

BOLTON TOWN BOARD

Call To Order: 7:00 pm

July 3, 2012

Regular Meeting:

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

Pledge: Susan Wilson (Please remain standing for moment of silence for Don Norton)

Sue Wilson also noted the Councilman MacEwan was absent due to the passing of his father.

Minutes: Approve Minutes of Town Board Meeting held June 5, 2012

**RESOLUTION #125**

Councilman Maranville moved, seconded by Councilmember Wilson to approve the minutes from the June 5, 2012 Town Board meeting. All in Favor. Motion Carried.

Convene as Board of Health

**RESOLUTION #126**

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

Public Hearing: Regarding a variance request by Daniel Daniger and Shelly Cromwell – 73 Coolidge Hill Road – Diamond Point, New York 12824 – Parcel ID#213.13-1-6. Variances being sought are 1. 100’ is required between the leach-field and the existing well – 85’ is being proposed & 2. Due to a percolation rate of 0 minutes 20 seconds, 200’ is required between the leach field and Edmunds Brook – 105’ is proposed.

- 1 SEQRA Environmental Assessment Finding
- 2 Resolution regarding variance request by Daniel Daniger and Shelly Cromwell – 73 Coolidge Hill Road – Diamond Point, New York 12824 – Parcel ID#213.13-1-6.

Dan Daniger stated the location of the leach field is away from the property line which draws it farther away from the neighbors’ surface well but puts it closer to his well. He chose this location because he was hoping to keep the privacy hedge and gooseberry trees

intact. With regard to the 200' variance he stated that when they dug the test pits they found a lot of gravel. He stated that Pam Kenyon indicated that if the water perc rate was too fast that they would have to amend the soil.

Dan Daniger stated that his house was built in 1840 so the foundation is dry laid stone. The distribution box is only 15' from the house which is too close. With the high water table last year he was getting methane gas backing into the basement. He stated that they are increasing the tank size to 1250 gallons and intend to move it a few more feet away from the house and the distribution box will be farther out from the house as well.

Supervisor Conover stated that by the time they meet the setback from the stream and well it doesn't leave much room. Dan Daniger stated that the variance is from his well which is 220' deep. He doesn't feel that the water would migrate towards his well; it would seem to flow toward the back garden and brook.

Supervisor Conover stated that the Town Engineer has reviewed and approved these plans. However he did suggest requiring the applicant to install a UV or chlorine disinfection system on the well water supply. Dan Daniger stated that he would prefer to use a UV system.

There were no comments from the public in attendance. Supervisor Conover closed the public hearing.

Supervisor Conover reviewed the SEQRA form specifically Section C as follows:

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

1. Existing air quality, surface or ground water quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion drainage or flooding problems? No.

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

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

4. A community's existing plans or goals as officially adopted or change in use or intensity of use of land or other natural resources? No.

5. Growth, subsequent development or related activity likely to be induced by the proposed action? No.

6. Long term, short term, cumulative or other effects not identified in C1-C5? No.

7. Other impacts including changes in use of either quantity or type of energy? No.

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

E. Is there, or is there likely to be, controversy related to potential adverse environmental impacts? No.

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

### **RESOLUTION #127**

Councilmember Wilson moved, seconded by Councilman Maranville to declare the Bolton Board of Health as lead agency for the application by Daniel Daniger and Shelly Cromwell for septic variance. All in Favor. Motion Carried.

### **RESOLUTION #128**

Councilmember Wilson moved, seconded by Councilman Maranville that the applicant's SEQRA submission and our analysis of the issues presented satisfactorily demonstrates that there are no significant environmental impacts or concerns and the applicant has demonstrated by clear and complete responses to issues cited in the SEQRA questionnaire; and

Upon all information reviewed by this lead agency and its SEQRA analysis including a thorough hard look and consideration of the applicant's entire submission; and

Upon all Board and public comments received it is appropriate in the opinion of this lead agency to make a finding that the proposed action will result in no adverse environmental impacts and that any identified adverse environmental impacts will not be significant or where identified are sufficiently mitigated by virtue of the conditions imposed in granting approval and that the Town Board declare a negative declaration for the SEQRA application.

Having declared ourselves as lead agency on this application and having made a negative SEQRA declaration, approve this application as presented with the following condition:

1) that the applicant installs a UV disinfection system on his well water supply.

All in Favor. Motion Carried.

**Public Hearing:** Regarding a variance request by Gary and Mary Caravella, 144 Rose Haven Road, Somers, CT 06071 for Parcel ID# part of 200.14-1-10, 145 Cotton Point Road. Variance is being sought for holding tank which is considered an *unconventional system* requiring a variance.

- 1 SEQRA Environmental Assessment Finding
- 2 Resolution regarding variance request by Gary and Mary Caravella, 144 Rose

Haven Road, Somers, CT 06071 for Parcel ID# part of 200.14-1-10, 145 Cotton Point Road.

**RESOLUTION #129**

Councilmember Wilson moved, seconded by Councilman Maranville to declare the Bolton Board of Health as lead agency for the variance application by Gary and Mary Caravella for a septic variance. All in Favor. Motion Carried.

Tom Hutchins stated that the applicants have approximately 70' of property from shoreline to rear parcel line. There is no geometric means to install a system and maintain the required 100' lake setback. The Caravellas have been before the ZBA to request a variance to allow them to rebuild the residence and part of that plan is to install a system of holding tanks. The Town Engineer has reviewed and provided his comments which reiterated the point that there are no feasible means to install any conventional or alternative system on the property.

Councilmember Wilson stated that the Town Engineer suggested a warning alarm. Tom Hutchins stated that he has since modified the alarm settings per his comment. Supervisor Conover stated that based on subsurface conditions they are prepared to expand the tanks. Tom Hutchins explained that ideally the applicants want to install a 4,000 gallon tank system; 3,000 gallons is the minimum which is what is being proposed. It is their intention to install the 4,000 gallon provided the field conditions allow it.

Zandy Gabriels asked if there will be any conditions for the frequency of pumping other than when necessary. He stated that there are many holding tanks out there and he does not know if they have put conditions about having it verified every 3 years that it has been pumped out. Supervisor Conover stated that these systems now have settings that can be set to cut off when it reaches a certain capacity. Tom Hutchins stated that there are alarm settings; a high level alarm and a shut off alarm that will disable the water supply to the house before it can overflow. Assuming any use, the holding tanks will be pumped numerous times during the year.

There were no further comments from the public in attendance. Supervisor Conover closed the public hearing.

Supervisor Conover reviewed the SEQRA application specifically Section C as follows:

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

1. Existing air quality, surface or groundwater quality/quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? No.

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

3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? No.
4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? No.
5. Growth, subsequent development, or related activities likely to be induced by the proposed action? No.
6. Long term, short term, cumulative or other effects not identified in C1-C5? No.
7. Other impacts including changes in use of either quantity or type of energy? No.

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

E. Is there, or is there likely to be, controversy related to potential adverse environmental impacts? No.

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

### **RESOLUTION #130**

Councilmember Wilson moved, seconded by Councilman Maranville that the applicant's SEQRA submission and our analysis of the issues presented satisfactorily demonstrates that there are no significant environmental impacts or concerns and the applicant has demonstrated by clear and complete responses to issues cited in the SEQRA questionnaire; and

Upon all information reviewed by this lead agency and its SEQRA analysis including a thorough hard look and consideration of the applicant's entire submission; and

Upon all Board and public comments received it is appropriate in the opinion of this lead agency to make a finding that the proposed action will result in no adverse environmental impacts and that any identified adverse environmental impacts will not be significant or where identified are sufficiently mitigated by virtue of the conditions imposed in granting approval and that the Town Board declare a negative declaration for the SEQRA application.

Having declared ourselves as lead agency on this application and having made a negative SEQRA declaration, approve this application as presented. All in Favor. Motion Carried.

Reconvene as Bolton Town Board

### **RESOLUTION #131**

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

Public in Attendance:

Hal Heusner, Chairman of the Town of Bolton LWRP Committee & Tracey Clothier, the LA group, update on planning policies and recommendations.

Hal Heusner stated that the LWRP is the Local Waterfront Revitalization Plan. There was a committee formed last year made up of 12 Bolton citizens, Tony Bustamante, Henry Caldwell, John Famosi, Phil Farbaniec, Chris Gabriels, John Gaddy, Tom Guay, Harold Shippey, Matt Slaughter, Sue Wilson, Ron Conover and himself along with their consultant Tracey Clothier. They started their meetings in September of 2011 and have had 13 meetings so far. They have taken a look at the areas in the Town of Bolton with regard to land use, recreation, transportation, natural resources, economic development, community life and infrastructure. This plan will update the 2002 LWRP document that was put forth at that time. The committee has put together several recommendations and projects that they would like to call to the attention of the Town Board.

Tracey Clothier stated that the LWRP ended up being rather big and she is still working on it. It is comprised of 9 maps that focus on the issues in Bolton. She provided an example of one such map which is called water quality and invasive species. It maps all the known milfoil sites, Asian clam sites, water quality testing sites, etc. These maps identify areas which need to be addressed.

Tracey Clothier stated that they have finished the project and it is now time to review. She provided the recommended projects to the Board to review. She stated that she would like them to review the document over the next month and declare it complete at the next meeting so that she can send it to the DOS for formal review. Once it is returned from the DOS, which will take several months, the TB will need to formally adopt the plan. She stated that she will be putting it on the web so that people can review it and provide feedback.

Tracey Clothier provided the TB with a copy of section 4 which are the projects that were selected; there are approximately 50-60 projects. She stated that the entire document will be provided as soon as it is completed.

Councilmember Wilson stated that in addition to the 13 meetings they also had 3 public hearings in preparation of the document. The 12 members of the committee broke down into subcommittees. There was a lot of effort put into this by a lot of people. She wanted to express her appreciation for that and especially to Hal Heusner. She stated that Hal Heusner was not just part of this committee but he was the Chairman and kept them on track.

Tracey Clothier stated that this is a complicated process. When it is formally adopted it becomes part of the planning and it sets the framework for the rest of the work the Town

will do over the next 20 years.

Supervisor Conover asked when it will be available for the public to review online. Tracey Clothier replied that she anticipates it being available within 10 days. Councilmember Wilson added that the public can make comments via the internet, contact Tracey Clothier or herself. She asked that the Board members review the plan and provide comments back to them so they can send it off to DOS.

Supervisor Conover thanked Tracey Clothier and Hal Heusner for their hard work.

Zandy Gabriels congratulated Hal Heusner, Tracey Clothier and the LWRP committee for their hard work. He stated that he had an opportunity to submit a few project ideas in which the committee was kind enough to adopt a few. Zandy Gabriels stated that he has not looked at the project list but there was one issue and topic that concerns him with regard to the aquatic and invasive species issue. One of the things that they will require from a managerial or scientific point of view is a better understanding of the topography and vegetation of the near shore areas that lie within the Town. For example how far out do we hit the 20' depth mark, what sort of soil conditions exist throughout the lake, how much vegetation versus rock, clay, etc. They have maps that were generated by the Darin Freshwater Institute in the late 1970's however they only went to the 5 meter or foot contour. When dealing with the various aquatic and invasive species that they have it is not refined enough to understand the various potential sites for invasive species growth. He is suggesting it be added to the project list if it is not already there because it is difficult enough to get grants and funding when it is on the list and wouldn't want to make it any more difficult.

Zandy Gabriels stated that he commended the re-enactment weekend. He stated that everyone seemed to really enjoy the event and hopes that they come back again next year. The only problem was the PA system; it was difficult to hear clearly throughout the entire park. The Town does not have a PA system to reach to the bandstand, park and pier. He feels that it would be worth the investment for the technology.

Correspondence:

- Richard N. McCarthy, Environmental Capital, LLC regarding refinancing of Municipal Bonds and possible debt service savings.
- Edward J. Corcoran Jr., sound amplification permit, The Great Magua, 260 South Trout Lake Road, tax map # 199.00 -1-38: request 1pm to 12, on August 4, 2012.
- Adirondack / Glens Falls Transportation, Safe Routes to School Workshop, July 23, 2012 at 2:00pm, Crandall Library.
- Melinda Diver, 1233 York Ave., NY, NY , Use Permit Notification, Veterans Park for reception for out of town guests on October 19, 2012, 6:30-930 pm.
- Tim Larson, the LA group, Professional Service Work Program and Contract for new docks at Veterans Park.
- Ted Caldwell, 304 Edgecomb Pond Road, sound amplification permit request for September 28, 2012, at the Conservation Recreation Park from 8:00 – 11:00pm.

- Ted Caldwell, 304 Edgecomb Pond Road request for sound amplification permit at 254 Potter Hill Road on September 29, 2012 from 8:00-11:00pm.
- Ted Caldwell, 304 Edgecomb Pond Road request for Sound Amplification Permit on July 28, 2012 from 8:00-11:00pm at 4860 Lake Shore Drive (minimal amplification).
- Bob Risman, Golden Sands correspondence regarding remarks by staff at the Bolton Chamber and travel tourism website policy, & FOIL request (all correspondence provided by the Town Clerk per sender request to Board).
- NYS DEC notification that DEC is developing regulations to provide a process and guideline to follow if a modification or extinguishment of a DEC easement is warranted.
- Armand Canestraro, Past Commander, Power Boat Squadron notifying the Town that the three fire pedestals have arrived.
- Association of Towns, 2012 Planning and Zoning Summer Schools schedule.
- John S. Mucha, Director of Governmental Relations, Time Warner Cable regarding possible changes in programming and services.
- NYS Office of Property Tax Services notification of tentative Equalization Rate for Bolton of 100% and the estimated change in full value from last year is -6.5%.
- John Gramegna East Glastonbury, CT regarding sound amplification permit for 3841 Lake Shore Drive for September 1, 7:00 – 11:00 pm, September 2, 12pm to 12:00am and, 3, 12-6:00pm, for family reunion and grand opening.
- Ed Foy Jr. regarding sound amplification permit at 15 Allen Way on July 6, and 7, 2012 from 5:00-10:00pm.
- Margaret Sing Smith, Warren County Youth Bureau regarding matching funds in the amount of \$400 to Bolton Youth Recreation Program.
- Michael Muller, Town Attorney regarding instructions to Town Police relative to Civil Disputes.
- Danielle Breault, PO Box 747, Bolton regarding use of TruGreen ChemLawn products and their danger to public health and that they and like products should be banned in the Lake George Watershed.
- Stuart Smith, 4966- 4970 Lake Shore Drive, Fredericks Restaurant, sound amplification permit request for 5/27, 6/3; 6/10, 17, 24, 7/1, 8,15,22,29; 8/5, 12,19,26, 2012 from 5-9:30pm (2 musicians).
- Nathan C. Bull PE email regarding assistance with waste water treatment performance services.
- Donna Cirolia, VP Regional Public Affairs and Communications, NE for Coca Cola refreshments regarding NYS Department of Health proposed restrictions of sugar-sweetened beverages and fact concerning industry education and programs.
- Debra LaBelle, Chief Consumer Outreach and Education office, NYS Department of Public Service regarding use less energy save more green campaign (posters).
- Barbara Childress on behalf of Sunrise Shores Association thank you note for use of Bolton Town Hall.
- R. Waller email regarding photos and possible violations at the Lavender property, 18 Skyline Drive and APA permit 85-85 which he states may not have been recorded and requesting that the Town investigate these matter and provide a timely response relative to these issues.



- Jay McBain, Highland resident, submitting an inquiry form and seeking information. Supervisor Conover stated that it should be looked into. Counsel Muller agreed. Supervisor Conover asked Sue Wilson to coordinate a review of this issue. He stated that he would like to authorize Counsel Muller to speak with the APA look into these requests. The Board agreed.

- Kelly O'Neil-Teer, Serendipity Boutique, thank you letter to the Town Board for their support and assistance relative to the encampment.

Supervisor Conover stated that this was an incredible affair and thanked Kelly O'Neil-Teer for spear-heading this with the Chamber. He also thanked the Chamber for all of their work as well. He hopes that it will become an annual event.

#### Committee Reports:

##### **Councilman Robert MacEwan**

Sewer Dept- Took in 4,996,630 gallons of wastewater, an average of 166,554 gallons/day. Monthly samples are done, DMR's mailed. They put a new jack on the sewer jet, new sensor in the gas detector and calibrated. They cut brush up the road to the sewer plant. All beds are dry except the one in use. Had one manhole at north station repaired. Fixed totalizer twice due to plug-ups. Put new belt on lawn tractor. New teeth on bed rake. Had phosphate violation for June samples. Allowed 1 mg and I had 1.26, DEC was called. Doing a lot of mowing and weed whipping. Hauled 64,000 gallons of liquid sludge. Having a lot of problems with John Deere Tractor and it is affecting the sand beds. Greased trickling filter.

Transfer Station- Total receipts for the month is \$7,984. Spring clean-up cards total \$4,094. Talked to Jim Maddison and as soon as we have a delivery date, she will set up containers with Waste Management. We will need numerous containers for garbage and will need a loader to put garbage in when containers get too full. We also need to address the floor where the compactor motor was. The part of the floor is very weak and it is a danger to walk on it. The compactor motor was very heavy and it did weaken the floor. Doug Wholey did a great job on the brush pile. The bottle situation is getting out of hand; we have almost filled up one bay in the highway building, have we got somewhat of a plan for them, maybe the food pantry or the health committee, we need to make a plan for them before we invade the highway buildings. She asked if they would like to send another 30 yds of tires? We have been putting them in the garbage but they keep building up.

##### **Councilman Owen Maranville**

Police- They patrolled 3,009 miles and used 263 gallons of fuel. A list of calls answered is available for review.

Bolton Police provided finish line assistance for the Adirondack Runners for the annual Adirondack Distance Classic. They provided emergency response standby for the Centurion Cycling Bike Race. They also provided traffic control for the North Country Riding magazine's benefit Motor Cycle Rally. He welcomed new Court Officer Richard Kober, he will take over the local Court responsibilities and occasional patrol duties.

Assessor- The computer files were kept up with deed transfers and address changes. We now have a total of 46 arms length sales from July 1<sup>st</sup> 2011. This is an increase of 12 sales compared to the same time last year. The new assessments have been very close to the recent sale prices. During June, Dave made changes ordered by the BAR; notices of determination were sent out to each of the 86 owners of property that grieved their assessments this year. Dave Rosebrook expects a small number to proceed with SCAR or even an Article 7 Tax Certiorari proceeding. On June 19<sup>th</sup>, Dave Rosebrook attend the WC Assessors meeting in Hague, one topic of interest was that of establishing a policy for merging property when requested by property owners. The computer file was taken to the County on June 20<sup>th</sup> for the processing of the final assessment roll. The roll was officially filed with the Town Clerk on July 1<sup>st</sup> as required by law. During July Dave plans to submit a multi-year assessment plan and file one with the State for maintenance.

Highway- Work on Potter Hill Road replacing culverts and digging out big rocks. Had dangerous tree removed on Bixby Road. We are now sweeping three days per week because of a business owner's request. Working with WC Soil and Water to possibly get a free culvert for Padanarum Road. Keeping dirt pushed over at new soccer field. Mowed one pass on sides of all Town roads.

Justice Courts- Hon. Harry Demarest took in \$5,775 and Hon. Edward Stewart took in \$3,346. Total monies forwarded to the Town amounted to \$9,121. There are itemized lists in the Court for review. Annette wished everyone a Happy Independence Day.

### **Councilmember Susan Wilson**

Code Enforcement Officer- Has issued a 23 page report for June covering 32 site visits, a copy of which is available for anyone interested.

Library- On Tuesday July 10<sup>th</sup> the Library will hold an Open House from 5:00-7:30pm. Get a tour of the facility and share in the snacks that will be provided. The Library will hold its Annual Book Sale on Friday, July 27<sup>th</sup> and Saturday, July 28<sup>th</sup> from 9:00am to 8:00pm and on Sunday July 29<sup>th</sup>.

Seniors- The Bolton Seniors meet each Wednesday morning at 10:15. Their business meeting is the first Wednesday of the month. This month they will meet on Thursday the 5<sup>th</sup> due to the holiday. NOTE: 10:15 is a newly scheduled time for their meetings having been changed from 10:30. All future meetings will be at 10:15am.

July 5<sup>th</sup>-Business Meeting at 10:15am. Lunch will follow at the meal site.

July 11<sup>th</sup>- Mini Golf at Bons in Lake Luzerne, Lunch to follow at Molly's Mason Jar.

July 19<sup>th</sup>- Youth Theater- Legally Blonde- 9:30am @Lake George HS. Cost is \$15. Lunch TBD. Call Wilma (x -2585).

July 25<sup>th</sup>- Ogdensburg to visit the Remington Art Museum and a tour of the site of the War of 1812 Battle of Ogdensburg. Lunch and then to the Wild Center at Tupper Lake. Dinner on your own in Lake Placid. Cost: \$60 for Bolton residents. Leave from Senior Center at 7:15am.

Or

Hudson Valley- Cruise on the Hudson from Poughkeepsie to the Rockefeller Estate, Kykuit, in Sleepy Hollow. Lunch prepared at the Culinary Institute will be served during the cruise. Leave from Queensbury at 7:45am. \$60 to Bolton residents.

July 26<sup>th</sup>- Youth Theater- Suessical- 9:30am at Lake George HS. Lunch TBD. Call Wilma (x-2585), cost is \$15.

#### Supervisors Report:

- Receipts: \$1,454,187.80
  - Disbursements: \$1,558,324.35
  - Sales Tax: Up 4.7% year over year for May
  - Discussions with NYS DOT and County regarding signage on Rt. 9N.
- Supervisor Conover stated that he is looking at signs that will display how fast people are traveling. There may be a number of other things that we may want to look at as well. That section of 9N will never be perfectly safe but he feels that we should do what we can to make it safer. He has also spoken to the County Sheriff relative to this issue as well. Supervisor Conover stated that he has been receiving a lot of complaints on Mohican Road as well, in terms of speed. He stated that the County has a portable sign and we may want to consider putting it on Mohican.
- Bolton Fireworks, 4th of July, Rogers Park starting at 7pm (DJ, Glo Sticks, raffle baskets, face painter, juggler/stilt walker and of course fantastic fireworks) Big thanks to the Bolton Business Council and all those volunteers that make this such a memorable event.
  - Meeting with Blessed Sacrament representatives regarding Town agreement on parking adjacent to Church similar to the existing agreement on the lot off of Goodman Avenue.
  - Request by Mike Arnstein for a foot race around Trout Lake on August 24-26, 2012. This has been referred to WC Tourism and the LG Activities Coordinator to meet with Mr. Arnstein to better determine his needs and nail down any public safety issues that might exist.
  - New transfer station compactor is being built and we would expect delivery and installation sometime this month.

Supervisor Conover thanked the Town of Queensbury for helping us in the preparation of the specifications on this.

- Report on Town Internet Site activity: 24,264 visits and 105,884 page views, 567,727 hits.

Supervisor Conover stated that he was pleased to see the usage for a municipal site. He stated that it speaks well for the people that work so hard on making the site what it is, especially Kate Persons and Willie Bea McDonald.

- Dead Tree on Bixby Road taken down by the Town, declared urgent work by Tim

Coon, Highway Superintendent, determined we killed the tree, over 50% of the root system, when we installed underground storm water drainage systems.

- Bolton Crossroads June 16 & 17, wonderful new event: Big thank you to Bolton Chamber and volunteers.
- Specification for Court resurfacing at Rogers Park are being prepared and should be completed shortly for work to take place this Fall.
- We did meet with the LA Group and representatives of the Bolton Chamber to make sure our application for Rogers Parking funding, application will be submitted per Board resolution.
- Appeals Court Ruling, Lake Placid, Town of Elba, Town has say over boathouses. Supervisor Conover stated that it might have some relationship to the recent Judge Krogmann decision on Lake George. There might be differences between the 2 lakes. He stated that he has spoken with Dennis Dickinson, Lake George Supervisor, who has indicated that he has passed it along to their Town Attorney to look at it. Supervisor Conover asked if Counsel Muller could speak with Lake George Counsel about this matter.

Counsel Muller stated that he has read ruling. In the final analysis, they have re-written the law in the appellate division about who has jurisdiction, yet if you carefully read this opinion it does not pertain to Lake George because it is a sovereign lake owned by the State. The bottom line is that it does not pertain to Lake George. Supervisor Conover stated that perhaps they should ask the State to make it apply to Lake George.

- 5 mph and no anchoring in Boon Bay, will need to be extended for some period of time. Some mats will need to be maintained longer and it will stay in effect until they are removed.

#### Old Business / Tabled Resolutions:

- Solar Project: Joe Maden, Edge Design and Consulting was in Bolton on Friday, June 29th to survey sites relative to new program requirements (Joe indicated they expect to hear on Federal programs by October of this year, in the meantime we will try to put a project proposal together new NYSERDA regulations now allow municipal solar projects to double output within their funding program.
- Allen's Way /Allen's Alley
- 824 Trout Lake Road-

Counsel Muller stated that there is an attorney that represents the Estates who has 100% of the money from the purchaser and the purchaser is ready to complete that transaction as soon as they can get good title. He stated that they are not pushing it because the new owner was a complainant on this issue originally. Once they become the owner they will do what they please with that property and he feels that it will be solved by the new owner.

#### New Business:

- Resolution authorizing Supervisor to enter into Contract with the LA group for professional services relating to new docks at Veterans Park.

### **RESOLUTION #132**

Councilman Maranville moved, seconded by Councilmember Wilson to authorize the Supervisor to enter into Contract with the LA Group for professional services relating to new docks at Veterans Park. All in Favor. Motion Carried.

- Resolution approving standard work day resolution for elected officials: Cheryl Bolton, Robert MacEwan and Edward Stewart based on a record of activity and that said resolution be reported by the Town Clerk to the NYS Retirement System.

Supervisor Conover stated that this is required every time they have newly elected officials. Those who wish to participate in the NYS Retirement System have to prepare a record of activity which is used to determine their percentage of involvement in the retirement system.

### **RESOLUTION #133**

Councilmember Wilson moved, seconded by Councilman Maranville to approve standard work day resolution for elected officials: Cheryl Bolton, Robert MacEwan and Edward Stewart based on a record of activity and that said resolution be reported by the Town Clerk to the NYS Retirement System. All in Favor. Motion Carried.

- Resolution authorizing SPEDES, copper sulfate application permit to NYSDEC, for permit for annual control of algae at Edgecomb Pond including retaining services of Adirondax Service, 1169 RT 9, Schroon Lake License ID # C5658193.

### **RESOLUTION #134**

Councilmember Wilson moved, seconded by Councilman Maranville to authorize SPEDES, copper sulfate application permit to NYSDEC for permit for annual control of algae at Edgecomb Pond including retaining services of Adirondax Service, 1169 Rt 9, Schroon Lake License ID#C5658193. All in Favor. Motion Carried.

- Resolution authorizing Town Board Planning Liaison to approve attendance at 2012 Planning and Zoning Summer School.

### **RESOLUTION #135**

Councilman Maranville moved, seconded by Councilmember Wilson authorize Town Planning Board Liaison to approve attendance at 2012 Planning and Zoning Summer School. All in Favor. Motion Carried.

- Resolution regarding request by John Gramegna East Glastonbury, CT regarding sound amplification permit for 3841 Lake Shore Drive on September 1, 7:00 – 11:00 pm, September 2, 12pm to 12:00am and, 3, 12-6:00pm, for family reunion and grand opening.

Councilman Maranville stated that there are a lot of resorts in this area and this is at the tail end of the season. Supervisor Conover stated that he is not supportive of 3 consecutive days. Councilman Maranville stated that he would be comfortable going to 10pm each night but not beyond that. Councilmember Wilson suggested telling the

applicant that the Board is not comfortable with this proposal and to come back with another proposal of less days or less hours. Councilman Maranville agreed.

**RESOLUTION #136**

Councilman Maranville moved, seconded by Councilmember Wilson to table the application from John Gramegna for sound amplification permit. All in Favor. Motion Carried.

- Resolution regarding request by Ed Foy Jr. regarding sound amplification permit at 15 Allen Way on July 6, and 7, 2012 from 5:00-10:00pm.

**RESOLUTION #137**

Councilman Maranville moved, seconded by Councilmember Wilson to approve sound amplification permit for Ed Foy Jr at 15 Allen Way on July 6 and 7, 2012 from 5:00-10:00pm. All in Favor. Motion Carried.

- Resolution authorizing Supervisor to sign funding award application to Warren County Youth Bureau relating to matching funds in the amount of \$400 to Bolton Youth Recreation Program.

**RESOLUTION #138**

Councilman Maranville moved, seconded by Councilmember Wilson to authorize the Supervisor to sign funding award application to Warren County Youth Bureau relating to matching funds in the amount of \$400 to Bolton Youth Recreation Program. All in Favor. Motion Carried.

- Resolution regarding request by Stuart Smith, 4966, 4970 Lake Shore Drive, Frederick's Restaurant for a sound amplification permit request for 5/27, 6/3; 6/10, 17, 24, 7/1, 8,15,22,29; 8/5, 12,19,26, 2012 from 5-9:30pm (2musicians).

**RESOLUTION #139**

Councilmember Maranville moved, seconded by Councilmember Wilson to approve sound amplification permit for Stuart Smith at 4966-4970 Lake Shore Drive, Frederick's Restaurant for 5/26/3, /10, 17, 24, 7/1, 8, 15, 22, 29; 8/5, 12, 19, 26, 2012 from 5-9:30pm. All in Favor. Motion Carried.

- Resolution regarding a request by Ted Caldwell, 304 Edgecomb Pond Road, for a sound amplification permit request for September 28, 2012, at the Conservation Recreation Park from 8:00 – 11:00pm.

**RESOLUTION #140**

Councilmember Wilson moved, seconded by Councilman Maranville to approve sound amplification permit for Ted Caldwell at 304 Edgecomb Pond Road for September 28, 2012 at the Conservation Recreation Park from 8:00-11:00pm. All in Favor. Motion Carried.

- Resolution regarding a request by Ted Caldwell, 304 Edgecomb Pond Road request for sound amplification permit at 254 Potter Hill Road on September 29, 2012 from 8:00-11:00pm.

**RESOLUTION #141**

Councilmember Wilson moved, seconded by Councilman Maranville to approve sound amplification permit for Ted Caldwell at 254 Potter Hill Road on September 29, 2012 from 8:00-11:00pm. All in Favor. Motion Carried.

- Resolution regarding a request by Ted Caldwell, 304 Edgecomb Pond Road for a Sound Amplification Permit on July 28, 2012 from 8:00-11:00pm at 4860 Lake Shore Drive (minimal amplification).

**RESOLUTION #142**

Councilmember Wilson moved, seconded by Councilman Maranville to approve sound amplification permit for Ted Caldwell at 4860 Lake Shore Drive on July 28, 2012 from 8:00-11:00pm. All in Favor. Motion Carried.

- Resolution authorizing Supervisor to research the purchase of speed signs for Route 9 and Mohican Road and discuss expansion of 30mph zone on route 9 with NYS DOT.

Supervisor Conover stated that we need signs in a few places. Additionally, he would like to discuss, with NYS DOT, moving the 30 mph back in the northbound lane. He feels that moving it back any distance is advisable to give people more time to decelerate before they come to the top of the hill where there is a lot of activity. Councilman Maranville suggested looking at moving the 30 mph back to Huddle Bay Road. Supervisor Conover stated that he would like to take a look around at other Towns that are using these signs and get more details regarding type and cost to bring back to the Board.

**RESOLUTION #143**

Councilman Maranville moved, seconded by Councilmember Wilson to authorize the Supervisor to research the purchase of speed signs for Route 9N and Mohican Road and discuss expansion of 30mph zone on Route 9N with NYS DOT. All in Favor. Motion Carried.

- Resolution authorizing Supervisor to sign memorandum of agreement with CSEA Local 857.

Supervisor Conover stated that he would like to leave this on the table because he would like to have an Executive Session to discuss it further.

**RESOLUTION # 144**

Councilman Maranville moved, seconded by Councilmember Wilson to table this.

Councilmember Wilson stated that this afternoon they received an email from Mark Bernstein, owner of Camp Walden, who invited the community up to Camp Walden for fireworks at the camp on July 5<sup>th</sup> at 9:30pm.

**Public in Attendance**

Hal Heusner stated that tomorrow is Fourth of July and reminded the community to thank and remember our men and women who are serving or have served in the armed forces.

George Froehlich asked if there was any movement on the Allen's Alley/Allen's Way issue. Supervisor Conover stated that there has not been any action because he had hoped that the two property owners could get together on this, but that has not happened. He stated that based on the material he has seen it is supposed to be Allen's Alley and it should be changed back. He cannot find any legislation that changed it to Allen's Way. He would need the consensus of the Board and purchase a sign to replace the one that's there. George Froehlich stated that all of his legal documents indicate it is Allen's Alley. Supervisor Conover stated that some of the property tax records say Alley some say Way and some say both. Supervisor Conover stated that he had hope that the neighbors could work it out and asked to table it until they do so. George Froehlich replied that would be okay.

With regard to the Town of Elba lawsuit, Zandy Gabriels stated that he thinks it is a great idea to try to get Lake George out of the sovereign ownership. However that is an uphill battle. He feels that it is more important for the Town to take action on trying to get amendments to the navigational law so that kayaks, canoes and shells are classified appropriately as vessels so that the next time those types of vessels get run over by unseen bigger vessels there can be legal action taken against the driver of the bigger vessel.

With regard to sovereign immunity, Zandy Gabriels stated that he thinks it is great, the State ought to be fully cognizant of the fact that they own the bed of the lake. Therefore it would be most just for the Town and County to ask the State to clean up the invasive species that are on their property rather than have the cost fall to the local agencies. The State has taken no stance, nor have they been willing to provide any significant financial contributions to clean up, nor have they told them they shouldn't clean it up. He feels that if they are sovereign, they own it and are responsible for it. Zandy Gabriels stated that this could also be applied to the invasive land species such as the Emerald Ash Borer beetles that are traveling from State owned land to adjoining land owners land. They need to take responsibility for cleaning up their own land.

Zandy Gabriels stated that he did agree with the removal of the tree at the Bixby access road. He stated that this is one of many access points in Bolton to the lake. These access points do not allow swimming but they also don't prohibit it. He stated that he is concerned that the DOH will be creating trouble as they have done in Diamond Point. He stated that 20 years ago the Town asked DOH about these access points and they let them lie. He stated that he would hope that they continue to let it lie.

Transfers: Motion to Approve Transfers

**RESOLUTION #145**

Councilmember Wilson moved, seconded by Councilman Maranville to approve the following transfers:

**TRANSFERS FOR JULY 2012**

**TO:**

**FROM:**

**AMOUNT:**

Bolton Town Board Meeting  
July 3, 2012





**RESOLUTION #148**

Councilman Maranville moved, seconded by Councilmember Wilson to adjourn Executive Session and return to the regular Board meeting at 9:16 pm. All in Favor. Motion Carried.

CSEA

**RESOLUTION #149**

Councilmember Wilson moved, seconded by Councilman Maranville to authorize the Supervisor to sign Memorandum of Agreement with CSEA Local 57. All in Favor. Motion Carried.

Adjourn:

**RESOLUTION #150**

Councilmember Wilson moved, seconded by Councilman Maranville to adjourn the meeting at 9:18pm. All in Favor. Motion Carried.

Respectfully submitted by:  
Patricia Steele  
Town Clerk

Respectfully submitted by:  
Kristen MacEwan  
Minute Taker