

BOLTON TOWN BOARD

Pledge: Councilman Robert MacEwan
Regular Meeting

May 4, 2010

Supervisor: Ronald Conover
Councilman: Robert MacEwan
Councilman: Owen Maranville
Councilmember: Deanne Rehm
Councilman: Gregory Smith
Town Clerk: Patricia Steele
Counsel: Michael Muller

Call To Order: 7:00pm

Minutes: Approve minutes of Regular Meeting of April 6, 2010,

RESOLUTION # 97

Councilman Greg Smith moved to accept the April 6, 2010 minutes as written. Seconded by Councilman Maranville. All in Favor. Motion Carried.

Announcements:

- Bolton Transfer Station Senior Pick-up, May 17 & 18. Last day to schedule a pick-up is May 14. If you wish to schedule a pick-up please call Lisa at 644-2973. If we have you on the list for pick-up your free clean-up card will be at the landfill with your name on it. You are limited to one pick-up load, material has to be out by the edge of the road (no big appliances or heavier than one man can pick up and no household garbage.
- May 14-16, 2010 is *Girlfriends Getaway in Bolton Landing*. Weekend of Fun, Fashion, Fitness and Friendship, workshops include: Kayaking, intuition, nature hike, cooking gardening, yoga, stress management, cardio workouts, herbs with medicinal properties and much more. Guest Speaker will be Marcie Fraser YNN Channel 9 News who will present a talk title "Use it or lose it". Anyone interested in more information can call (518) 644-3831 or go to [.girlfriendsgetawaybolton.com](http://girlfriendsgetawaybolton.com) for more information.
- Bolton Local Development Corporation at its last meeting agreed to help fund the LGA Steward Program with a contribution of \$3,100. Funding will help fund a vessel inspector at Norowal Marina for 3 days a week, Friday-Sunday for 12 weeks starting Memorial Day Weekend through August 15. Between May 23rd and August 28th of last year 3,886 vessels at launches around the lake were inspected. Of the inspected vessels, 162 samples were collected with 75 of those samples being invasive species (48 specimens of Eurasian water milfoil, 13 of curly-leaf pondweed, 7 of zebra mussels and 7 of water chestnut (which is currently not found in Lake George). Eurasian water milfoil was removed on 22 occasions from vessels entering at Mossy Point and 21 times from vessels entering at Norowal Marina.

- Reminder- To all Bolton Residents who have as yet not done so, to complete their U.S. Census returns.
- Route 9N Highway Project- Milling scheduled for May 3 and 4; paving Route 9N is scheduled for May 10, 11 and 12 (possibly earlier depending on the weather). Contractor asks that all vehicles be removed from the roadway the evening prior to these dates to avoid problems. Any questions please call DOT field office 644-9305.

Public in Attendance:

Chris Navitsky, Lake George Waterkeeper, regarding proper disposal of hazardous materials. He stated that his office often gets phone calls from the community members about how to do it properly. He stated that he understands that this is an issue and they really did not have an answer. When they contacted the DEC who indicated that there was a program that they offered Towns in which they would offer partial assistance. However, that program is no longer available through the DEC.

Chris Navitsky stated that they have discussed this matter with other municipalities in the watershed but found that they do not have a means for this disposal either. However, each of these municipalities indicated that they would be interested in supporting the measure with the County. The County did have a program 13 years ago, in which they sponsored a day for disposal. However, they terminated that when the responsibility got transferred to the Towns.

Chris Navitsky asked if the Town would be interested in supporting this measure at the County level. He stated that he understands that it is an awkward time to ask for increases to the County budget but they do feel that it would be in everyone's best interest. The cost is estimated to be approximately \$15,000-20,000. He stated that they would like to follow-up with the town in the near future regarding their interest so that they may forward this to the County level.

Zandy Gabriels, thanked the Town Board for the recognition given to the BLDC. He explained that this contribution was given in anticipation that the LGA receives a grant from the Department of State. The LGA is concerned that given the State's finances he is not sure when that cash would be coming. The LGA funded a similar program last year and fully funded the program up front anticipating to get reimbursed from the grant and they have yet to see the money. Zandy Gabriels stated that he would like to encourage the Town Board to join them in this endeavor to get the program up and fully running. He stated that it would take a little less than \$2,000 to allow the program to run 5 days/week. The BLDC feels that this is a worthwhile investment. He stated that he understands that this was not a budgeted item for 2010, but it was not a budgeted item for BLDC either.

John Gaddy stated that he wanted to address the TB in protest to the style of roadside clearing that was adopted by the Town of Bolton sometime in 2002. He stated that he has provided letters to all of the Board member regarding the steps that he has taken to try and get a

dialogue between the Town Highway Superintendent, Town Board and himself. He stated that the Town Board funds the Highway Department's activities. Given that, he has asked the Town Board members to drive Valley Woods to see what he considers as a reasonable style of roadside clearing. In the Town Law Section, Article 7 with regard to trees, it states that trees and sections of stone that are within the 3 rod minimum width of the highway could be removed by the Town Highway Superintendent without compensation to adjoining land owners. Further in the statute it states that upon recommendation of the Town Superintendent, the Town Board of any Town may appropriate general fund monies for setting out and preserving of shady trees along highways of any class in Town. A 1970 ruling states that the section requiring Town Highway Superintendents to cause briars, brush and noxious weeds to be cut and removed between July 15 and August 15 was a health statute rather than a traffic statute and there was not a liability placed upon a municipality or superintendent for damages growing out of an accident on the ground that they failed to cut weeds, brush or other vegetation obstructing or obscuring motorists views.

John Gaddy stated that when they look at a highway superintendent's job duties, they clearly have the ability to clear roadways, but they are not exempt from stormwater regulation. He asked if they have annual reviews or annual permits that they issue. He stated that he grew up on Long Island and he has seen how a beautiful place can be destroyed by development. He asked if they have to allow this style of clearing to continue at taxpayer expense and at the expense of their scenic road. He feels that since they fund the Highway Dept. that they should get a say in how they want the Town to look. The Comprehensive Plan that was worked on for years and adopted in 2003 makes numerous connections between the environmental quality of Bolton as one of the main attractions of living in Bolton. It wasn't about the ease of living here. There have been discussions over the years that the Highway Superintendent has been treated like an imperial ruler, funded by the Town but not required to make concessions to the master plan.

John Gaddy stated that he has heard many reasons as to why the roads need to be cleared so much; to let the sun in, to help melt ice, visibility so they can see animals, room for snowplowing, better conditions of the road, etc. He asked if they really have any proof of the reasons. He stated that he understands that they make sense but he is not sure if they are based in fact. Clearly they want safe roads, but he does feel that the clearing is excessive.

John Gaddy stated that he is proud to have both Barry Kincaid and Jeff Tennent from Bolton who are developers and people that are involved with clearing trees and doing it responsibly. He stated that they have been able to clear home sites and provide filtered views without clear cutting. He stated that he hopes that the Highway Dept could do the same.

John Gaddy asked the Town Board members what their thoughts were on how the Town roads are cleared compared to how Valley Woods Road looks. He stated that New Vermont Road is currently being worked on and he is concerned that the same type of clearing will occur. He stated that the Highway Dept has done a good job on most projects but the clearing of the

roads has definitely become an issue. John Gaddy stated that he is not the only one that is concerned about this clearing. He stated that a few years ago he had a petition with several hundred signatures agreeing that they would like to do something about the clearing.

Councilman MacEwan asked what Tim Coon's response has been. John Gaddy replied that there has been no response. Councilmember Rehm stated that she has reviewed John Gaddy's letter and she also notice Amie O'Rourke's letter thanking the Town for the work on New Vermont Road, but was concerned with the clearing. She stated that on her way home yesterday she took a ride up Route 9N which is a State road and now that the leaves are coming out there is a decent canopy. She stated that these same trees are the ones that have no leaves in the winter so they don't need to remove them because they don't shade the driving surface. She stated that today she drove New Vermont Road and was extremely disappointed in the work being done. She feels that the clearing is far beyond what is required but she is not an engineer. She stated that she would like to have the Town engage an engineer that understands highway construction and could advise them on tree clearing. She agrees with John Gaddy that this type of cutting has not been substantiated especially since some of these roads were recently re-surfaced and it was terrible. She stated that Warren County Water and Soil run seminars for contractors and she doesn't see why the Highway Dept is not required to attend one of those sessions on stormwater.

John Gaddy stated that the Highway Dept has done a great job with the hydrants and have provided many improvements to stream channeling and bank stabilization for a number of areas in town. He also stated that they do a great job with clearing the snow.

Councilman Smith stated that he also lives on New Vermont Road. He returned from work the other day to find his pine trees were taken down, he was quite surprised. He stated that he always liked the canopy that they provided and is one of the reasons they moved up there. He stated that he understands that what they are doing is necessary for progress but in some places he feels that it was taken back too far. Greg Smith stated that he received a call from a neighbor down the road who is having a culvert installed on his lawn that will wash out his driveway. He agrees with Councilmember Rehm that they should seek some additional professional advice with regards to road clearing.

John Gaddy stated that he is also concerned that most of the residents on the road were not aware of the work being done. Councilman Smith agreed that is something that needs to be addressed. He feels that notice should be given to every resident on that road and to hold a public hearing so that concerns can be addressed. Supervisor Conover stated that this is a challenge. He stated that a lot of the problem is that they are trying to maintain a 3 rod road. After many years in between having work done, the change can be dramatic. He stated that some of these roads have not been done in over 15 years. However, he does feel that better planning and communication can be done.

Supervisor Conover stated that he has spoken to Tim Coon and he plans to get them together and walk the next section of the road and discuss the details. John Gaddy stated that he appreciates the effort in having him talk to him but it is a town issue. Supervisor Conover stated that there is a balance that they need to find. He stated that he and the Board look forward to furthering this discussion.

Dean Kennedy, 170 New Vermont Road, stated that when he turned onto New Vermont Road Friday he was shocked with the change. He stated that being a homeowner that was affected so much he felt that they would have been contacted. He stated that he likes the openness of the road because his house now gets more light. He is concerned that with the widening of the road the speed that vehicles travel it will definitely increase. Therefore enforcement will be key to keeping the speed under control. Dean Kennedy stated that he is the neighbor that Councilman Smith mentioned. He stated that there is now a 12" culvert that comes under the road and ends at the corner of his lot. He stated that the culvert discharges water only 25' from his foundation. The water has already started to run and will end up in his driveway which slopes down and goes into his 2 car basement garage. He stated that he would be interested in meeting with Tim Coon as well. He would like to know more about the drainage and how it will be handled.

Correspondence:

- Request from Bolton Chamber to utilize space in front of the Town Hall for an Art show Sunday, May 16, in coordination with Girlfriends Getaway in Bolton Landing, May 14-16, 2010.
- Letter from Amie O'Rourke expressing appreciation for road work on New Vermont Road but also expressing deep concern over the number of trees being cut to accomplish this work.
- Re-submission of June 28, 2007 letter to Tim Coon from John Gaddy expressing concerns over road clearing in response to work on New Vermont Road.
- Letter to Michael Muller from Rolf Ronning requesting: 1) that his remediation work obligation be suspended during the consideration of his proposed Ski Center application and 2) That monies owed to the Town for engineering work relating to Saddlebrook be secured by a Confession of Judgment on Bolton property to allow him to move forward with the Ski Center application at Westwood Forest.
- Letter from Bolton Planning Administrator requesting application of 1.5 hours of time for member of the Planning Board relating to an April 21st training session with Bolton Fire District (be counted as part of their 4 hour annual mandatory training requirement); and that 1.5 hours for ZBA members relating to a meeting with Adirondack Park Agency scheduled for May 18 at 5:00pm (also be counted as part of their 4 hours annual mandatory training requirement).

- Referral of PUD amendment relating to Lagoon Manor to enlarge the decks on Building 700 (both the ZBA and PB have reviewed and recommended in favor of the amendment training requirement).
- Bolton Public Library Financial Report from Library Liaison Councilmember Rehm.
- Information packet from Green Fiber relating to recycling of paper and cardboard products at the transfer station.
- Letter from Time Warner advising of possible changes to programming and discussions that are underway with stations.
- Letter from Steve Hart, Hart Engineering regarding concurrence with Mr. Nace's recommendation that the Town own the proposed line and that they will make every effort to adjust the plan to conform to Mr. Nace's comments regarding sewer location and easements.
- Letter from APA regarding application by National Grid to replace all aged deteriorated wood poles that parallel Valley Woods Road.
- Letter from Mark J. Kennedy, Regional Traffic Engineer to Bill Lamy that speed limit of 45 MPH is appropriate for the North Bolton Road and that a reduction of the speed limit is not warranted.
- Letter of resignation from Dan Hayes from part time seasonal position at Bolton Transfer Station.
- Letter from Kathy Bozony, Natural Resource Specialist/Lake George Waterkeeper, offering to share her Power Point presentation "Lake George Water Quality is Changing" with Bolton residents and Board members.
- Letter from Tom Nace regarding inspection of monorail hoist beam at highway garage and what needs to be done to make it operational.
- F.R. Smith and Sons Inc. notice to renew liquor license.
- Letter from Richard Horsch, Architect, concerning change orders on the Conservation Club Project.
- Letter from L.A. Group concerning change order on the Pier Reconstruction Project.
- Hudson Headwaters Health Network requesting permission to have Time Warner install fiber optic cable.

Committee Reports:

Councilman Robert MacEwan

Code Enforcement Officer- 90 miles logged. 31 sites visited. 20 zoning issues in various stages of remediation.

Water Dept- 5,735,100 gallons filtered. Mr. Torebka is still out on leave. Tom Torebka and John Perry took a class together in Saratoga. John Perry took a week's worth of vacation, but he will still have to carry over 36 hours because they are short handed. They read the meters and took the monthly bacteriological sample for DOH and it came back satisfactory. General maintenance work is being done in and around the Water Plant.

Transfer Station-Total receipts \$5,861. New employee Sue Lamb was hired 4/14/10 at a rate of \$10.61. They had a fence repaired. Eastside is coming to clean up the metal. They have calls out for bids to remove the remaining brush. Brush drop off has slowed down and she has received some negative feedback. Eighteen people are scheduled for Senior Pick-up. She received a phone call from Becky Brandt concerning tires being dropped off at 768 Wall Street. This woman is willing to pick them up and bring them to the Transfer Station but she is wondering if she would be charged for them in her effort to clean up. Councilman MacEwan stated that he decided that this was a good thing to do and that they would waive the fee. He also feels that they should talk to the Police Dept to be on alert for illegal dumping of tires.

With regard to Green Fiber, Councilman MacEwan stated that recycled products such as newspaper, office paper, phone books, magazines, soft cover, mixed paper, cardboard, cereal boxes, construction paper will be collected at \$25/ton. He stated that the Town did not have big enough bins but Supervisor Conover found some containers and they are looking to approve this action tonight. Supervisor Conover stated that this company recycles the paper and makes it into insulation. He stated that this is being done in other municipalities and schools. John Gaddy replied that Bolton Central School participates in this action as well. Councilmember Rehm thanked Supervisor Conover for acting on this so quickly. She stated that this will be a double savings for the town because they previously were paying someone to haul it for them and now it costs nothing to haul it and they will pay \$25/ton to the Town.

Councilman Owen Maranville

Police- 3,153 miles patrolled, 246.4 gallons of fuel were used. They performed 182 property checks. Itemized lists are available for review.

Highway Dept- Councilman Maranville stated that he spoke to Tim Coon about many items. Approximately 90% of his time has been spent on New Vermont Road. He has been patching potholes and streets.

Assessor-During the month of April they did valuations of property that had been inspected for building permits. The computer file for the 2010 tentative assessment roll was turned into the County on April 21st. Based on the Assessor's Change Notices, which were mailed out on the last day of April, he made assessment changes to 179 properties and picked up \$7,072,470 in assessed valuations. The May report will have more detail on this.

Andy Roden, who was recently re-appointed to serve on the Board of Assessment Review, completed his re-certification class held on April 28th at Warren County.

On April 26th, Dave Rosebrook attended the Warren County Assessors meeting held in Lake George, which is always informative and provides an opportunity to compare notes with other assessors.

Dave Rosebrook is interested in a new computer program update for 2010 which will be installed on the Town computer during the first week in May.

Justice- Hon. Harry Demarest took in \$5,830 and Hon. Edward Stewart took in 4,460. Total monies forward to the Town \$10,290. An itemized list is available in the Court.

Councilman Maranville stated that he wanted to thank the Buildings and Grounds crew for assembling the new chairs for the Courtroom.

Councilmember Deanne Rehm

Seniors- Anita Richards, who was raised here and was a BCS graduate, went off to a teaching career and then returned to Bolton to retire. She is a tireless volunteer with her church and Bolton Health Committee and various other organizations in Town. Councilmember Rehm stated that Anita Richards has been chosen as Warren County Senior Citizen of the Year. On May 19th she will be honored at a Luncheon held at the Fort William Henry. She stated that she would like the Board to pass a resolution honoring Anita for her good work and being a good person.

RESOLUTION #98

Councilmember Rehm moved, seconded by Councilman MacEwan to recognize Anita Richards Warren County Senior of the Year for her good work in and around the community. All in Favor. Motion Carried.

The Adirondack Journal has a schedule of activities for the Seniors. On May 5th they will have their monthly business meeting. On May 12th they will going to the Racino in Saratoga.

Recreation Dept- Things are moving along and the summer program seems to be set including the staff in place, with the exception of one vital position. Vincent Posteraro will not be returning as head lifeguard this year due to health concerns. This unfortunately has been a late development. Mr. Posteraro has been doing this for over 10 years. Because of all of his qualifications he was able to certify all of the Town lifeguards on site, so they saved quite a bit of money just having him on staff. She stated that now they will have to add to their budget to send these individuals to get certified for \$250 each. She stated that Mr. Posteraro has served the Town of Bolton in so many ways and she would ask that the Board recognize his dedicated service. She stated that she hopes that any of the Board members that may see him express their appreciation and ask that the Supervisor send him a letter thanking him for his many years of service.

The Rec Commission will meet on May 20th at Vet's Park. The calendar of events for the summer will be available mid-June. All of the Rec Center activities are on the calendar and available in the hallway.

Library- The Library has submitted a copy of their financials for the year of 2009. She stated that if the Board members would like to see something more to let them know, but she felt that this was adequate because it is what they file with the State of New York.

The Library has just adopted a new computer internet policy. She stated that the new policy will be sent to all parents in Town whose children are card holders. This is to advise parents that the Library is a strong believer in First Amendment rights, so none of the computers have a filter on them. However, on the screen there will be a message about certain activities that are prohibited by law and each user will have to agree to that before they can go online. She stated that it was important to let parents know that they will no longer have these controls on the computer. The Library will also be talking to the School Board as well.

Circulation continues to grow. During the month of April they had a genealogy workshop that was put on by a State recognized Society and it was extremely successful. The Society was amazed that a small town like Bolton would have such an interest.

On June 5th there will be a trip to Saratoga Battlefield with a tour guide and historian. It is \$45 for the day, which includes lunch and the Sagamore is graciously providing transportation.

Fire Dept/Rescue Squad- Both departments are waiting the completion of their audit.

Councilman Gregory Smith

Sewer- Took in 5,292,090 gallons of wastewater with an average of 176,403 gallons/day. Monthly samples were done and DMR was mailed with no violations. They cleaned out the grit chamber and took in 27 cans of grit out of the south station. There is a concern that they did find many needles in that station. Luke Dague has been out of worker's compensation since April 19th due to a back injury at work. A pump maintenance was done Norowal South station by Siewert Equipment Co. Inc. where the pumps were purchased. The first pump had a broken oil seal, there was no oil in it but luckily they caught it in time. They installed the spare pump and sent the broken one out for repair. Siewert sent a contract to Chet Dagle for them to do the maintenance on all three pump stations at the cost of \$5,500/year, which includes all materials and labor. Councilman Smith stated that he feels that this is well worth the cost since pump replacement is very costly. The generator at the north station has been repaired. They hauled 6,500 gallons of liquid sludge.

Parks Dept- They hired Linda Baker on April 26th at \$10.61/hour and her first week has gone very well. The Little League field is looking better now than it has in a long time. They are looking into power-washing and re-staining the dugouts that have been placed up there as well as the concession stand. A lot of fill has been brought to the site in the hopes to leveling it out. They are hoping to really create a nice park up there.

There are new picnic tables at the parks and they are in the process of taking away the old ones. Some of the old tables will be brought up to the Little League field and Conservation Club. The ones that are beyond repair will be removed and destroyed.

The Pier Project has been a little slow due to a few issues, but otherwise is moving along well.

During the storm today a large limb came down in Rogers Park which took down a power line. George Mumblow and Bernie French stayed after work to wait for National Grid. Councilman Smith stated that he stopped down after work and National Grid was there and they were handling the situation. He stated that he also thanked George and Bernie for staying until National Grid arrived.

The crew has also been cleaning up Rogers Park because there has been a lot of brush and leaves. Garbage cans will be put out and the parking lot will be swept. They are also looking to get new sand for the beaches.

Councilman Smith stated that they have been working on the sidewalks in front of the Fire Department, and so the Fire Trucks and Emergency vehicles are being stored inside the Highway Department for the past 2 weeks. He stated that Kubricky has indicated that it will be for a couple of more weeks until they can get the pavement and sidewalk completed.

Supervisors Report:

- Receipts: \$145,043.80
- Disbursements: \$480,676.97
- Quarterly Sales Tax Comparison for Warren County 2009 / 2010 (2009 \$711,084.63, 2010 \$735,406.01= +\$24,321.38, +3.4% as opposed to -5.3% the 1st quarter of 2009; Warren County was -0.2% this quarter as opposed to -3.4% the 1st quarter of 2009).
- Phone call from Denise Attia whose son was having a critical life threatening allergic reaction last summer and how thankful she was that there was an ambulance and medical personnel on station at the Fire House. She wanted the Town Board and Liaison Deanne Rehm to know that she is eternally grateful to all those involved and that having them at the firehouse and the immediate attention given her son saved his life.
- Advise the Board that the water leak off of Evergreen Lane has been corrected.

Old Business:

- VanWart/Baer Sewer service extension
- Woodshire Estates
- Lower Brereton Road
- Lake George Camping
- Bixby Road

- Street light request for corner of Brereton Road and Coolidge Hill Road

New Business:

- Resolution regarding change orders 2-6, authorizing Supervisor to pay change order 2 for \$2,132 for environmental inspection and testing, approving change orders 3 & 4 as no cost change orders, disapproving change order number 5 for interior wall insulation for \$855 and approving change order number 6 for undergrounding of electric service for \$5,300 for the Conservation Club project.

Councilmember Rehm brought the motion to the floor and it was seconded by Councilman MacEwan. Councilman Maranville felt that these change orders should be addressed separately. Supervisor Conover stated that was the way the motion was made but they are not lumped together, they are just addressing them in one motion.

Supervisor Conover asked Kevin Kershaw to provide more details regarding Change order #6. Kevin Kershaw replied that the electric used to come into the southwest corner of the building overhead and they are proposing to change that. They are seeking to have the electric come in underground on the north end of building from the National Grid pole which is 200' north of the building. He stated that the cost will include 200' of wiring for the electric, phone and cable and the excavation of the trench. Supervisor Conover asked why they decided to go underground. Kevin Kershaw stated that they are trying to get away from having the poles next to the building because on the south side they have the patio and if they were to move the pole to the north side it would interfere with the loading area. He stated that either way they were going to have to address the utility service so they decided that they might as well put them underground. Councilman Smith asked if the cost would have been the same. Kevin Kershaw replied that it will be a little more expensive to go underground but to have a pole installed by National Grid it is expensive and they would still have to go overhead with the wires. They are trying to prevent having wires being attached to the building. Councilman Smith stated that he likes the idea.

Councilman Maranville stated that he has no problem with the environmental inspection because it is necessary. However, if they lump all of the change orders under one, then they would all have to be approved. Supervisor Conover explained that they would be approving a change of \$7,432 overall. He stated that the change order 2 was originally submitted through VMJR and was much higher than that. Kevin Kershaw and the architect met with VMJR and were able to agree that the Town would pay for the investigation but there would not be any additional costs or overhead profit on top of it. Kevin Kershaw stated that the investigation resulted in testing 50 specimens in the building, which included asbestos, lead, etc.

RESOLUTION #99

Motion by Councilman Maranville, seconded by Councilmember Rehm to address these change orders separately. All in Favor. Motion Carried.

Change Order 2 - All in Favor

Change Order - no change to 3 & 4 - All in Favor.

Disapproval for Change Order 5 - All in Favor.

Change Order 6 - Councilman Maranville opposed. All Others in Favor.

- Resolution regarding change order #1 for \$46,048.21 less \$20,000 project allowance for an increase of \$26,048.21 on the Pier Project (any additional linear foot at \$42.52).

Supervisor Conover asked Carl Schoder to provide more details regarding the change order. Carl Schoder stated that the excavation of the pier above water level needs to be removed. Part A of this issue is that when the north wall started to fail it rotated out and caused damage to some of the existing timbers below water level which has made their stability questionable. Part B is that the timber tiebacks noted at the water level on the existing pier were pretty marginal in the amount of lateral restraint that they would provide. It was felt that it would be prudent to first extend the removal of the existing timbers beyond what was already anticipated. The project planned for a \$20,000 allowance for this exact reason. He stated that this part of the project amounted to \$16,000 which would have been covered under this allowance. However, due to the questionable lateral stability of the tiebacks resulted in the bulk of the balance of the change order would be to install steel tie rods across the pier from north to south. This will be on the eastern end of the pier. They will also tie back the east wall of the pier by putting a deadman in some 25' back from the east face and bring in steel rod to the deadman. The steel rod would be galvanized steel that would be tensioned after installation to be able to gain the additional support.

Councilman Maranville asked if this will cause a delay in the timeline. Carl Schoder replied no it should not because the Town acted well in reviewing this and tentatively authorizing that the work would proceed with the anticipation of staying on schedule. With regard to the schedule, Carl Schoder stated that they will see a significant increase in the rate of work. The hold- up has been the delivery of the precast concrete wall elements.

Carl Schoder stated that he and Supervisor Conover met with the contractor last week and found that they were still on schedule, barring any other unforeseen issues. He stated that there is still one outstanding issue that they should bring up which is not reflected in this motion. It is regarding the placement of the 9 fender piles on the front of the pier to fend off large boats. The bottoms of these were to be pinned into bedrock, which was known to be approximately 5' down, which happens to be true all the way around because they found this to be true where the new docks are being built. However, when the contractor went to do the work they found that this was not bedrock but rather large boulders and cobbles at that location. He stated that there is a layer about 5' down the bottom surface of the lake. He stated that they have drilled through this now and they are currently investigating a good way of pinning the bottom of those piles. The technology they are considering is something called micropile which is common technology for foundation construction for bridge building. He

provided more details. He stated that the unpredictable part of this is the cost. He stated that they will be meeting with the contractor to discuss this further. Carl Schoder stated that he does not suggest drilling through the boulder piles because this bed of rock is the bottom of the pier.

Supervisor Conover thanked Carl Schoder for his information and commended his preparation for the meeting with the contractor last week.

Zandy Gabriels asked if the fastening of rods to the pier would result in a protrusion. Carl Schoder replied that they will have a plate that will be flush with the wood but there will be a nut sticking out of that. However, when the rod is cut at that nut they will be sure to smooth out any sharp surfaces. He stated that throughout the pier there are several juts and various things that could affect the swimming. He stated that these rods will only be sticking out approximately 1.5" off of the pier. The plate will not be sharp.

RESOLUTION #100

Motion made by Councilmember Rehm, seconded by Councilman MacEwan, to approve the change order #1 for \$46,048.21 less \$20,000 project allowance for an increase of \$26,048.21 on the Pier Project (any additional linear foot at \$42.52). All in Favor. Motion Carried.

- Resolution allowing use of area in front of Town Hall for Art Show on Sunday, May 16, 2010.

RESOLUTION #101

Motion by Councilman Maranville, seconded by Councilman Smith to allow the use of the area in front of the Town Hall for the Art Show on Sunday, May 16, 2010. All in Favor. Motion Carried.

RESOLUTION #102

Motion by Councilman Maranville, seconded by Councilman MacEwan to enter into Executive Session to discuss the two upcoming agenda items regarding Rolf Ronning's requests. The first is a request of a temporary suspension of storm water remediation plan while his active application for Ski Center is under consideration within the approval process. The second is regarding Town acceptance of Confession of Judgment on property as collateral for monies owed to the Town in the amount of \$6,720 and \$540 to the Warren County Soil and Water Conservation District. All in Favor. Motion Carried.

Supervisor Conover stated that they will be entering into Executive Session to discuss the upcoming agenda items. He indicated that they will be returning to regular session to deal with remaining agenda items as well as possibly taking action on these items .

RESOLUTION #103

Motion by Councilmember Rehm, seconded by Councilman Maranville to adjourn from Executive Session and return to the regular meeting. All in Favor. Motion Carried.

- Resolution regarding temporary suspension of storm water remediation plan for Rolf Ronning while his active application for a Ski Center is under consideration within the approval process.

Councilmember Rehm stated that she feels that after review of the letter she feels that it is a reasonable action for them to consider.

RESOLUTION #104

Motion by Councilmember Rehm, seconded by Councilman Smith to allow temporary suspension for one year of storm water remediation plan for Rolf Ronning while his active application for a Ski Center is under consideration within the approval process, contingent on PB approval. All in Favor. Motion Carried.

- Resolution regarding Town acceptance of Confession of Judgment on property as collateral for monies owed to the Town in the amount of \$6,720 and \$540 to the Warren County Soil and Water Conservation District.

Councilman MacEwan stated that he does not feel comfortable with the Town of Bolton being a bank.

RESOLUTION #105

Motion by Councilman MacEwan, seconded by Councilman Smith to deny request regarding Town acceptance of Confession of Judgment on property as collateral for monies owed to the Town in the amount of \$6,720 and \$540 to the Warren County Soil and Water Conservation District. All in Favor. Motion Carried.

- Resolution approving 1.5 hours Fire Company Training Session on April 21st as credit toward 4 hour mandatory annual training for Planning Board members.

RESOLUTION #106

Motion by Councilman Smith, seconded by Councilmember Rehm to approve 1.5 hours Fire Company Training Session on April 21st as credit towards the 4 hour mandatory annual training for Planning Board members. All in Favor. Motion Carried.

- Resolution approving 1.5 hours for May 18 meeting with APA as credit toward 4 hour mandatory annual training for Zoning Board members.

Supervisor Conover stated that he is happy to see this meeting taking place and hopes that it is productive.

RESOLUTION #107

Motion by Councilman Smith, seconded by Councilman MacEwan to approve 1.5 hours for May 18th meeting with the APA as credit towards the 4 hour mandatory annual training for Zoning Board members. All in Favor. Motion Carried.

- Resolution approving negative declaration for environmental assessment on Lagoon Manor PUD to enlarge deck.

Councilmember Rehm asked if both the ZBA and PB provided their recommendations for this application. Counsel Muller replied yes both Boards found no negative environmental impact and provided a positive recommendation. Supervisor Conover stated that the APA has also provided their approval.

RESOLUTION #108

Motion by Councilman Maranville, seconded by Councilman Smith that there is no adverse environmental impact associated with Lagoon Manor enlarging the deck. All in Favor. Motion Carried.

- Resolution approving amendment to Lagoon Manor PUD to enlarge the decks on Building 700.

RESOLUTION #109

Motion by Councilman Maranville, seconded by Councilmember Rehm to approve the PUD amendment that would allow enlarged decks on Building 700 at Lagoon Manor. All in Favor. Motion Carried.

- Resolution authorizing Supervisor to enter into contract with Green Fiber for the recycling of paper, cardboard and magazines at the Bolton Transfer Station.

Councilmember Rehm commended the Supervisor's and Councilman MacEwan's effort and assistance to move ahead with this. Supervisor Conover thanked Councilmember Rehm for bringing this to their attention.

RESOLUTION #110

Motion by Councilmember Rehm, seconded by Councilman MacEwan to authorize the Supervisor to enter into contract with Green Fiber for the recycling of paper, cardboard and magazines at the Bolton Transfer Station. All in Favor. Motion Carried.

- Resolution authorizing Supervisor to enter into any and all agreements relating to the conveyance and acceptance of the VanWart/Baer Sewer Project as approved by the Town Attorney and Town Engineer.

RESOLUTION #111

Motion by Councilman Smith, seconded by Councilman Maranville authorizing Supervisor Conover to enter into any and all agreements relating to the conveyance and acceptance of the

Vanwart/Baer Sewer Project as approved by the Town Attorney and Town Engineer. All in Favor. Motion Carried.

- Resolution establishing work day for town employees (see attached).
- Resolution establishing work day and calculation for retirement for elected and appointed persons participating in the NYS retirement system.

Supervisor Conover stated that these resolutions deal with changes in the State retirement system and State law. They are looking to establish a standard work day for Town officials and employees. He stated that officials will be required to have a 3 month calendar schedule and based on the calendar schedule a determination is made on a percentage basis as to how much that represents to the NYS retirement system. Those who do not participate in the retirement system are not included on this list. Supervisor Conover provided details to the standard work day for their employees. He indicated that although there have been similar resolutions in the past, they were not as comprehensive as this.

RESOLUTION #112

Motion by Councilmember Rehm, seconded by Councilman MacEwan to approve the establishment of the standard work day as shown on (town employees).

Title Elected Officials	Standard Work Day
Supervisor	6.5
Town Clerk	6.5
Highway Superintendent	8
Town Board Member	6.5
Town Justice	6.5

Title Appointed	Standard Work Day
Assessor	6.5
Assessor Clerk/Deputy TC	6.5
Secretary/Bookkeeper	6.5
Deputy Town Clerk	6.5
WWTP Operator	8
WWTP Laborer	8
Water Plant Operator	8
Water Plant Laborer	8
Grounds Foreman	8
Grounds Laborer	8
Justice Court Clerk	6.5
Zoning Administrator	7.5
Code Enforcement Officer	7.5
Zoning Clerk/Court Clerk	7.5

Sanitary Transfer Attendant	8
Park Attendants	8
Recreation Director	6.5
Recreation Assistant	6.5
Recreation/Day Camp	6.5
Recreation/Life Guard	7.5
MEO/Truck Driver/Laborer	8
Mechanic	8
Animal/Dog Control Officer	6.5
All In Favor. Motion Carried.	

RESOLUTION #113

Motion by Councilman Smith, seconded by Councilmember Rehm to approve the establishment of the standard work day and calculation for retirement for elected officials and those participating in the NYS retirement program.

Standard Work Day and Reporting Resolution

Be It Resolved that the Town of Bolton hereby establishes the following standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees’ Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body.

Name	Standard Work Day	Terms Begins/Ends	Participates in Employer time Keeping System	Days/Mo. Record
Patricia Steele (Town Clerk)	6.5	1/1/2010- 12/31/2013	N	20
Timothy Coon (Highway Superintendent)	8	1/1/2010- 12/31/2013	N	20
Owen Maranville (Town Board Member)	6.5	1/1/2010- 12/31/2013	N	5
Rob MacEwan (Town Board Member)	6.5	1/1/2008- 12/31/2011	N	9
Gregory Smith (Town Board Member)	6.5	1/1/2010- 12/31/2013	N	4.5
Edward H. Stewart (Town Justice)	6.5	1/1/2008- 12/31/2011	N	20

All in Favor. Motion Carried.

Resolution authorizing Supervisor to sign agreement for dry hydrant between Town of Bolton and Bolton Volunteer Fire Company and property owner for the installation of a dry hydrant on property owned by John and Deborah Gaddy on New Vermont Road, and authorization for the Fire Company to put a dry hydrant on Town property at the Conservation Club.

Supervisor Conover stated that the current dry hydrant at Edgecomb pond is being looked at right now and it was determined that it was not working properly and the Fire Chief indicated that they are working to get that back in working order.

RESOLUTION #114

Motion by Councilman MacEwan, seconded by Councilman Smith authorizing the Supervisor to sign agreement for dry hydrant between the Town of Bolton and the Bolton Fire Company and property owners, for the installation of a dry hydrant on property owned by John and Deborah Gaddy on New Vermont Road and authorization for the Fire Company to put a dry hydrant on Town property at the Conservation Club. All in Favor. Motion Carried.

- Resolution authorizing Supervisor to sign authorization for Time Warner to install fiber optic cable at the Health Center.

Councilmember Rehm asked if there will be any expense to the Town. Supervisor Conover replied that there will be no expense to them but this is required because it is a Town building and they need to grant permission for such change.

RESOLUTION #115

Motion by Councilman Maranville, seconded by Councilman MacEwan authorizing the Supervisor to sign authorization for Time Warner to install fiber optic cable at the Health Center. All in Favor. Motion Carried.

- Resolution authorizing change of Supervisor's name on municipal resolution for Indian Brook storm water grant through Department of Environmental Conservation c301757 and amending the contract end date from December 31, 2009 to December 31, 2010.

Supervisor Conover stated that this work is looking to begin and completed sometime in the August/September period of this year.

RESOLUTION #116

Motion by Councilmember Rehm, seconded by Councilman Maranville authorizing change of Supervisor's name on municipal resolution for Indian Brook storm water grant through Department of Environmental Conservation c301757 and amending the contract end date from December 31, 2009 to December 31, 2010. All in Favor. Motion Carried.

Public in Attendance:

Zandy Gabriels asked if the Town knew if the 9N project is on the Governor's do not fund list. Supervisor Conover stated that the contractor is not being paid. Zandy Gabriels stated that on behalf of the community he suggested that the Town pass a resolution to thanking Kubricky for his willingness to complete the project which is to be completed by Memorial Day and take his chances that the State will pay him for the work done. He also thinks that they should also send a letter to the Governor expressing their concern regarding the non-payment thus far. Supervisor Conover stated that he can be assured that such a letter and more will be done.

With regard to brush fees at the Transfer Station, Zandy Gabriels stated that they have not had any major storms or winds yet but they will. Councilman MacEwan stated that he asked Tim Coon if he has seen any dumping of brush in other locations in reaction to the fees, but he indicated that he has not. Zandy Gabriels stated that they should be prepared to handle this issue as summer storms approach.

Zandy Gabriels agreed with the idea of the Town going forward with having an engineer looking at the roadside clearing and he feels that they should also look at the stormwater along the roadsides. He stated that they should look at whether or not these roads are capable of handling 100 year storms. He stated that they have no information on what should be installed and if what they are installing is capable of handling a 100 year storm.

Zandy Gabriels stated that he would still like to see some action on behalf of the Town to join the BLDC in their effort to assist the LGA in their Lake Stewardship program.

Councilman Maranville thanked John Gaddy for all of his efforts regarding the Town roads and keeping their scenic views up there. He has been extremely diligent. He stated that he will talk to Tim Coon again about the roads and will be expressing his concerns as well as the neighbors concerns about the clearing.

Councilman Maranville suggested that the Gaddys contact their insurance company regarding a reduction rate in their homeowners insurance with the installation of the dry hydrant on their property.

Transfers:

RESOLUTION # 117

Councilmember Rehm moved, seconded by Councilman Maranville to approve the transfer of \$25,000 from General Fund to the Sewer. All in Favor. Motion Carried.

Pay Bills: Vouchers:

Councilmember Rehm stated that she is not opposed to paying the bills but she is very interested in expressing her displeasure with the Highway Dept being voiced, so she is opposed to the May spending from the Highway Dept.

RESOLUTION #118

Councilman Maranville moved, seconded by Councilman MacEwan to approve the following vouchers:

April Mid Abstract:	Purchase Order #	Amount
General	444-456, 459-461	\$5,082.16
Highway	145	16.54
Water	98-99	1,364.43
Sewer	103-105	4,665.89
Light	457-458	203.28

May Abstract:

General	417-443, 463-544	37,368.20
Highway	138-144, 146-183	52,029.41
Water	92-97, 100-113	4,573.77
Sewer	96-102, 106-115	3,166.36
Vets Memorial	2	6,416.00
Rogers Park Dock	4	26,139.25

Street Lights 541 4,416.77

Councilmember Rehm opposed. All Others in Favor. Motion Carried.

Executive Session: To discuss contractual matters and personnel matters.

RESOLUTION # 119

Councilman Maranville moved, seconded by Councilman Smith to adjourn to Executive Session at 8:56pm with no further business to be conducted. All in Favor. Motion Carried.

Adjourn

Respectfully submitted by :
Patricia Steele
Town Clerk

Respectfully submitted by:
Kristen MacEwan
Recording Secretary