning said it does, because he has to create a homeowners' association, has to file a plan with the Attorney General's Office for the common area and the road and the road maintenance. R. Ronning added that if the Town had interest in taking over the maintenance of the road, than the homeowners' association for the 37-40 acres of common land will be much different than it would be for maintaining the two-mile plus road. R. Ronning said if the Town does not take the road over, his only option is to deed the entire right-of-way to the homeowners' association and then the homeowners' association dues would pay for all the maintenance. Supervisor Gabriels questioned Counsel on the purpose for the paving on a 5% grade. Counsel said he urged that as a TB, they are not in a position to second-guess the PB. Councilman White suggested for R. Ronning to formally get on the next TB agenda and bring the plans for the TB to look at. R. Ronning asked if the TB could review the plan at their meeting scheduled for Friday. Supervisor Gabriels said (1) he has too much invested in the topics for Friday to address this matter and (2) he is not quite sure of the standards of Town roads, what they are and where they've been employed, and he'd need more information on the building of roads. Councilman Saris said he'd be happy to hear it and will keep an open mind, but added that R. Ronning needs to have his plans reviewed by Town Engineer Tom Nace. R. Ronning said Zoning Administrator Pam Kenyon and Town Engineer

both have the plans, and R. Ronning will drop 5 copies of the plans and maps to the TB this week and will follow protocol to get on the April 2005 TB agenda for further discussion. Supervisor Gabriels added that R. Ronning should ask Town Engineer Tom Nace to specifically review the proposed Saddle Brook Road as to the eventuality of it becoming a Town road. R. Ronning said he would advise T. Nace of Supervisor Gabriels' request.

☐ Bob Weisenfeld: Re: Bell Point Shores engineering report prepared by Tom Jarrett of Jarrett-Martin Engineers. B. Weisenfeld asked if any of the uncorrected conditions reported by Tom Jarrett in his report dated 12/27/04, including erosion into Lake George, have been reported to the Code Enforcement Officer or if there has been any further action or correspondence received in this matter. Supervisor Gabriels said there has been no correspondence on this matter. Counsel said T. Jarrett called him regarding another purpose totally unrelated to this subject matter, and Counsel added that at the end of his phone conversation, he informed T. Jarrett of B. Weisenfeld's regular attendance and inquiries at TB meetings and made the inquiry on B. Weisenfeld's behalf. Counsel said T. Jarrett told him that to his knowledge, nothing had been done, but that he was in communication with Mr. Damiani, who was being encouraged by T. Jarrett to get those things done. Counsel said that is all he knows and added that he is not telling B. Weisenfeld that things are being done and he has no knowledge that the Code Enforcement Officer is involved in this matter at this time. B. Weisenfeld said he would like to suggest (1) the Code Enforcement Officer be given the task of supervising the filing of these reports in the future and to review the reports to see if anything in the reports warrant following up.

☐ Bob Weisenfeld Re: Town policy for subdivision roads. B. Weisenfeld said he agrees with R. Ronning, that private roads that are built to Town roadway specification are presently being entrusted to the care of a homeowner's association for maintenance and that the maintenance by homeowners' associations has been conducted poorly if even at all.

RESOLUTION #56

Councilman MacEwan moved, seconded by Councilman White to pay the Town bills including a bill from ELAN in the amount of \$7,000.00 for the first portion of the work they have done on the second phase feasibility study for NoRoWal. All favorable. Motion carried.

Councilman MacEwan moved seconded by Councilman Saris to adjourn at 9:52 pm. All favorable. Motion carried.

Minutes transcribed by:

Jennifer Torebka
Recording Secretary
03/14/2005

Respectfully submitted by:

Kathleen Simmes
Town Clerk