

AGENDA
BOLTON TOWN BOARD

Call To Order: 7:07 pm

August 7, 2012

Pledge: Owen Maranville (Please remain standing for moment of silence for Don “Jake” Snyder)

Regular Meeting:

Supervisor:	Ronald Conover
Councilman:	Robert MacEwan
Councilman:	Owen Maranville
Councilmember:	Cheryl Bolton
Councilmember:	Susan Wilson
Town Clerk:	Patricia Steele
Counsel:	Michael Muller

Minutes: Approve Minutes of Town Board Meeting held July 3, 2012

1. Councilmember Wilson, pg 9, under committee reports, it should be noted that Councilmember MacEwan’s report was read by Councilmember Maranville.

RESOLUTION #152

Councilmember Wilson moved, seconded by Councilman Maranville to approve the Minutes of the Town Board Meeting held July 3, 2012 as corrected. All in Favor. Motion Carried.

Convene as Board of Health

RESOLUTION #153

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

Public Hearing: Regarding a variance request by: Sisca & Sisca, LLC (Francis Sisca) – 461Westerchester Avenue, Port Chester, New York for Parcel ID#156.20-1-26 property location lot 15 of Pioneer Village on Cottage Lane

The following variances are being sought: 1. Separation distance from well on lot to northeast – 100’ is required and 56.7’ is proposed; 2. Existing grade under Puraflo bed - 8% maximum is allowed – actual grade is 28%; 3. Existing grade under Eljen trenches – 15% maximum is allowed and actual grade is 20%; 4. Side property line setback - 10’ is required and 1’ is proposed; 5. No septic system can be placed on a parcel less than 20,000 square feet in size that is not served by a community water supply – lot size is approximately 9,583 square feet.

Correspondence:

- Sherry Panzardi and Peter Panzardi, Co-Presidents Pioneer Improvement Association, Inc. regarding opposition to variance request.
- Edward Fitzgerald, McPhillips, Fitzgerald & Cullum, LLP recommendation that the Town Board deem the variance requests premature and not properly before the Board until the

applicant obtain waivers from the Department of Health and properly requests all variances before the Board. Further, that property lines be corrected and request that the Board enforce the applicable waste-water regulations consistent with past decisions and further to reject the proposed wastewater system because of the numerous and substantial variance requests required.

- Chris Navitsky, Lake George Waterkeeper, regarding opposition to the variance requests.

Supervisor Conover stated that he was concerned going forward with the public hearing without the applicant or applicant's representative present. He stated that he understands that many traveled to attend this meeting to have their questions answered and concerns raised. Applicant's control their application however due to the turnout of the neighbors he requested to go forward with public hearing and leave it open until the applicant indicates otherwise. The Board agreed. Counsel Muller replied that would be satisfactory.

Edward Fitzgerald, representative of the Pioneer Improvement Association, stated that they have some concerns with how this project is depicted on the maps presented in the application. He stated that the survey shows the property going to the center line of the roads on both sides. He provided a copy of a map that shows the actual boundary lines based upon deed research. He stated that in 1974 the roads of the HOA were conveyed to the HOA. He highlighted the neighboring well and where the applicant has proposed his potable water well. He stated that the map is inaccurate and misleading. The applicant is proposing his water well on association property. The HOA has not granted permission for that location nor have they received any sort of request or application from the applicant to place a well on their property let alone that location.

With regard to the variances being requested, Ed Fitzgerald stated that the applicant is seeking relief from the 100' setback from the neighboring well. They will only have 56.7' which is almost half or a 43% variance request which is substantial. When looking at these variances one tends to look at how the town has treated these regulations in the past. There are 2 instances in the immediate vicinity and in both the Town charged the residents to follow the regulations of the 100' separation distances. He provided examples of some recent applications which required the 100' setback.

With regard to the grade variances, Ed Fitzgerald stated that the applicant is asking for a significant variance. There is an issue with the grade; there is a 28% grade where the puraflo system is proposed. The maximum allowed for that system is only 8% which is a 250% variance. Additionally the grade for the Eljen trenches is 20% where only 15% maximum is allowed; this is a 33% variance.

With regard to the side yard setbacks, Ed Fitzgerald stated that 10' is required; the puraflo system is almost on the property line and the Eljen is only 5' from the property line. He stated that they are seeking a 90% variance for the setback of the puraflo system and 50% variance for the Eljen trenches. He stated that all of these are substantial variances.

Ed Fitzgerald stated that the applicant needs an area variance as well. The applicant is not hooking up to a community water system and according to Bolton regulations you need at least

20,000 sq. ft if you are going to put a waste water treatment system on a parcel where there isn't a community water system. According to the ZA the applicant only has 9,583 sq. ft; this is another substantial variance.

Ed Fitzgerald stated that in total the applicant is seeking 6 variances all of which are substantial. This is a system that is not designed for this site. This opinion is echoed by the Town's Engineer as well. He included letters from Tom Nace one from November 2011, stated that the "submission request variances for subsurface absorption systems on slopes significantly steeper than permitted by NYS DOH. Absorption systems much closer to a well than permitted and absorption system closer to property lines than permitted. Due to site constraints there is no where to locate a well where the required separation distance can be achieved. Based on our review of the submitted material, we believe that the site conditions on this lot are too restrictive for on-site subsurface sewage disposal. The Board may want to consider the use of holding tanks for the development of this parcel" Ed Fitzgerald stated that the June 4, 2012 letter states "The only change is the addition of a proposed well for the property. Instead of the previous proposed water service from a community water system, which is no longer in existence. This revised plan does not alter our previous opinion that the site conditions on this lot are too restrictive for on-site sewage disposal. We recommend that the Board may want to consider the use of holding tanks or determine that the lot is un-developable."

Ed Fitzgerald stated that they are talking about 6 substantial variances. An application that is misleading and inaccurate. He stated that even if the Board were to approve all of the variances, the applicant would be required to get a specific waiver from the NYS Board of Health. He stated that he has spoken to a representative from NYS BOH and they indicated that typically in these situations they recommend holding tanks.

Chet Oliver, 8 Cottage Lane, owner of the lot just adjacent downhill from this proposed variance requests, stated that he too is concerned about the grade. There is substantial rock in that area and he is not sure how they did the test pits. With regard to the puraflo beds, they are going to be along the main road which he feels will be an eye sore. He stated that they have all updated their homes in the community and he appreciates how the Town has treated the community with regard to the changes and upgrades.

With regard to the stream at the back of the property, Chet Oliver stated that it is indicated as an intermittent stream, however in his 16 years the stream has not stopped flowing. He stated that the grade is concerning because it is over the 28%; with the puraflo beds and system it is going to run down and towards the stream which outlets in the middle of the beach area.

Chet Oliver stated that part of the property where the applicant wants to put his well is used as an overflow parking area for the beaches. He stated that he is on the Pioneer Village HOA Board and he has never received any request to put a well on their property or HOA property. He stated that approximately 7 years ago the NYS DOH took them off their list for being a water supply company. They have a couple of wells now and no more than 4 homes off of each well and those are at capacity now.

Chris Navitsky, Lake George Waterkeeper, stated that they have concerns about granting the

variances. With regard to the Town and State sanitary codes, on procedural and technical issues, the Town BOH must consider all potential impacts of the proposed project to the environment and community with construction and clearing on steep slopes and determine if the proposed project will result in negative impacts to the environment and community. They feel that the Town BOH does not have the jurisdiction to grant the relief or waiver from the NYS DOH regulations. According to the NYS DOH regulations part 75.6 only the State Commissioner of Health or his designated representative may grant a waiver from part 75, upon submission of a written application with supporting documentation which may be from the applicant or municipality.

With regard to relief of slope restrictions, Chris Navitsky stated that can have impacts on soils necessary for waste water treatment. Slope restrictions of systems are implemented to protect the physical and biological characteristics of the soil that are important for waste water treatment. These physical characteristics can be significantly compromised when these sites are graded or altered during construction activities to accommodate equipment which is the reason absorption bed slope restrictions are much greater than trench system. The absorption beds have a much wider bed which is why you cannot drive construction equipment on them. He is not sure how they can develop the property with the greater width of the absorption bed.

With the referenced application, Chris Navitsky stated that there are concerns about the extended disturbance and compaction required to construct on the proposed system and the impacts to the soil as well as the vegetation. Chris Navitsky stated that the LG Waterkeeper does not support the requested relief from the codes based on the impacts of the systems construction. In addition it does not appear that the Bolton BOH has the jurisdiction to grant waivers or relief to the NYS DOH regulations.

Graham Cox, 71 Pioneer Village Road, stated that the Association is not in support of this proposal. The applicant is seeking to put a wastewater system on the side of a cliff and serving a lot with a water supply that he does not have. They appreciate that the applicant has had the lot for some time and understand that he would like to develop it in some fashion but this is not the way to do it.

William Nutland, neighbor, reminded the Board that 10 years ago 2 people died at Washington County Fair due to E.Coli. It was determined to be caused by fecal contamination. In February 2010 he was diagnosed with kidney disease and had his left kidney removed. His right kidney is 60% functioning. His concern is that if the applicant is allowed to put the puraflo beds in as proposed, it could have a direct impact on his life.

Zandy Gabriels stated that this issue has been kicking around for a long time. He stated that he would to ask how the Assessor has been assessing this lot for the past several years. This may be an issue that could be brought up by the applicant. Supervisor Conover stated that they have asked the Assessor for that information.

Ed Fitzgerald, read a letter from Robert Shurts, owner of 15 Cottage Lane, who is opposed to the proposal. He understands that the applicant is not present but would request that the TB take action on this application.

Frank McPartland, 11 Cottage Lane and member of Pioneer Village HOA, stated that he lives about 100' from this lot. There are a lot of people that are concerned about it. The slope is very steep and there is a stream that flows on the back of this property which runs down to the beach area.

Debbie Zappulla stated that she lives at the top of the hill. She stated that she swims every day and it would be difficult to utilize the water if the parking area is taken away. There are people that live even further up the hill that would also miss the parking area. She stated that it is taking away their ability to stay young and fit.

Frank Ring, resident of Pioneer Village, agrees with all that has been said tonight. He feels that it is disrespectful that the applicant did not show up tonight to present their project.

Councilmember Wilson asked about the NYS DOH waiver that Attorney Fitzgerald mentioned needing to be done prior to local BOH approval. Counsel Muller stated that parts of this application will require waivers. He stated that it would be something that they would want before going before the TB to get approval. Ed Fitzgerald stated that the NYS DOH has indicated that they don't require it to be done before. Counsel Muller stated that it can be done either before or after but this Board has required it prior to granting the variances.

Audience member asked who designated it as an intermittent stream because in his 55 years living here he has not ever seen the water stop. Ed Fitzgerald replied that he was not sure but it was labeled on the applicant's plan as intermittent.

Counsel Muller asked that the Town declare themselves as lead agency at some point. Graham Cox asked for clarification on the Town declaring themselves as lead agency. Supervisor Conover stated that we would need to do an environmental assessment and before we do that we would need to designate ourselves as lead agent to do the assessment. Then we would review the project based upon the information that we have and make a determination as to whether there are any environmental impacts identified within the process. If there are impacts found we could move in any number of directions. Graham Cox asked if they would use the short or long form. Supervisor Conover replied that we would start with the short form and if necessary move into the long form. It would be done at a meeting with a public hearing and the Board would deliberate on the SEQRA questions.

Zandy Gabriels stated that procedurally if a public hearing is left open on at the Planning level the neighbors are not notified again. He asked if the neighbors would be notified in this case. Supervisor Conover stated that we will post notice again on the website. Additionally, we know a lot of the neighbors so he is not worried about getting the word out. He stated that it also depends on whether the applicant decides to move forward with this.

- Resolution establishing the Bolton Town Board as lead agency under SEQRA
- SEQRA Environmental Assessment Finding
- Resolution regarding variance request by Sisca & Sisca LLC (Francis Sisca)

RESOLUTION # 154

Councilmember Wilson moved, seconded by Councilmember Bolton to declare Bolton TB as lead agency under SEQRA for the Sisca & Sisca, LLC septic variance. All in Favor. Motion Carried.

RESOLUTION # 155

Councilman Maranville moved, seconded by Councilman MacEwan to table the Sisca & Sisca, LLC application and leave the public hearing open. All in Favor. Motion Carried.

Reconvene as Bolton Town Board

RESOLUTION #156

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

Public in Attendance:

Chris Pagniello, NYS Sales Manager, Traffic Systems, Inc. provided a presentation on a speed indicator device. The device we looked at is the same device that is being utilized in Warrensburg and Chester. Supervisor Conover stated that he would like to move forward with this and get 3 quotes for 2-3 units. Councilman Maranville feels that we will need 3; one at the school and one at each end of Town. Councilmember Bolton agreed and she also liked the idea of keeping one mobile so that it can be moved when necessary.

Zandy Gabriels, stated that a while ago his mother wrote to the Town regarding fireworks set off in the Town. He stated that the fireworks are typically done from 9:25-9:45pm and is over by 10pm. The ones that are set off privately are hard to enforce. He asked if those types of fireworks are included in the noise amplification permits. If not he feels they should be. He stated that some of these are being set off by the Sagamore and it really shouldn't be about the money but rather the community. Supervisor Conover stated that he will take up Mrs. Gabriels letter under correspondence and how they have responded and plan to respond.

Zandy Gabriels stated that he has been informed that the Town is the contract administrator for a DOS grant. He is concerned that it has not been signed and is therefore not with the State. He asked if they could look into this contract to make sure that the funds are flowing.

Correspondence:

- Girvin & Ferlazzo, P.C. ; John A. Lavender II Petitioner against The Zoning Board of Appeals of the Town of Bolton, New York, Rich Waller, Wauneata Waller, John Kronenwetter, and Jay McBain respondents for an order and judgment pursuant to Article 78.
- Jane K. Gabriels regarding fireworks noise at the Sagamore Resort after 10:00 pm on Friday July 6, 2012.

Supervisor Conover stated that he has discussed that matter with Tom Guay at the Sagamore and impressed upon him that 10pm is our limit for setting off fireworks. Mr. Guay stated that he was aware of that and does not personally believe that "it's all about money". Supervisor Conover stated that in some instances the fireworks are being contracted by the people having the event and not the Sagamore itself. He suggested sending a letter to the barge owner and the fireworks

companies that primarily do fireworks in Bolton and make them aware of the noise ordinance and that they are subject to some actions or penalties if in violation. The Board agreed. With regard to the comment about the Sagamore not being held accountable, Counsel Muller stated that they could be considered co-responsible. Supervisor Conover stated that he should include the Sagamore as well.

- Ted Wilson, Director, Lake George Triathlon Festival regarding letter of support for event to be held on Sunday, September 2, 2012.
- Wayne LaMothe, Warren County Planning Director regarding storm water grant for culvert replacement on New Vermont Road.

Supervisor Conover stated that Bolton was the beneficiary of a DOS storm water grant in the amount of \$63,500 which they submitted in concert with Thurman to the County. The County has indicated that we will need to follow SEQRA.

- Laura Sabarerio, Accounting Department regarding invoicing for transfer station compactor.
- Ina and Mitch Monroe regarding road drain elevation situation in front of their house on Horicon Avenue.

Supervisor Conover stated that he spoke to the County regarding this matter and they indicated that when they move to deal with the sidewalk across the road they will try to improve the situation on Mitch and Ina's side of the road as well.

- Al Dague regarding use of receipts from cans and bottles by the Bolton Health Committee and other groups that help people in need.

Councilmember Wilson stated that she is Chairman of the Bolton Health Committee and this has never been discussed by the Committee.

- Andrew Luce, Environmental Engineer, NYS Department of Environmental Conservation regarding phosphorus reading at Sewer Plant exceeding effluent limitation.

Supervisor Conover stated that Chet Dagle indicated that this was due to not flushing out the sand filter which he has not gotten around to but plans to soon. We are about to move to a new process which we are applying to DEC for. This is a pilot process that might be better at dealing with phosphates and nitrates within their process; additionally it might be less expensive.

- Vincent Palazzo regarding change of date for Bolton Library Auction to possibly December as part of a Christmas Party.
- Peter Bauer, Executive Director, The Fund for Lake George transmittal of 2011 Annual Report titled *Focus on Quality*.
- Joan Sady, Warren County Board of Supervisors Clerk of the Board regarding sales tax receipts left with Warren County and requirements relating to sales tax left with the County.
- John Mucha, Director of Governmental Relation, TWC regarding possible changes offerings and services.
- Charleen Bivona thank you for work done on Braley Hill Road and exemplary job done by the Town Highway Department and their courteous and mindful behavior.
- Aaron Ziemann, APA Enforcement Division regarding failure to record permit with County Clerk permit #2011-0015.

Supervisor Conover stated that this was a mistake it was a wrong address.

- Home Place Corp., Sue Lambeth, 6480 Lake Shore Drive sound amplification permit for August 11, 2012, 6:00pm to 10:00pm for guitar player and drummer for a party.

- Alex Jeyschune, President Diamond Ridge Homeowners Association regarding problems and issues with John Gramegna owner of the B&B at intersection of Rt. 9N and Diamond Ridge Road.

Supervisor Conover stated that he will be meeting with the HOA on August 15th.

- NYSDEC News Release on Spiny Water Flea in Lake George.
- Fred Monroe, regarding request by the Adirondack Council asking Governor to establish boat inspection and wash stations at all State launches in the Adirondack Park.
- Thomas Guay, General Manager, The Sagamore Resort letter of support for Bolton's grant application for a new Visitor Information Center.
- Jennine Canty, Legal Assistant, Muller & Mannix, PLLC regarding Board authorization to defend two different Article 7 tax certiorari proceedings.
- R. Waller email and material regarding weddings being held at Highland Castle in violation of a June 2012 ZBA determination.
- R. Waller letter regarding events of July 14 at Highland Castle including emails.
- R. Waller copy of email regarding wedding scheduled event at Highland Castle and time of wedding being changed as a result of "new ordinances" being enforced on Saturday the 28th and Warren County Sheriff report #.
- Danielle Parrotta notification of intent to have her wedding ceremony on the Bolton Pier on Saturday, September 12, 2012.
- Sound amplification permit request at the Conservation Park on August 11, 2012 from 6:00pm to 9:30pm.
- Request to utilize overnight parking for truck serving Lewis wedding in Bolton at Veteran's Park on September 7&8, 2012 (may also need parking prior to and after the event).
- Petition relating to the Gramegna request for amplified noise approval from the Board.

Committee Reports:

Councilman Robert MacEwan

Sewer Department- Took in 5,903,520 gallons of wastewater an average of 190,436/day.

Monthly samples done. DMR's mailed had 2 violations. 1 for phosphates had 1.17 allowed a 1 and had 15.1 in nitrates in well 1, allowed a 10, have called DEC. All beds are dry except the ones in use. Put new PTO safety switch in big tractor. It still will not start all the time and beds look it. Hauled 48,000 gallons of liquid sludge. Having a problem with sludge this year in center jet. It is so thick we use sewer jet to beat it down, takes 3 tanks of water. Fixed recirculation pumps so they don't leak. Had Green Mountain here to open lateral they missed. Cleaned grit chamber. Had 2 alarms, (1 at Norowal Station-High water and 1) at plant- high water in equalizer tank. Mowing and weed whipping around plant when we have time. Chet will be on vacation from August 17 until August 26th.

Supervisor Conover stated that Chet Dagles indicated that these are some of the lowest flows they have seen. Councilman MacEwan agreed and stated that much is due in part to the work on the infrastructure.

Transfer Station- Total receipts for the month is \$11,268. Spring Clean-up cards total \$4,136. The new compactor is being delivered August 8th. Tear down will start August 12th after we are closed for the day. Monday morning, we will start using dumpsters for garbage. As long as people follow directions and are respectful, we should be fine. We are closing down one side of

the compactor due to equipment being on other side. I am assuming 1 week for being down but will know more as we get into it. Jim will be pulling the motor from old compactor after new one is up and running. We will need to address the floor which has become weak after many years of motor sitting on it. I think we need to set up service dates with Jim Maddison to keep up with upkeep of new compactor. Brush pile is getting larger. Bottle situation is working out well. JGS was here and took care of Freon removal.

Councilman Owen Maranville

Police- Patrolled 2,831 miles, used 258.6 gallons of fuel and performed 205 property checks. A list of all the calls answered is available for review. On July 12th at 3:29am, Patrol Officer Keene responded to a truck fire in the parking at Neuffer's Deli. After the fire department responded and extinguished the fire, reviewing the surveillance footage provided by the deli revealed that the fire had been intentionally set. Working with the investigators from the WC Sheriffs the suspect was quickly identified and arrested for arson.

Assessor- During July our computer file was kept up to date with deed transfers and address changes. With regards to arm's length sales we now have a total of 52 from 7/1/11; this is an increase of 17 sales compared to the same time last year. I continue to see our new assessments have been close to recent sales prices.

On July 1, the final assessment roll was filed with the Town Clerk and the legal notice for the same was published in the Post Star. Property owners have 30 days after the filing of the roll to follow through with small claims or even an Article 7, Certiorari proceeding. To date I have received three small claims reviews of residential properties and two Article 7 reviews. I have spoken with Town Attorney Muller and as in the past I will represent the Town at the small claim reviews and he will oversee the Article 7's.

There was no meeting of the Warren County Assessors Association in July.

On July 23, a copy of our computer file was delivered to the County for processing of School Rolls. All Ownership and address changes after that date are being kept on a list to supply to the schools at the end of this month.

During July, we received official notice from New York State that our level of assessments were at 100% and that our equalization rate would also be 100%. Our final 2012 total assessed value is \$1,588,057,190.

A report comparing other Town Assessment Rolls, their equalization rates and their overall share of County Tax and Sales Tax was acquired and shared with the Supervisor for 2013 budget preparation.

Highway- Milled and paved Mohican and Braley Hill Roads. Finished putting gravel on Potter Hill Road and it needs to set about 2 weeks until paving. Working with Warren County Soil and Water to install 2- 8' catch basins on Mohican Hill.

Justice- During the month of July, Hon. Harry Demarest took in \$5,215 and Hon. Edward

Stewart took in \$3,510. Total monies forwarded to the Town \$8,725. An itemized list is located in the Court for review.

Councilmember Susan Wilson

LWRP- Councilmember Wilson stated that she will be meeting with Tracey Clothier from the LA Group and Hal Heusner on Wednesday to finalize the document. It will then be forwarded to the DOS for their review by the end of August. With regard to the Zoning Code update, Councilmember Wilson stated that she and Lisa Nagle are finalizing the review and hoping that this process will be finalized in the next few weeks and then be forwarded onto the APA for their informal review.

Code Enforcement- 17 page report, 29 sites visited and 225 miles logged.

Conservation Park- The 2nd Annual Harvest Festival is planned for September 22nd. It will include bed racing, games for children, dessert baking, stone soup and the Stony Creek Band.

Library- On August 13th, the Sembrich continues with their movies at the Library with the movie “Tango” and on August 27th they will conclude with “Moonsong Wedding”. The movies are free. On August 11th and 12th, Cate Mandigo will be at the Library selling her prints and a portion of the proceeds are donated to the Library.

On the last weekend of July they held their annual book sale. Councilmember Wilson extended a thank you to all the volunteers, Library Staff and Board of Trustees for holding the sale.

The raffle for the Library resulted in someone from North Carolina winning 1st prize and also winning was Carol Newell, Library Trustee, who donated everything back to the Library.

Seniors- Meet each Wednesday morning at 10:15am. They continually collect items to support our troops, so if you have any donations you may drop them at the Senior Center.

They are planning a defensive driving class in September or early October; this is the class that does provide a reduction in one’s insurance for NYS residents. Anyone interested should contact Al Franz.

They will be holding their annual picnic luncheon at the Community Center will be held August 22, 2012 at 11:00am. It is a potluck lunch.

Councilmember Cheryl Bolton

Fire- The Fire District will hold their August meeting on Thursday the 9th. They will be hosting Las Vegas Night on August 11th from 8:00 pm to Midnight.

Rescue Squad- Harold Shippey reports that the EMS compared calls from June 2011 to June 2012; in 2012 there were 43 calls serviced by Bolton and in 2011 it was 31. They are engaged in their new billing process so they should be providing a report in September.

Recreation- They had a meeting on August 2nd. Attendance was up for the programs, Michelle Huck, Director, indicates that they will need to add a life guard and an assistant for the learn to swim program for next year due to increased attendance. The free Arts & Crafts program is averaging 30-40 kids/day and they had over 90 participants on July 3rd. They are also adding assistance in that program. There was a request for the LG Theater Lab to submit their information no later than May 1st. Michelle will be contacting them with that date so they can better market the information to share with the community. They are looking to incorporate some more teen programs for 2013. Michelle has been dealing with the DOH on regulations regarding this new age group. They are looking at some camp options for ages 13-15.

Town Clerk- Councilmember Bolton met with the Town Clerk who provided an overview of her duties. Councilmember Bolton stated that the list is vast and from an administrative position she is impressed that these things can be done with a staff of 2. The permits and certificates alone are overwhelming and that is on a day-to-day basis. She stated that she would like to see about training someone to come in and look over the permits to get more coverage in the office.

Supervisors Report:

- Receipts: \$2,539,175.01
- Disbursements: \$2,831,299.77
- Sales Tax: Warren County Sales tax up 6.3 % in second quarter & up 3% year to date; Bolton up 5.5% overall year to date over last year and 9.4% for the second quarter ending in June.
- New transfer station compactor will be delivered August 9, 2012 for installation.
- Bids for basketball and tennis Court resurfacing at Rogers Park are being requested and will be received and opened August 17, 2012.
- New restrooms at Rogers Park to be delivered on August 17th in the morning.
- 5 mph and no anchoring in Boon Bay, some mats will need to be maintained longer than mid August.
- Water leak on Mohican Road fixed by Kingsley Construction, big thank you to Kingsley and the Bolton Water Department for getting it done quickly.
- Paving completed on Braley Hill Road
- Received a State grant for \$63,500 for a stormwater upgrade on New Vermont Road. Thank you to Wayne LaMothe, Warren County Planning Director for his assistance and good work with the grant application which we did in cooperation with the Town of Thurman which was submitted through Warren County.
- Bolton's assessed value for 2013 is \$1,533,912,159 down from 2011 of \$1,614,961,037. Bolton % of the County assessed total becomes 14.44% down from 14.85% for 2012. As you are aware this change will have a direct effect on our sales tax receipts. If we wish to adjust our allocation left with Warren County we must do so By September 1, 2012 by certified mail to the County Treasurer. Based on 2011 sales tax receipts I would expect the Town to receive \$96,180 less than the amount we would otherwise have received in 2013 had the assessed value remained constant.
- 2013 Department Budget packets will go out soon.
- New resilient area and border beneath swings at Rogers Park (should take care of bee problem) very nice work by Parks Department, I am receiving very good comments on the improvement.

Supervisor Conover commended the Parks Department and Councilmember Bolton for all of their work.

- Hydraulic oil issue on Mohican Road, Highway Superintendent tells me the contractor will need to remove and repave the area that is bleeding oil. Issue has been reported to NYSDEC.
- Plot Plans provided to Town Board Members as to where Edge Design and Consulting thinks the best solar panel location would be at 3 Town sites (any comments or concerns get back to me).

Supervisor Conover stated that he has talked to all Department heads who have indicated that they don't see any problems and the Water Department actually prefers the new location. There have been some changes to State and Federal regulations resulting in being able to put in panels that produce more than twice the output that was originally planned. We are waiting on some additional Federal regulations that may influence their final arrangement with Edge Design.

- Met with a company representative from Rainmaker regarding phone and internet service to Padanarum Road regarding last mile rural broadband technologies. We presently are included in a demonstration grant application along with Thurman which has been submitted by Warren County EDC to NYS.

This is an interesting approach to the final mile of the road. If we can figure out some of the details it might have some application here as well as other areas of Bolton.

- Invasives: Addressed the LGPC Board along with Lake George Supervisor Dickinson at their last meeting in Queensbury regarding the need for speedy action regarding invasives. I advised them that a less than perfect plan of action was better than a perfect plan that comes too late. Since that meeting we have been informed that another invasive has found its way into Lake George. I have provided material to the Board regarding this new invasive called spiny water flea as well as the most recent Lake Stewards Report which documents that invasives continue to arrive at our Lake George launches. The new boat wash station is up and running at Norowal Marina and will be there for at least the month of August.

The strong position taken by this Board, Lake George, Queensbury and Hague has been important in their discussions in Albany with our State representatives and the Governor's Office.

- The Sewer Department is looking to revise its SPDES Permit. They are looking at a process called select plus to replace the alum process that is currently utilized. Chet Dagles is working on the details. We are hoping that this process is more efficient in dealing with some of the phosphate issues.
- With regard to the comment made about the DOS grant. Supervisor Conover stated that we did receive, 3 years later, a 2009 DOS grant application. He stated that he is currently reviewing it with Dave Decker. Dave has been sick so this has been around for about 90 days. The problem is that he is not convinced that the narration within the contract reflects the approved projects. He stated that he hopes to have this sorted out in the next month or two.

Old Business / Tabled Resolutions:

- Solar Project: Plot Plans provided to the Board, no more information at this time
- Allen's Way /Allen's Alley: Resolution of the Board (resolution under new business)

Supervisor Conover stated that he has not heard from the neighbors on this matter nor has he received any further information. Based upon that, it is his recommendation to authorize the Highway Superintendent to change the sign to Allen's Alley until some other name is agreed to. The property owner made a good point that the correct name is Allen's Alley.

- John Gramegna, 3841 Lake Shore Drive sound amplification permit (verbally revised request from 3 to two days: September 2, 2012 from 12:00 noon -10:00pm & September 3, 2012 from 12:00 noon to 6:00 pm, see resolutions under new business)
- 824 Trout Lake Road.

Counsel Muller stated that there is no new information at this time. There is a title issue that needs to be resolved by the seller. The buyer has already paid 100% of the purchase price.

New Business:

- Resolution establishing the Bolton Town Board as Lead Agency under SEQRA and evaluating and classifying the New Vermont Road Storm Water Improvement Project as a Type 2 Action under SEQRA, Part 617.5 sub section C, 2, as it is a reconstruction, replacement of an existing roadway structure and not requiring any further action under SEQRA. Further that any compliance with NYS DEC regulations will be covered under the Town of Bolton General Work Permit and or Town of Bolton Irene General Work Permit.

RESOLUTION #157

Councilman Maranville moved, seconded by Councilmember Bolton to establish the Bolton Town Board as Lead Agency under SEQRA and evaluating and classifying the New Vermont Road Storm Water Improvement Project as a Type 2 Action under SEQRA, Part 617.5 sub section C, 2, as it is a reconstruction, replacement of an existing roadway structure and not requiring any further action under SEQRA. Further that any compliance with NYS DEC regulations will be covered under the Town of Bolton General Work Permit and or Town of Bolton Irene General Work Permit. All in Favor. Motion Carried.

- Resolution accepting \$63,500 State Grant for storm water work on New Vermont Road and authorizing Supervisor to sign any and all grant agreements relating to this work.

Supervisor Conover stated that Carl Schoder is working up more detail on this grant. There was about \$30,000 additional resource for the project, it was approximately a \$90,000 project, half of which would come from the Highway and the other half would be a cash contribution from the Town. This is for the 36" culvert just above Don Pratt, it is significantly undersized and is causing a lot of problems with water run-off, siltation and damage.

RESOLUTION #158

Councilman MacEwan moved, seconded by Councilmember Bolton to accept \$63,500 State Grant for stormwater work on New Vermont Road and authorizing Supervisor to sign any and all grant agreements relating to this work. All in Favor. Motion Carried.

- Resolution authorizing the Supervisor to retain the professional service of Carl Schoder, Schoder Rivers Associates, PE for Engineering services related to the storm drainage project on New Vermont Road in an amount not to exceed \$8,300.

Supervisor Conover stated that this would allow Carl Schoder to get to work immediately on this project. He stated that we are considering going out to bid for the whole project and not use our crews because they already have a full schedule. Carl Schoder is the one who did the original hydraulic analysis which put them in a ready to go position for the grant.

RESOLUTION #159

Councilmember Bolton moved, seconded by Councilman Maranville to authorize the Supervisor to retain the professional service of Carl Schoder, Schoder Rivers Associates, PE for Engineering services related to the storm drainage project on New Vermont Road in an amount not to exceed \$8,300. All in Favor. Motion Carried.

- Resolution authorizing the Highway Superintendent to replace the street sign named Allen’s Way with one labeled Allen’s Alley.

RESOLUTION #160

Councilman Maranville moved, seconded by Councilman MacEwan to authorize the Highway Superintendent to replace the street sign named Allen’s Way with one labeled Allen’s Alley. All in Favor. Motion Carried.

- Resolution authorizing Supervisor to sign voucher with Wastequip and make payment subject to review and approval by the Town Attorney.

Counsel Muller stated that Wastequip seeks an assignment of rights received from your contract with United Services. United Services would be entitled to the check and they have assigned their rights verbally to Wastequip. He stated that he has drawn up a document between all three parties agreeing.

RESOLUTION #161

Councilman MacEwan moved, seconded by Councilman Maranville to authorize Supervisor to sign voucher with Wastequip and make payment subject to review and approval by the Town Attorney. All in Favor. Motion Carried.

- Resolution authorizing Supervisor to sign agreement with CSEA Local #857 for 2012 and 2013.

RESOLUTION #162

Councilman Maranville moved, seconded by Councilmember Bolton to authorize Supervisor to sign agreement with CSEA Local #857 for 2012 and 2013. All in Favor. Motion Carried.

- Resolution authorizing Muller & Mannix to defend on two Article 7 tax certiorari proceedings brought by C&S Wholesale Grocers and Frank Parillo challenging assessments at an hourly rate of \$200/hr as litigation.

Supervisor Conover stated that C & S Wholesale Grocers is the Grand Union.

RESOLUTION #163

Councilman Maranville moved, seconded by Councilmember Wilson to authorize Muller & Mannix to defend on two Article 7 tax certiorari proceedings brought by C&S Wholesale Grocers and Frank Parillo challenging assessments at an hourly rate of \$200 as litigation. All in Favor. Motion Carried.

- Resolution approving a sound amplification permit at the Conservation Park on August 11, 2012 from 6:00pm to 9:30pm.

RESOLUTION #164

Councilman Maranville moved, seconded by Councilmember Wilson to approve a sound amplification permit at the Conservation Park on August 11, 2012 from 6:00pm to 9:30pm. All in Favor. Motion Carried.

- Resolution approving a sound amplification permit for Home Place Corp., Sue Lambeth, 6480 Lake Shore Drive on August 11, 2012, 6:00pm to 10:00pm for guitar player and drummer.

RESOLUTION #165

Councilmember Bolton moved, seconded by Councilmember Wilson to approve a sound amplification permit for Home Place Corp., Sue Lambeth, 6480 Lake Shore Drive on August 11, 2012, 6:00pm to 10:00pm for guitar player and drummer. All in Favor. Motion Carried.

- Resolution regarding trucks parking overnight at Veterans Park for a Bolton wedding (Lewis family) scheduled for September 7-8, 2012.

Councilmember Bolton was concerned with the size and amount of trucks and she would like to have clarity. She stated that these tent trucks can be rather large. Supervisor Conover stated that they are looking for a couple days before and possibly a few days after. He stated that we could always set a limit on the number of trucks. We have had this in the past and this is an off season time frame. There was further discussion regarding limiting the number of trucks.

RESOLUTION #166

Councilman Maranville moved, seconded by Councilmember Bolton to allow for a maximum of 5 trucks for overnight parking in Veterans Park parking lot for the Lewis Family wedding held on September 7-8, 2012 and allowing those trucks to park a few days prior to and after those dates. All in Favor. Motion Carried.

- Resolution regarding sound amplification permit by John Gramegna, 3841 Lake Shore Drive, (verbally revised request from 3 to two days: September 2, 2012 from 12:00 noon -10:00pm & September 3, 2012 from 12:00 noon to 6:00 pm).

Supervisor Conover stated that this is for Sunday and Monday. Councilman MacEwan stated

that with the application the applicant indicates that this will only impact 3 people but if you look at the petition that the neighbors submitted there is a lot more than three. He stated that he does not agree with allowing him to have 16 hours. Councilmember Bolton stated that the applicant did scale back a few hours and a day. In looking at recent permits, we have allowed the permit to go to 10 but 10 hours is a long period of time. There was further discussion about the time frame and amount of time requested.

Councilman MacEwan stated that he received a phone call on this today and there are some serious concerns from other businesses in the area being affected by this.

RESOLUTION #167

Councilmember Wilson moved, seconded by Councilmember Bolton to approve the sound amplification for John Gramegna, 3841 Lake Shore Drive on September 2 and 3, 2012 from 1pm-6pm on each day. Councilman MacEwan opposed. All Others in Favor. Motion Carried.

- Danielle Parrotta permit request to hold her wedding ceremony at Roger's Park Gazebo on Saturday, September 22, 2012 for 60 people. No alcohol will be involved.

RESOLUTION #168

Councilmember Wilson moved, seconded by Councilman MacEwan to approve the request for Danielle Parrotta to hold her wedding ceremony on September 22, 2012 for approximately 60 people. All in Favor. Motion Carried.

- Resolution authorizing Town of Bolton sales tax receipts retained by Warren County for 2013 to be applied against the Bolton share of the County levy be set at \$650,000 and that quarterly withholding be in the following amounts: 1st quarter \$125,000, 2nd quarter \$140,000, 3rd quarter \$215,000 and 4th quarter \$170,000, equaling a total annual withholding amount of \$650,000. Further that said annual amount withheld by Warren County shall continue as herein specified in subsequent years unless modified by the Bolton Town Board.

Based on historical sales tax receipts, Supervisor Conover stated that we have been historically less. A couple years ago, when there was a significant change in the equalization rate, which created a significant reduction in our revenue at that time as well and that was born by the town budget. As a result of the revaluation, we are at 100% for equalization which will make our percent of the assessed value of the County go from 14.85 to 14.44% which will result in approximately \$96,000 that we would otherwise receive next year. If we are looking to make a change to reflect that, we would need to do that by September 1, 2012.

Zandy Gabriels stated that sales tax, County tax and town tax all need to be considered together. The Town tax pales in comparison to the sales tax implication for the Town budget or the Town's portion of the County budget. In the year 2010 they took back \$400,000 from the County to tax care of the Town budget at that time. He is not sure what that would have done to the County portion of taxes but last year the County Administrator failed to give reasonable time to participate with the equalization rates. If he had and the Town would have provided \$100,000 back to the County from its surplus it would have reduced the County tax from 4.5% to 2.7%. Now we are proposing to take a \$100,000 and you don't tell us what you think it will do with the

County tax. He does not agree that we should be moving the \$100,000 this year. Last year we did not use a lot of the sales tax which is building up the surplus. He feels that the same thing is going to happen this year.

Supervisor Conover stated that we increased the Highway account to replace 50 miles of road, culverts and bridges from \$200,000 to 300,000. That is not enough money to maintain 50 miles of road. Now we have an ambitious road program that we are trying to get into a certain level of activity. We have to have certain equipment and replace vehicles. Additionally, we are dealing with a cap of 2% and 2% on \$796,000 is less than \$16,000. This year we will be replacing 1 possibly 2 bridges on Padanarum, we have done Braley Hill Road and Trout Lake Road, from Route 9 to Potter Road. Next year we may be able to do Potter Hill Road from the top of Mohican to Valley Woods Road. Then we can begin to get on top of the road program with needed improvements.

Supervisor Conover stated that this is just like the issue with the Sewer and Water. The hill only gets steeper the longer you wait. You have a 4 million dollar operation, you have property tax levy of \$796,000 so unless you are prepared to go into the fund balance significantly, it becomes a structural problem for the budget. He stated that we are one of the only 2 municipalities that provide sales tax to the County to offset County tax. Supervisor Conover stated that the reval will result in a decline in the Bolton share of the County tax levy. He is trying to have a zero impact approach to both Town and County.

Supervisor Conover stated that this Board has been very prudent in its expenditures but we have needs that need to be met. We have infrastructure that needs to be attended to, health care costs and retirement costs are rising and he doesn't want to be looking at the property tax levy to find those revenues. He stated that if they have the additional \$100,000 at the end of the year, he knows that there are plenty of places to go with those dollars.

Supervisor Conover stated that this is the first year that the Water Department has broken even and has a fund balance. This year we are close to getting the same thing accomplished with the Sewer Department.

Supervisor Conover stated that he would rather take the \$100,000 hit and do the kind of things that the Board is looking to do. We could go into our fund balance but that becomes a structural problem and then we will be reducing the fund balance which could happen very quickly. Sales tax may continue to rise, or might rise to the levels that existed when Mr. Gabriels was Supervisor at 3.6 million dollars. However, let's not forget that it is now years later and increased costs across the board, from labor and equipment to health care and benefits.

Supervisor Conover stated that the Town levy is approximately 75 cents/\$1,000, which is something the Board should be proud of. The Boards have been diligent over the years but we also have to be careful. We have a good fund balance that could be lost quickly. In one year we went from 2 million dollars down hundreds of thousands of dollars.

Supervisor Conover stated that should we slip back into another recession, once you establish the dollar amount that the County retains all of that is then born on the Town budget. As budget

officer he feels that it is incumbent upon him to look at the big picture and make the difficult recommendation when it is needed; he does not make it lightly.

Supervisor Conover stated that if we are going to look to build a highway program that is somewhat representative of our responsibilities we cannot do that with a highway improvement account of \$200,000-300,000. It is not sufficient and we end up spending more out of our contingencies or fund balance. That is okay for this year but it is not a way to continue to conduct ourselves going forward. He stated that he would like to see the highway improvement fund increased again by another \$50,000 if possible.

Councilmember Bolton stated that we also have rising costs of the EMS as well. Supervisor Conover agreed that those costs have fallen completely on the Town budget. We doubled the EMS contribution already and that could go up even more. We have responsibilities and an obligation to the taxpayers to get things done.

Councilmember Bolton stated that with all of the rising costs, this is just planning and forward thinking. She stated that it seems like it is an aggressive approach but we need to look at it carefully and not get behind and end up doing this a few years down the road.

Councilman Maranville asked if this is more or less aggressive approach compared to the last time we did this. Supervisor Conover replied that at the time both he and Councilman MacEwan wanted to be more aggressive and he cautioned against it and only took enough to accommodate the change. That is what we did and what he is recommending now. Nothing prevents this Board from reversing itself and increase the allocation to the County.

RESOLUTION #169

Councilman Maranville moved, seconded by Councilman MacEwan to authorize Town of Bolton sales tax receipts retained by Warren County for 2013 to be applied against the Bolton share of the County levy be set at \$650,000 and that quarterly withholding be in the following amounts: 1st quarter \$125,000, 2nd quarter \$140,000, 3rd quarter \$215,000 and 4th quarter \$170,000, equaling a total annual withholding amount of \$650,000. Further that said annual amount withheld by Warren County shall continue as herein specified in subsequent years unless modified by the Bolton Town Board. All in Favor. Motion Carried.

- LG Kayak permit to use Veterans Park beach for lessons on August 14th from 10am-4pm.

Supervisor Conover stated that the LG Kayak Company has done this for a couple of years. They use the area south of the beach area. They have provided insurance coverage as well.

RESOLUTION #170

Councilman Maranville moved, seconded by Councilman MacEwan to approve the use of Veteran's Park beach area for a class and staging area on Tuesday, August 14, 2012 from 10am to 4pm for approximately 20 people. All in Favor. Motion Carried.

- Retain Services for Brian Reichenbach to act as special legal counsel in the new Lavender Article 78 proceeding and handle all violations in all matters relating to our code and

enforcement of our code, APA regulations, etc at a rate of \$200/hr plus reimbursement for reimbursable costs.

Counsel Muller stated that the Town is required to defend the Article 78. Additionally there are reoccurring circumstances and incidents that constitute complaints of alleged code violations above and beyond the Article 78 issue that need to be handled. He stated that he is conflicted out because he has sued him personally and Brian is doing an excellent job defending the first lawsuit that continues as well.

RESOLUTION #171

Councilmember Wilson moved, seconded by Councilmember Bolton authorizing Brian Reichenbach to act as special legal counsel to defend the new Lavender Article 78 proceeding and to prosecute all violations of statute, code, rule and regulation for the Town of Bolton concerning Lavender upon the agreed terms applied in other pending Lavender ligation, a rate of \$200.00/hour. All in Favor. Motion Carried.

Public in Attendance

Chris Navitsky, Lake George Waterkeeper, stated that there has been discussion about lifting the mats by August 15th. However it seems that they will be looking to remove the last mats the week of August 20th. Supervisor Conover stated that he will check with Dave Wick and if that needs to be revised he will do so. Chris Navitsky stated that they are starting their survey work next week as well.

Chris Navitsky stated that this Thursday they are holding the LGPC Invasive Species Management Plan Public Hearing from 2-4pm and then 6-8pm. There will be 4 stations set up with information regarding the invasive, impacts of invasive and what other communities and states are doing.

Transfers: No Transfers

Pay Bills: Motion to Pay Bills

RESOLUTION #172

Councilman MacEwan moved, seconded by Councilmember Bolton to approve payment of the following bills:

	Voucher	Amount
July Mid Abstract 7A		
General	796-800,802-809,811-813	\$3,384.32
Highway	262	16.54
Sewer	167-170	1,780.66
Water	145-146	1,344.36
Lights	801,810,814	300.39
Engineers	5	2,269.15

July Mid Abstract 7B

General	827	136.86
August Abstract		
General	721-795,815-826,828-871	75,232.52
Highway	244-261,263-277	60,868.95
Sewer	153-166,171-181	16,080.43
Water	134-144,147-157	10,222.76
Lights	866	3,047.75
Tourism	21-32	3,777.06
Conservation Club Special	5	156.00
Zoning Ordinance Update	7-8	6,462.39

Executive Session:

- Matters involving ongoing litigation

RESOLUTION #173

Councilman Maranville moved, seconded by Councilmember Bolton to adjourn to Executive Session at 9:28pm with no further business to be attended to. All in Favor. Motion Carried.

Adjourn:

Respectfully submitted by:
Patricia Steele
Town Clerk

Respectfully submitted by:
Kristen MacEwan
Minute Taker