

AGENDA
BOLTON TOWN BOARD

Pledge: Councilman Owen Maranville
Regular Meeting

April 6, 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 March 2, 2010, Special Meeting of March 15, 2010 and Special Meeting of March 22, 2010.

Supervisor Conover asked if there were any changes or corrections to be made to the March 2, 2010 meeting.

1) Councilman Maranville, page 12, under the Assessor's Report the second sentence should read "Sale *volume* continues...."

RESOLUTION # 79

Supervisor Conover moved to approve the March 2, 2010 minutes as amended. All in Favor. Motion Carried.

Public Hearings:

- Local Law No. 1 of 2010 regarding Amendment to Chapter 200 Town of Bolton Zoning Ordinance: A LOCAL LAW PROVIDING FOR AMENDMENT TO CHAPTER 200 "TOWN OF BOLTON ZONING ORDINANCE" ADDING IN ARTICLE VII (Supplementary Regulations), SECTION 200-39, SKI CENTERS, AND ADDITION OR MODIFICATION TO SECTION 200-14 ZONING DISTRICT: RR5/10 RURAL RESIDENTIAL SCHEDULE OF USE REGULATIONS, AND TO SECTION 200-14 ZONING DISTRICT LC25/45 LAND CONSERVATION SCHEDULE OF USE REGULATIONS (public hearing left open from March 2, 2010).

Supervisor Conover explained that this is not a specific zoning issue on any particular project but rather a general land use change within the Town regulations. He asked if

there were any comments from the public in attendance. Having no comments from the public in attendance Supervisor Conover closed the public hearing.

Announcements:

- Spring Vacation Programs at Up Yonda Farm, April 5-April 10: “Out and About” Monday April 5 at 11AM, 1 hr. fun filled games the kids will enjoy, \$4, members free; “Walking Sticks”: Tuesday April 6th at 11am create a walking stick, \$6, \$3member; “Signs of Spring Scavenger Hunt”, free 9am to 3pm; April 8th at 11AM Cabin Fever Hike \$4, members free, Friday April 9, “Chickadee Boxes”, \$12 per kit, members \$8, reservations required. Bolton membership applications for Up Yonda available online, at Up Yonda, or at the Town Clerk’s Office

Supervisor Conover encouraged all Bolton property owners that have not become members to do so.

Board of Health:

RESOLUTION #80

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

- Public hearing: Richard Kudlack, Variances: 1. Composting toilet on Lot 1 (141.00-1-26.1) and 2. An incineration toilet on Lot 2 (141.00-1-26.2). Town Engineer and APA approvals have been obtained.
 - Correspondence Received: Michael J. Hill, Esq.

Supervisor Conover opened the public hearing.

Rick Kudlack stated that this is a similar request that was heard before the BOH in September 2009 for Clarence Linder. He explained that there are 3 lots along the lake where the homes are about a quarter of a mile away and there are no bathroom facilities on the lakefront. He stated that it was obvious that people were using the lake as a bathroom instead of walking up to the homes. Rick Kudlack stated that he took it upon himself to find a solution. He stated that he had sheds approved by the APA and he placed composting toilets in them. However, Mitzi Nittmann, Code Enforcement Officer, called the APA about the toilets which started a long and expensive process. He stated that it took about a year and \$5,000 in legal fees to convince the APA that it was better to use these toilets rather than the lake as a toilet. He stated that the APA finally approved it and the DOH approved them as well. He stated that this is his last stop and he is hoping to gain the BOH approval.

Councilmember Rehm asked why he chose a composting toilet on one lot and an incinerating toilet for the other lot. Rick Kudlack stated that both toilets are self-contained and non-leaching electric toilets. He stated that there really isn’t a difference between them. The DOH looks at these toilets differently because one has the word composting in it. He stated that they consider it almost like an outhouse. He stated

that you can actually put an open pit outhouse 50' from the lake. Rick Kudlack stated that because the DOH does not have anything in the old regulations, they feel that this composting toilet should also be 50' from the lake.

Rick Kudlack stated that since the other shed already exists and it is 25' from the lake given the topography it was the only place to put it, so they opted for the incinerating toilet there.

Councilmember Rehm stated that one lot has a boathouse and the other lot has docks. She stated that from a zoning standpoint they are concerned with having a vacant lot with an accessory use without a primary use. She asked if the docks and boathouse were put on this property when it was one lot. Rick Kudlack explained that this was Northwest Bay Farm which was one 40 acre lot. He stated that when he purchased the property he added a contingency that a dock and boathouse were placed on the property so that he could make sure that he could have them. He stated that everything was approved for that before he subdivided the property into a 35 acre lot and a 5 acre lot. He stated that the boathouse goes with the 35 acres and the docks go with the 5 acres. Councilmember Rehm asked if Mr. Kudlack would be opposed if the variances were granted that he would be required to hold off on installing any facility on the other lot until a house is built there. Rick Kudlack stated that he would not have a problem with that.

Councilman MacEwan stated that he noted the letter from the neighbor and Town Engineer, Tom Nace's letter. He stated that he feels that the neighbor's concerns would be addressed by Tom Nace's comments. Councilmember Rehm stated that she feels that the neighbor may not understand what this composting toilet is or the sophistication of the new systems. She suggested that he share some of the material with them. Rick Kudlack stated that he would be happy to but was not aware that there was even any correspondence or concern from any of the neighbors.

Supervisor Conover stated that he has spoken with Tom Nace about these systems and he has found both systems comparable for this kind of application.

Supervisor Conover read a letter from Michael Hill representing Yvette and Victor Hershaft of 24 Walker Point Lane, requesting that the project be given careful consideration by the Town Engineer and BOH.

Rick Kudlack provided more details about the composting system.

Councilmember Rehm stated that when they reviewed the Linder application, there might have been a comment that when that subdivision went through that the PB made a restriction that there couldn't be anything at the lake. She asked if that could be true in this situation. Clarence Linder replied no. With regard to comment in the Hershaft letter regarding odor coming from the toilet he stated that there is some odor with the

incinerating toilet for the first 30 seconds. He stated that the State requires that these systems be 500' from the nearest house. He stated that Pam Kenyon, Zoning Administrator, and then Supervisor Simmes came out and measured the distance between the site and the neighboring house which was 800'. He stated that the Kudlacks property is even further away so this should not even be an issue. Rick Kudlack added that the vent stack is very small so the emission of odor will truly be minimal.

Councilmember Rehm asked why they could not put a conventional system in. Rick Kudlack replied that the topography, soils and the distance from the lake are all factors. He stated that the setbacks would not exist to provide a conventional system. Councilmember Rehm asked if there were any restrictions that the PB imposed. Rick Kudlack replied no. He stated that the only thing that they could not do was build a house on the lakefront pieces of each lot.

Supervisor Conover asked if there were any further comments from the public in attendance. Having no further comments or discussion Supervisor Conover closed the public hearing.

- SEQRA Determination for variance 1 & 2.

Supervisor Conover reviewed the SEQRA Determination for both variances.

He stated that the variance request is from Richard Kudlack of Lakeshore Drive, Bolton Landing. The project is for the installation of 2 self-contained non-leaching toilets on 2 shoreline lots; one composting toilet and one an incineration toilet.

With regard to C1 through C7 of the SEQR, existing air quality, aesthetic, agricultural, archeological, historic significance, vegetation or fauna, fish, shellfish impact, the community's existing plans and goals, growth, subsequent development, long term, short term, cumulative or other effects not identified above and any other impacts, Supervisor Conover asked if anyone believed that this project, in anyway, would have any significant impact relative to C1-C7. The Board replied no. Supervisor Conover asked if the project would have any impact on the environmental characteristics that cause the establishment of a critical environmental area. The Board replied no. Supervisor Conover asked if there was likely to be any controversy related to potential adverse environmental impacts. The Board replied no.

Supervisor Conover stated that he agreed with Mr. Kudlack that this technology has an important application around the lake.

RESOLUTION #81

Councilman MacEwan moved, seconded by Councilman Smith to issue a negative declaration relative to this application in any environmental impact. All in Favor. Motion Carried.

- Resolution approving Variance request #1 for composting toilet on lot 1.

RESOLUTION #82

Councilman Smith moved, seconded by Councilman MacEwan to approve variance request #1 for a composting toilet on Lot #1 rather than a conventional system for the following reasons: 1) the lot is substandard and does not allow for enough room for a setback from the water and 2) the soils were not adequate. The relief granted is the minimum necessary to alleviate hardship and it is not detrimental to the environment. All in Favor. Motion Carried.

- Resolution approving Variance request #2 for incineration toilet on lot 2.

RESOLUTION #83

Councilman Smith moved, seconded by Councilman MacEwan to approve variance request #2 for an incinerating toilet on Lot 2 rather than a conventional system for the following reasons: the lot is substandard and does not allow for enough room for a setback from the water and 2) the soils were not suitable. The relief granted is the minimum necessary to alleviate hardship and it is not detrimental to the environment. This approval is granted with the following condition: 1) that the installation be foregone until a house upland is built. All in Favor. Motion Carried.

Public in Attendance:

Correspondence:

- Hanson LLC d/b/a, Wooden Barrel, notification of intent to renew liquor license.
- Council for Prevention of Alcohol and Substance Abuse request to make the month of April "Parents Who Host" Month.
- Computel, Mike Canton, Consultants, letter regarding audit of franchise fees.
- Blue Water Manor notification of intent to renew liquor license.
- New York State DEC letter regarding Open Fire Regulations and prohibition on residential burning from March 15, thru May 15.
- Request from John Perry to carry 36 hours of annual time to next year.
- Steve Hart, Hart Engineering regarding sewer service extension for Vanwart / Baer.
- C. Walt Lender, LGA, concerning financial assistance for the Lake Steward Program.
- Notification to renew liquor license from Gregory Canale, Esq. for the Ryefield Restaurant.
- Notice of application to Town of Fort Ann Planning Board for Telecommunications Facility for placement of antennas and related equipment

on the existing wireless facility located at 1684 Pilot Knob Road, Fort Ann, New York.

- Dave Hooey request for light at corner of Coolidge Hill Road and Brereton Road.
- Time Warner letter regarding changes scheduled to take place and services/stations.
- Erica Franz regarding tent at Veterans Park for July 10, afternoon/early evening for wedding picnic.

Committee Reports:

Councilman Robert MacEwan

Water Dept- 4,450,093 gallons filtered. General maintenance work is being done in and around the Water Plant. John Perry was on vacation from March 22-25. Tom Torebka will be out of work for approximately 6 weeks starting April 12th.

Transfer Station- Total receipts \$4,657. Lisa French is still waiting for a call back regarding the Senior Citizens pick-up. Lisa has drafted a new schedule to better accommodate the community with more hours while not costing the Town any more money. He provided a copy of the schedule to the Board members for their review.

Code Enforcement Officer- 285 miles logged. 23 sites visited. 20 zoning issues in various stages of remediation. Each Board member was provided a report from the Planning Office from the Zoning Administrator.

Councilman Owen Maranville

Assessor- He was busy in the month of March with valuing the properties inspected for building permits. This process as well as other valuations should be completed within a few weeks. The tentative roll filing is to be delivered to the County on April 21st for processing. On March 17th he completed the processing of all exemption data including updating the Taxation and Finance computer. Andy Roden was re-appointed to serve on the Board of Assessment Review; he has been notified and will attend the recertification course in April. On March 23rd, Dave Rosebrook attended WC Assessor's meeting.

Police- 2,881 miles patrolled, 231.5 gallons of fuel were used. Itemized lists are available for review. Officer Galante received a complaint of possible stolen property. After a thorough investigation in a multi-state jurisdiction, Officer Galante was able to locate the suspect in New Hampshire and arrest him for felony criminal mischief, felony possession of stolen property and misdemeanor possession of stolen property. The suspect was immediately taken to the Warren County jail. In addition to local charges he faces further charges in New Hampshire. They have also acquired possession of the stolen property which is to be returned to its rightful owner. Officer Varney investigated a burglary to a shed where a generator and other items were reported missing. Evidence was collected which included video from the homeowners surveillance system. Officer Varney contacted investigators from New York State Police

who conducted a joint investigation and they were able to arrest 2 men for felony burglary and the generator was recovered.

Councilmember Deanne Rehm

Library- At the Board of Trustees meeting at the end of March the Board requested if the Town might consider using some of their occupancy tax funds to help with some funding for the Library. The Library is looking at their plans for fundraising during the summer and they could potentially offset their need for occupancy tax money, but felt that they should bring their request forward to be put on the list for consideration.

The TB members have the February and March report from the Library Director. Their circulation has increased each month, much due to the books on tape and CD's.

They have 3 events during the month of April. They have a knitting night on April 8, which has become very popular. This is not a class but rather a meeting in which tips and hints are provided by an experienced knitter. On April 10 there will be an all day session by members of the NYS Genealogical Society. There is a small fee but lunch will be served. On April 21st Ed Sheridan will be doing a presentation on his trip to Mt. St. Helen's.

Rescue Squad- The Board members have a copy of the report from the Rescue Squad, which details their recent activity. Both the Rescue Squad and Fire Company will be providing the Board with financial reports shortly.

Councilmember Rehm stated that she feels that these reports are necessary for the Town to have. She stated that she will also request the same from the Library and the Historical Society as well because both are funded, to some degree by the Town.

Seniors- The Town website has a listing from the Seniors Group. Their monthly business meeting will be held April 7th. On April 14th they will have an exercise video at the Senior Center on Cross Street and then they are going to the Racino in Saratoga. On April 21st they will be going bowling in Lake George and then out to lunch at Chinatown Restaurant. On April 28th they will be doing exercise with the Wii at the Senior Center and then having lunch at the Hometown Diner.

Recreation Dept- Councilmember Rehm thanked Dennis Murphy for his generous contribution of an assortment of bats to the Recreation Department for Little League, Baseball and Softball. The Director's report is available for everyone to review. The Summer program is pretty well set-up. The camp is fully enrolled with 44 children ages 6-12 years old. They do not have any particular schedule for the summer but that will be available by the 1st week of June. They are planning a day at Saratoga Race Course. They will be using Upstate Transit instead of the school buses.

Councilmember Rehm stated that every Wednesday the Recreation Dept go on field trips. However, a lot of that requires payment in advance and the Department is not equipped to do that. She stated that they are looking into trying to get a cash card or debit card to be able to provide advance payment for certain events or trips.

Councilmember Rehm stated that Director Michelle Cushing will be marrying Michael Huck on April 24, 2010. She stated that she will not be having a recreation meeting during the month of April. However, they will meet May 20th (a week earlier than normal) at Veterans Park, weather permitting.

Councilman Gregory Smith

Sewer- Took in 5,119,704 gallons of wastewater with an average of 165,152 gallons/day. Monthly samples were done and DMR (daily monitoring report) is mailed with no violations. The clarifier floor and chemical room have been painted. Councilman Smith commended the staff for keeping the facility neat and clean. Luke received 6 contact hours for a lab class. They put up safety rails in the pump house. They ordered 2 nozzles for the sewer jet they had to borrow from Lake George. North Station is running on new pumps in the force main. Hauled 6,500 gallons of liquid sludge. The spare pump for the Norowal Station has been fixed. Chet Dagles is looking into a wireless monitor for all stations and the plant. This way he would have a beeper on him that would alert them immediately of a pump failure. The cost for installation of this would be \$1,850 for both stations and the annual service fee is \$276.

Parks The park benches and picnic tables are being assembled. They are opening the bathrooms and water is turned on. The Rogers Park Pier project is coming along and is on schedule. There is some necessary lawn repair in Rogers Park which they will be attending to shortly.

Supervisors Report:

- Receipts: \$116,272.82
- Disbursements: \$509,661.04
- Monthly Sales Tax Comparison for Warren County 2009 / 2010 (January - 114,585.61 or -3.7%); (February \$73,845.08 or +3%)
- 2009 Occupancy Tax Revenue: County \$2,947,320 (-\$354,894, -10.75%) Bolton: (-205,759.35 -25.07%) Anticipated 2009 Occupancy Tax Revenue is approximately \$102,000 which is down approximately \$38,000.
- 2009 Annual Financial Report is complete and available in the Supervisor's office.
- Taxes collected Town & County summary 2010: \$5,531,991.15 which is up from 2009 \$5,041, 289.92. Uncollected taxes were lower for 2010 at \$688,551.42 in comparison with 2009 \$775,230.61.

Old Business:

- VanWart/Baer Sewer service extension

- Woodshire Estates
- Lower Brereton Road
- Lake George Camping
- Bixby Road
- SEQR Assessment and Determination relating to Local Law No. 1 of 2010 regarding Amendment to Chapter 200 Town of Bolton Zoning Ordinance: A LOCAL LAW PROVIDING FOR AMENDMENT TO CHAPTER 200 “TOWN OF BOLTON ZONING ORDINANCE”
 ADDING IN ARTICLE VII (Supplementary Regulations), SECTION 200-39, SKI CENTERS, AND ADDITION OR MODIFICATION TO SECTION 200-14 ZONING DISTRICT: RR5/10 RURAL RESIDENTIAL SCHEDULE OF USE REGULATIONS, AND TO SECTION 200-14 ZONING DISTRICT LC25/45 LAND CONSERVATION SCHEDULE OF USE REGULATIONS (tabled legislation).

RESOLUTION #84

Councilmember Rehm moved, seconded by Councilman Smith to take SEQR Assessment and Determination relating to Local Law No. 1 of 2010 off the table. All in Favor.
 Motion Carried.

Counsel Muller reviewed the SEQR Assessment and Determination long form. He stated that the APA requested that the Town use this long form during this process. He stated that it is the same process as using the short form but the evaluation is a bit longer. He stated that the goal for the Board is to give consideration and make one of the following determinations; a) the project will not result in any large and important impact(s) and, therefore, is one which will not have a significant impact on the environment, therefore a negative declaration will be prepared, b) Although the project could have a significant effect on the environment, there will not be a significant effect for this Unlisted Action because the mitigation measures described in Part 3 have been required, therefore a Conditioned negative declaration will be prepared or c) The project may result in one or more large and important impacts that may have significant impact on the environment, therefore a positive declaration will be prepared.

Counsel Muller reminded the Board and public that this is not specifically for a ski resort, just the legislation that would allow such type of project in this zone. He stated that they are not getting into the aspect of identifying the project impact and the magnitude. Unfortunately, this form does not fit well for the enactment of legislation but they will do their best to apply it in this situation.

Counsel read Part 2-Project Impacts and Their Magnitude
 Impact on Land

- 1) Will the proposed Action result in a physical change to the project site. No
- 2) Will there be any effect to any unique or unusual land forms found on the site? No.

Impact on Water

- 3) Will proposed action affect any water body designated as protected? No.
- 4) Will Proposed Action affect any non-protected existing or new body of water? No.
- 5) Will Proposed Action affect surface or groundwater quality or quantity? No.
- 6) Will Proposed Action alter drainage flow or patterns, or surface water run-off? No.

Impact on Air

- 7) Will Proposed Action affect air quality? No.
- 8) Will Proposed Action affect any threatened or endangered species? No.
- 9) Will Proposed Action substantially affect non-threatened or non-endangered species? No.

Impact on Agricultural Land Resources

- 10) Will Proposed Action affect agricultural land resources?

Counsel Muller stated that they should consider whether or not this zoning change will affect any agriculture land resources. He stated that the answer would seemingly be no. The Board agreed.

Impact on Aesthetic Resources

- 11) Will Proposed Action affect aesthetic resources? No.

Impact on Historic and Archaeological Resources

- 12) Will Proposed Action impact any site or structure of historic, prehistoric or paleontological importance? No.

Impact on Open Space and Recreation

- 13) Will Proposed Action affect the quantity or quality of existing or future open spaces or recreational opportunities?

Counsel Muller stated that this actually closer to what they are looking to do. He stated that they need to determine if there is any negative impact on these by changing the code. Councilmember Rehm stated that this may add recreational opportunities but that would not be a negative impact. The Board agreed that the answer would be no.

Impact on Critical Environmental Areas

- 14) Will Proposed Action impact the exceptional or unique characteristics of a critical environmental area established pursuant to subdivision 6NYCRR 617.14(g)? No.

Impact on Transportation

- 15) Will there be an effect to existing transportation systems? No.

Impact of Energy

- 16) Will Proposed Action affect the community's sources of fuel or energy supply? No.

Noise and Odor Impact

- 17) Will there be objectionable odors, noise, or vibration as a result of the Proposed Action? No.

Impact on Public Health

- 18) Will Proposed Action affect public health and safety? No.

Impact on Growth and Character of Community or Neighborhood

19) Will Proposed Action affect the character of the existing community?
Counsel Muller stated that this is another relative question to this proposed change. He reviewed the example that would apply. Councilmember Rehm stated that this proposed change would not change the density. Counsel Muller agreed. He also stated that it conforms with Bolton's Comprehensive Plan as well as the APA's designated allowable uses. Therefore the answer to this question would be no.

20) Is there, or is there likely to be, public controversy related to potential adverse environment impacts? No.

Counsel Muller stated that it seems that since this is a satisfactory negative response throughout that it seems to clarify that it is appropriate for a negative declaration.

RESOLUTION #85

Councilmember Rehm moved, seconded by Councilman MacEwan to declare the Town Board Lead Agency having given consideration and evaluation to all of the criteria specified in the SEQRA application; and in finding no adverse environmental impacts after review of all project information, and there being no contests and no response to this lead agency by any other involved agency or contiguous municipalities, it is defined under this Town Board Local Law No. 1 of 2010 regarding the amendment to Chapter 200 of the Town of Bolton Zoning Ordinance entitled "Local Law providing for Amendment to Chapter 200 "Town of Bolton Zoning Ordinance" adding in Article VII (Supplementary Regulations), Section 200-39, Ski Centers, and addition or modification to Section 200-14 Zoning District: RR5/10 Rural Residential Schedule of Use Regulations, and to Section 200-14 Zoning District LC25/45 Land Conservation Schedule of Use Regulations be prepared and determined as a proposed action that will not have significant adverse impact on the environment. All in Favor. Motion Carried.

- Resolution Local Law No. 1 of 2010 regarding Amendment to Chapter 200 Town of Bolton Zoning Ordinance: A LOCAL LAW PROVIDING FOR AMENDMENT TO CHAPTER 200 "TOWN OF BOLTON ZONING ORDINANCE" ADDING IN ARTICLE VII (Supplementary Regulations), SECTION 200-39, SKI CENTERS, AND ADDITION OR MODIFICATION TO SECTION 200-14 ZONING DISTRICT: RR5/10 RURAL RESIDENTIAL SCHEDULE OF USE REGULATIONS, AND TO SECTION 200-14 ZONING DISTRICT LC25/45 LAND CONSERVATION SCHEDULE OF USE REGULATIONS (tabled legislation).

The amendment to be considered is written as follows:

TOWN OF BOLTON LOCAL LAW NO. 1 OF 2010

A LOCAL LAW PROVIDING FOR AMENDMENT TO CHAPTER 200 "TOWN OF BOLTON ZONING ORDINANCE"

ADDING IN ARTICLE VII (Supplementary Regulations), SECTION 200-39, SKI CENTERS, AND ADDITION OR MODIFICATION TO SECTION 200-14 ZONING DISTRICT: RR5/10 RURAL RESIDENTIAL SCHEDULE OF USE REGULATIONS, AND TO SECTION 200-14 ZONING DISTRICT LC25/45 LAND CONSERVATION SCHEDULE OF USE REGULATIONS

INSTRUCTIONS:

Language crossed out is to be deleted from existing code. Language underlined is to be added.

General Summary of Proposal

Item 1. To provide as a supplementary regulation in Article VII, a new section 200-39, Ski Centers, to read as follows:

“Article VII; Section 200-39, **Ski Centers**

A. Purpose. The purpose of these ski center regulations is to promote and protect the public health, welfare and safety, and to protect economic property values, aesthetic and recreational values and ensure optimal siting of such facilities.

B. Ski Center Requirements:

(1) The minimum area necessary for siting a Ski Center is 50 acres. No Ski Center may be established on a parcel or aggregate parcels less than 50 acres in size.

(2) Such facilities shall include, but not be limited to, amenities for skiing, snow boarding, tubing, mountain biking and similar outdoor recreational activities.

(3) Ski Centers are considered a Type I Use permitted by Special Use Permit also requiring a Class A regional permit from the APA.

Item 2. ADD Section 200-14 Zoning District: RR5/10 Rural Residential SCHEDULE OF USE REGULATIONS, Type I-Uses permitted by Special Use Permit

“8. Ski center”

Item 3. MODIFY Section 200-14 Zoning District: LC25/45 Land Conservation SCHEDULE OF USE REGULATIONS, Type I-Uses permitted by Special Use Permit

“6. Ski Centers and lodges”

RESOLUTION #86

Councilmember Maranville moved, seconded by Councilman Smith to take this item off the table. All in Favor. Motion Carried.

Councilmember Rehm stated that she feels that this is an appropriate change in the context of their Comprehensive Plan and the direction in which the community would like to go. This would include a well defined purpose. It would promote and protect the public health welfare and safety and economic property values as well as aesthetic and recreational values and insure optimum citing of such facilities. This is directly from the legislation that the Ski Centers of necessity would be on a site that is at least 50 acres and that it would be subject to Type I review, which is not only local review but as a Regional Class A permit from the APA would be required. Councilmember Rehm stated that all of the safeguards are in place and that there will be full public exposure to any project that might be proposed under these regulations. She stated that she feels this is an appropriate addition to their land use plan.

RESOLUTION # 87

Councilmember Rehm moved, seconded by Councilman Maranville to approve Town Board Local Law No. 1 of 2010 regarding the amendment to Chapter 200 of the Town of Bolton Zoning Ordinance entitled “Local Law providing for Amendment to Chapter 200 “Town of Bolton Zoning Ordinance” adding in Article VII (Supplementary Regulations), Section 200-39, Ski Centers, and addition or modification to Section 200-14 Zoning District: RR5/10 Rural Residential Schedule of Use Regulations, and to Section 200-14 Zoning District LC25/45 Land Conservation Schedule of Use Regulations. All in Favor. Motion Carried.

- Resolution for Bolton Transfer Station Summer Hours: Beginning April 12, 2010, Open 8:00 am to 4:15pm, Except Wednesday – Noon to 4:15pm, closed holidays, as published, (tabled at special meeting held 3/22/2010).

RESOLUTION #88

Councilman MacEwan moved, seconded by Councilman Maranville to take the item of Bolton Transfer Station Summer hours off the table. All in Favor. Motion Carried.

Councilman Smith requested to amend the hours to be 8:00am-4:15pm 7 days per week. The Board agreed with the amendment. Councilman Maranville asked if they could consider keeping the Transfer Station open until 5pm every day since most people work full-time. Supervisor Conover stated that they could look at extending the hours as well. Councilman MacEwan stated that he would be concerned with extending the hours later because Lisa French has indicated that there are times now when they do not get any breaks for lunch. He stated that it may also lead to overtime which would end up costing the Town money. Councilman Smith agreed and stated that is why he suggested opening 7 days a week so that they can accommodate those individuals that cannot make it there during the weekday hours. He stated that with the suggested

change there would still be no overtime. Supervisor Conover stated that he feels that this change makes sense. It will provide more service at hopefully no additional cost.

Councilman Smith moved, seconded by Councilman MacEwan to the amend proposed summer hours for the Bolton Transfer Station beginning April 12, 2010 as follows: Open 8:00 am to 4:15pm 7 days per week, closed holidays, as published. All in Favor.

Supervisor Conover moved, seconded by Councilman Smith to approve the amended hours for the Bolton Transfer station. All in Favor. Motion Carried.

New Business:

- Resolution authorizing Supervisor to redeem NYS Environmental Facilities Bonds 1999B on Water Filtration Plant and to execute any and all agreements and take all necessary actions associated with the redemption.

Councilmember Rehm commended Supervisor Conover for the communication that was provided on March 26th to the NYS Environmental Facilities Corporation and she understands that they have not gotten a response. Supervisor Conover stated that they have not heard any response.

Supervisor Conover stated that he hopes that this is the first step of a number of steps to try to bring the costs of the water users into balance. He stated that there are other actions that will need to be taken in the next few months.

RESOLUTION #89

Councilmember Rehm moved, seconded by Councilman Smith to authorize the Supervisor to redeem NYS Environmental Facilities Bonds 1999B on the Water Filtration Plant and to execute any and all agreements and take all necessary actions associated with the redemption. All in Favor. Motion Carried.

- Resolution authorizing use of Community Development Loan Funds to redeem Bonds relating to water filtration plant. Funding to be provided for such term, rate and payment schedule as established by the Town Board of Bolton.

Supervisor Conover stated that he has deferred the question of rate and term to a later date because they will still need to meet on this topic where he will solicit input. He stated that this will step forward with the use of these funds. Counsel Muller stated that those funds can be used in this manner. However, when they do decide on what terms, rate and payment schedule that it is done by resolution and should be formalized in writing in case they were to be audited.

Councilmember Rehm stated that their hope is to self-finance the water filtration plant to hopefully save the water district users from substantial interest. Supervisor Conover stated that they received a letter from the NYS Environmental Facilities Corporation that

indicated that they were going to re-issue these bonds at hopefully a lower rate. However, it would require that the new bonds not be called, or paid off, which was a concern to the TB, which on top of the growing concern relative to the amount of money on the principle and interest payment on the plant was costing against the total operating condition of the water district. The total operating expenditure for the water district over the years has been in the \$350-400,000 range of operations. The debt service on the plant this year is approximately \$167,000. The debt service of the plant is a very large percentage of the total operating condition of the district. If they are able to modify the payment and get that down it will have a substantial effect on the operating budget which has been operating in the red for many years. Funding has been advanced for a number of years from the Town to the water district; and over the years has accumulated a substantial amount of debt to the Town. That debt was satisfied with the sale of some land assets that the water district held. However, the operating deficit continues and they will need to move with some dispatch to balance that out so that they do not find themselves in a hole once again.

Supervisor Conover stated that they will be looking to use local resources to finance the plant over a longer term at a lower rate and terms as established by the Board. He stated that he indicated to the NYS Environmental Facilities Corp that the Town would not be interested in the re-issuing of the bonds for the water plant. He stated that on March 26th he wrote a letter to Mr. Gephardt the CEO of NYS EFC indicating their intent to call the balance of the debt on the plant, which on April 15th would be \$1,115,000 with a final maturity of October 15, 2017. There will be no penalties in this action. The amount that we would pay would be the outstanding principle and accrued interest to the point of the call.

Councilmember Rehm asked if they can repay the Community Development Fund through an ad valorem tax. She stated that before they do that, she knows that there are users outside of the water district and asked if they could move the district line. Counsel Muller stated that it could be done but it would require them to follow proper procedure. However, it should not hold them up on moving forward with the loan and structure. Counsel Muller asked Councilmember Rehm if these individuals that are not in the district are supposed to be in the district. Councilmember Rehm stated that she is not sure because it pre-dates all of them administratively. However, logistically Edgecomb Pond upland and the main follow down along Finkle Brook. The district ends just above the intersection of Valley Woods and Federal Hill Road, but there is at least a little more than a mile before the plant with users along the corridor on both sides and to her knowledge there were never any formal arrangements for them to have service. Counsel Muller asked if the infrastructure is there but the line in the district does not encompass them. Councilmember Rehm replied yes. Counsel Muller stated that they could consider re-mapping that area so that it conforms with the reality that exists. Councilmember Rehm stated that previous administrations have also limited those in the district from having their own wells or water supply. However, these people have

had the benefit of the infrastructure but are not being held to those same rules because they are not in the district. Counsel Muller stated that he will do some further research.

Supervisor Conover stated that the operations of the water and sewer district have been very efficient. With the closing of the Sagamore during the winter they are selling substantially less water than prior to that closing which has made the situation even more difficult.

RESOLUTION #90

Councilman Maranville moved, seconded by Councilman MacEwan to authorize use of Community Development Loan Funds to redeem Bonds relating to water filtration plant. Funding to be provided for such term, rate and payment schedule as established by the Town Board of Bolton. All in Favor.

- Resolution making the month of April “Parents Who Host Month” to discourage the serving of underage youth alcohol.

RESOLUTION #91

Councilmember Rehm moved, seconded by Councilman Maranville to make the month of April “Parents Who Host Month” to discourage the serving of alcohol to underage youth. All in Favor. Motion Carried.

- Resolution authorizing John Perry to carry 36 hours of vacation time into next year (start date: 4/25/95).

Supervisor Conover stated that he had 76 hours but he took 40 hours vacation this week to reduce the amount. He stated that he will not be able to use the rest due to the fact that Tom Torebka will be out.

RESOLUTION #92

Councilman Smith moved, seconded by Councilman MacEwan to authorize John Perry to carry 36 hours of vacation time into next year. All in Favor. Motion Carried.

- Resolution allowing Erica Franz to place a tent at Veterans Park for a wedding picnic, conditioned on it being put up just before and taken down immediately afterwards.

Supervisor Conover stated that this is to occur on July 10 in the later part of the afternoon into early evening. Councilmember Rehm asked if they could define the hours better. Supervisor Conover stated that he did not have the hours in front of him but he does know that it is not at the height of the afternoon. He stated that she also understands that it is a public park. She also understands that they will have to pay for

parking and that they will be dealing with potentially not having a spot for the function. He stated that she has worked for the Rec Department and has always wanted to be married in Bolton. She understands and accepts all of their conditions.

Councilmember Rehm asked how many guests they anticipate. Supervisor Conover replied approximately 120. He stated that normally he tries to discourage this type of thing but she worked in the Rec Program for many years and is well aware of what happens in that park during the summer.

RESOLUTION #93

Councilmember Rehm moved, seconded by Councilman MacEwan to allow Erica Franz to place a tent at Veteran's Park for a wedding picnic on July 10, 2010 between the hours of 3pm to 8pm with the condition that she is respectful of the public using the park and that the tent is removed at the end of the evening. All in Favor. Motion Carried.

Public in Attendance

Zandy Gabriels complimented Counsel Muller on his delicate reading of the SEQRA long form.

With regard to the Committee reports, Zandy Gabriels stated that it was distressingly obvious, given the time of year with run-off, that the water report of 4,400,000 gallons being used, which is a little below average. However, the sewer had 5,000,000 plus being processed for a much smaller district. He stated that he understands the long term nature of the problem.

With regard to the highway work, Zandy Gabriels stated that the Highway Department is now doing New Vermont Road. He encouraged the Board to find the necessary resources in the General or Highway fund to go the extra half mile and complete the whole road. Councilman Smith stated that they are actively working on the roads and they plan to do what they can to complete the road.

Zandy Gabriels stated that he understands that Supervisor Conover applied for a grant for a shed for Magic Salt at the Highway Department. He stated that he understands that they are using the same design for the shed that is already up there now. Supervisor Conover stated that the shed being considered is being proposed through Soil & Water Conservation which was involved in the initial shed. He stated that this is a joint application with 3 towns, Hague, Bolton and Lake George. He stated that they still have a long way to go before this even happens. However if it does, he believes that it is smaller than the one that they have. Zandy Gabriels asked if all 3 municipalities would be sharing one shed. Supervisor Conover replied no, each town would have their own shed. Zandy Gabriels stated that he feels that this is a good step in the right direction

environmentally. He feels that the Town should make this a priority because the chloride in the lake is the only parameter that seems to be increasing and changing over time.

Transfers:

RESOLUTION # 94

Councilmember Rehm moved, seconded by Councilman MacEwan to approve the following transfers:

FROM	TO	AMOUNT
General Fund		
Increase Budget for Court Administration Grant:		
Revenue State Grant	3897	\$4,418.60
	Disbursements- 11102 Court Equipment	\$4,418.60

Sewer District & General Fund
\$30,000 for April 2010

Conservation Park Project		
Payment No. 1 to VMJR	\$20,338.00	3/3/10
Payment No. 2 to VMJR	\$32,594.50	4/7/10

Rogers Park Dock Project		
Payment No. 1 to OSI Industries, Inc.	\$37,050.00	

All in Favor. Motion Carried.

Pay Bills: Vouchers:

RESOLUTION #95

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

March Mid Abstract:

Sewer	63, 83-86	\$ 5964.83
Water	63,80-81, 84	\$ 1783.80
Highway	114	\$ 16.54
General	276-277, 350-358, 360-366	\$ 6340.69
Light	349,359	\$ 221.88

April Abstract:

Highway	90-113, 115-137	\$31945.16
Sewer	64-82, 87-95	\$11017.58
Water	64-79, 82-83, 85-91	\$ 7472.72
Engineers	2-3	\$37684.99

General 278-348, 367-388, 390-416 \$117807.49

All in Favor. Motion Carried.

Executive Session: To discuss 2 contractual matters and a personnel matter

RESOLUTION #96

Councilman Maranville moved, seconded by Councilman Smith to adjourn to Executive Session at 8:35pm 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