

BOLTON TOWN BOARD

Call To Order: 7:00 pm  
Pledge: Robert MacEwan

September 4, 2012

Regular Meeting:

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

Minutes: Approve Minutes of Town Board Meeting held August 7, 2012

Supervisor Conover had the following corrections:

1. Page 4, last paragraph, Robert Schuett owner of 107 Pioneer Village Road.
2. Page 17, it should read Mohican and Potter Hill to Trout Lake Road.

**RESOLUTION #174**

Councilman Maranville moved, seconded by Councilmember Wilson to approve the Minutes of the Town Board meeting held August 7, 2012 as corrected. All in Favor. Motion Carried.

Convene as Board of Health

**RESOLUTION #175**

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

Public Hearing:

• Variance application by Donald Roessler – P.O. Box 464 – Bolton Landing - New York 12814 - Parcel ID#186.14-1-48 - Property Location: 4647 Lake Shore Drive.

- 1) Section 3.030 Table I – Horizontal separation of absorption field to the dwelling: 20 ft. is required – 14.2 ft is proposed.
- 2) Section 3.030 Table I – Horizontal separation of septic tank to the dwelling: 10 ft. is required – 7 ft is proposed.
- 3) Section 3.030 Table I – Horizontal separation of distribution box to the dwelling: 20' is required – 18 ft. is proposed

4) Section 3.030 Table I – Horizontal separation of pump pit to water service line: 10' is required – 7 ft. is proposed.

5) Section 3.030 Table I – Horizontal separation of septic tank to water service line: 10 ft is required – 7 ft. is proposed.

Carl Schoder explained that the application is to obtain some horizontal separation variances for a replacement septic system for the applicants. This is an extremely tight site with an existing septic system. The existing system has not failed but what is in the ground is not appropriate for this 2 bedroom residence. The owner would like to replace the system with something that will last for some time into the future.

Carl Schoder stated that the site presents several challenges, not the least of which is that water delivery to 3 adjacent lots traverses the site. One of those 3 sets of lines is in an old easement that will be re-worked by way of this project. The other 2 have no paperwork or easements in place.

Carl Schoder stated that they have had John Perry, Water Superintendent out to the site and found the only place on this site that has workable soils for the system is where these water lines are so they will have to re-route some of these water supply lines, which are only ¾" copper service lines and not major pipe. They are anticipating putting these lines in easements and routing them appropriately so they can maximize the separation to the new system as well as put in new curb stops for the Water Department.

With regard to the site, Carl Schoder stated that in front there is a gravel parking area. The proposed system would occupy part of that area and part of the adjacent lawn area where the existing system is now. The existing system will be dug out and appropriate materials will be put back in place.

Carl Schoder stated that in order to build this system it will require a series of variances. None of them is onerous. With regard to the house separation distance, the house does not have a basement, it sits on a slab on grade so they are not dealing with infiltration into a basement area. To try to mitigate the various horizontal separation requests, they propose to use an enhanced treatment waste water system called an Advanced Enviroseptic Treatment System. He stated that he has experience with these types of systems, one of which in a very similar situation with regard to site constraints. Because of the efficiency of this system, it allows them to use less linear feet and thereby occupy a smaller area. Even with the smaller area this is a more efficient system that treats the waste much better before it is released.

Councilmember Wilson asked for details on how the system works. Carl Schoder provided further details.

Carl Schoder stated that the other 3 systems he has installed are working great. However, like any septic system there will be some maintenance. The applicants will want to check the tank and have it pumped.

Supervisor Conover asked if the alarm box will be in the house. Carl Schoder replied yes. Supervisor Conover asked if the alarm will cut the power or just be an alarm. Carl Schoder replied that it will just be an alarm. He stated that when he talked to Tom Nace about the system they decided that they had enough reserve capacity with tank and pump pit that would allow for one day of storage.

Supervisor Conover read a portion of Tom Nace's letter as follows: "Given the number of constraints present on this existing lot, we believe the requested variances are reasonable and represent the minimum variance required to replace the existing system with the new system which meets current codes to the greatest extent possible."

Supervisor Conover opened the floor to the public in attendance.

Chris Navitsky, Lake George Waterkeeper stated that they do not oppose any of the variances. However they did have a question, it appears that there is a slope on the absorption bed and his understanding is that they are to be designed to be level. Carl Schoder stated that there is a maximum of 5% slope and that meets the Presby's accepted design for New York State. He did this for 2 reasons, first they have an issue with rain water shedding and he did not want to push it up towards the residence and around the unit from water that fell on it for a 5% maximum slope. This gives him the ability to allow everything to shed naturally to the direction in which he would like it to go. Secondly, normally when you do an absorption field for a conventional system you would have a flat bottom to the field. However Presby systems have been shown to work well in up to 5% slopes. The drainage structure down by the highway is a concrete drainage structure and he does not believe that infiltration will be an issue.

Carl Schoder stated that John Perry has requested to have some as-builts provided to the Town. He stated that once it is completed he will provide the plans to the Town.

- Resolution establishing Bolton Town Board as Lead Agency under SEQRA relating to this application.

**RESOLUTION #176**

Councilmember Wilson moved, seconded by Councilmember Bolton to declare the Bolton Town Board as lead agency under SEQRA for septic variance application by Donald Roessler. All in Favor. Motion Carried.

- Resolution regarding SEQRA Environmental Assessment Finding.

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 groundwater quality or quantity, noise levels, existing traffic pattern, 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 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 any significant adverse environmental impacts.

#### **RESOLUTION #177**

Councilmember Wilson moved, seconded by Councilman Maranville to make a negative declaration under SEQRA for the application by Donald Roessler. All in Favor. Motion Carried.

- Resolution regarding variance request by Donald Roessler, Parcel ID#186.14-1-48 - Property Location: 4647 Lake Shore Drive.

#### **RESOLUTION #178**

Councilmember Wilson moved, seconded by Councilmember Bolton to approve a replacement wastewater disposal system for Donald Roessler, P.O.Box 464, Bolton Landing, Parcel ID# 186.14-1-48 as presented with the following condition: 1) That the Bolton Water Commission/Town will be given as built – will build this first and make sure a line does not have to be moved. Once it is done a set of as built drawings will be generated and 3 sets or as many as wanted will be given to the Town for their records so that these pipes can be found later. All in Favor. Motion Carried.

- Variance application by Sisca and Sisca LLC, this application was tabled on 8/7/2012 and the public hearing kept open. **Note: (there will be no review or action take on this application at the September 4, 2012 meeting of the Bolton Town Board and the**

**public hearing will remain open).**

- SEQRA Environmental Assessment Finding
  - Resolution regarding variance request by Sisca & Sisca LLC (Francis Sisca)
- Supervisor Conover stated that this item will remain tabled.

For the record, Supervisor Conover stated that the Town will notify the neighbors should the application move forward in any fashion.

Reconvene as Bolton Town Board

**RESOLUTION #179**

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

Public in Attendance:

Correspondence:

- Mayor Robert M. Blais to Dave Wick regarding support of mandatory boat inspection and washing and education and support for long term funding.

Supervisor Conover stated that he has provided a letter for the Board to review. This is a very strongly written letter. Councilmember Wilson stated that she would like to encourage this Board to support the Mayor and Village in their support for the LGPC to implement a program to control the invasive species in Lake George.

Zandy Gabriels stated that invasive species is a State problem and not just a Lake George problem. The solution that the LGPC is considering is just for Lake George. The State needs to get involved in this fight. He is not sure what the State wants to use to control invasive species in other lakes in addition to mandatory boat washing but the State's participation is most critical and they should be included at least in this resolution.

He stated that the lake bottom is State owned and these are State owned species. The State seems to be out of this discussion and is allowing the local agencies to take the lead to the detriment. The only way we can prevent the invasive species from getting into the lake is through a multi-tiered approach to control the species at the existing lakes where they are. This means providing wash stations at exit points of other water bodies and having inspection and wash stations before launching. Relying exclusively on a mandatory boat washing for Lake George only is not going to solve the problem.

He also stated that the State has been willing to invest millions into land acquisition but have spent no money for aquatic species control. The State has regulations and enforcement capabilities for Emerald Ash Bore in firewood and wild boars in Washington County, but they have done nothing for aquatic invasive species.

He continued stated that the matting of Boon Bay was not as effective as we were hoping

and we are waiting on official results from Norowal. The preliminary results are showing that we have some by the finger docks. He is not sure that the Task Force has made the proper decisions in the spring but they are having problems with implementation for the control of this. He encouraged the Board to consider appealing to the State's budget to help with the control and prevention.

Supervisor Conover agreed that we should provide a copy of this letter to the State representatives.

### **RESOLUTION# 180**

Councilmember Wilson moved, seconded by Councilmember Bolton to have the Town write a strong letter to Dave Wick regarding support of mandatory boat inspection and washing and education for long term funding and providing copy of same to our State representatives. All in Favor. Motion Carried.

- Dave Wick, Executive Director, LGPC regarding results of treatment of Asian Clams at Boon Bay.
- Hans-Jurgen Winter, Hanson, LLC d/b/a Pumpnickel's Restaurant notification that he is applying for a special permit from the Alcohol Beverage Commission to have an Oktoberfest on the 28th, 29th and 30th of September, 2012.
- Alexander Gabriels regarding Town of Bolton historical sales tax receipts and that Town budgets were never easy.
- David Kidera, Director State of New York Authorities Budget Office to Phil Farbaniec, President of the Bolton Local Development Corporation regarding failure of the Bolton Local Development Corporation to take action to correct deficiencies under the public disclosure, reporting and corporate governance provisions of the Public Authorities Law.
- Brielle Korenowski, Rensselaer Outing Club requesting overnight parking at Veterans Park on September 21-23, 2012.
- Amy Clute, Insurance Administrator, Warren County Self Insurance Department regarding payments made this quarter regarding Town of Bolton cases that have been filed.
- Jeff Alonzo, Alonzo Fireworks application for fireworks in Bolton on September 2, 2012.
- Alexander Gabriels email and photo regarding pictorial example of Zebra Mussels growing on Asian Clams.
- Bernard and Shirley Russell, Hometown Diner, Route 9N, notification to renew liquor license.
- John Mucha, Director of Governmental Relations, Time Warner Cable regarding possible changes to programming and offerings.
- Patti Haux Bolton Library Board of Trustees thank you note to the Town of Bolton for assistance with the annual library book sale.
- Tom Nace, Town Engineer regarding approval of variance request by Don Roessler and that the request is the minimum possible and meets current codes and has his approval.

- Shannon Brown application to use Rogers Park Gazebo for birthday party on August 26th, 2012, 12-4:00pm.

This was previously approved and is just being provided for your information.

- Jane Bozzone, Board Member, Diamond Ridge HOA regarding use of Lot 1 in Diamond Ridge Estates by John Gramegna asking what penalties will be imposed and what action is being taken to restore Lot 1 to original condition.

Supervisor Conover stated that this is in regard to the use of lot 1 during the holiday weekend. She wants to know what penalties will be imposed or action taken to restore Lot 1 to its original condition. This was a letter to the Zoning Administrator and will be provided to our Town Attorney.

- Sandra Bauer, Executive Director DFWI requesting information relative to Boon Bay.
- Kevin Roberts, Engineering Geologist 2, NYS DEC approving SPDES Permit for Edgecomb Pond.
- NYS Department of Health notice of failure to receive 2nd June water test (test was sent, resending results).
- Ed Fitzgerald regarding a correction to the minutes.

Supervisor Conover stated that he noted this earlier. Additionally it is noted that public notification would be done for the property owners.

- Diane Boyle, thank you regarding New Vermont Road cemetery maintenance.

#### Committee Reports:

#### **Councilman Robert MacEwan**

#### **Reports were read by Councilmember Wilson.**

Transfer Station- Total for month is \$9,203. Spring Clean-up cards total \$4,589.

Compactor is running efficiently and quietly, the transition went well. Jim Maddison did a great job working around the customers and a thank you to all that helped. Now we need to address the floor where the motor was, it is very weak and there are holes in the floor, maybe we should take care of that before cold winter sets in. I will be getting bids for brush pile from Kingsley, Whooley and Kincaid.

Supervisor Conover stated that the compactor is working so much more efficiently that the amount of units that they are hauling may be cut in half. Now we will be looking at the building itself to make it a suitable place to conduct business.

Water Department- Actual flow through the plant before deductions 11,732,105. Gallons of water through plant after deductions 10,353,490. 191lbs of CL2 used, 28.1 gallons of orthophosphate used, 1,450lbs of soda ash used, 139.9 gallons of PC2300 used. Pond level 13" below the spillway and dropping.

August was a busy month as usual. Our monthly water distribution samples came back satisfactory. We have been busy at the plant from doing regular maintenance on things in the plant to mowing and weed whacking around the plant. Also have been weed whacking and cutting grass around PRV station and hydrants.

Put new brake pads and rotors on Ford F350 front and rear and also changed oil and filter. Put in new fuel filter and new battery. Will need to get new tires before winter. Bill Sutphin did another application of copper sulfate to the pond.

Had to have Ross Valve come up and replace the pilot valve on the surge relief valve down by the Subway across from Lake George Camping. The pilot valve got weak over time and caused it to blow off. In this pit where valve is water seeps in so we have to pump it out all the time when we want to check it out. I did a CL2 test on water coming into it and it showed it to have CL2 in it, so there is a leak somewhere in that area. Haven't pin pointed it yet. That water has been coming into pit for years, was told it was only ground water.

Supervisor Conover stated that John Perry actually had to get into this very dark small pit and into the cold water to shut off the valve. The valve has since been repaired. He has asked the engineer to look at a better access to this valve without having to get into the water.

Sewer- Took in 6,286,740 gallons of wastewater for an average of 202,798/day. Monthly samples were done. DMR's mailed, 2 violations. Effluent Phosphate was 1.58 allowed a one + nitrates in well 1 were 15.1 allowed a 10. Sent water treatment chemical to DEC to switch from alum to Slack Plus. Should help for phosphates. Cleaning Imhoff tank twice a day with sewer jet has helped with odor plus floating bayberry. Tractor still a problem and beds look it. All beds dry except one in use. Hauled 30,500 gallons of sludge. Have been beating sludge in Imhoff tank down with sewer jet. Mowed around plant when possible. Tightened packings and greased recurk and reject water pumps.

Supervisor Conover commented that the flows to the plant are at historic lows even for the summer.

### **Councilman Owen Maranville**

Police- Patrolled 2,610 miles and used 216 gallons of fuel. The 2 page report listing all of the calls answered is available for review.

Assessor- During August our computer file was updated to the newest 2012 version without incident. We kept up to date with deed transfers and address changes. A list of address changes has been prepared for the School Tax Collector and was forwarded to here at the end of the month. With regards to 2011/2012 arm's length sales we recorded a total of 53 from 7/1/2011; this is an increase of 18 sales compared to last year. I continue to see our new assessments have been close to recent sales prices. We have also frozen our 2012 computer file and have gone to 2013 processing.

During August, I received a small claim's decision from a hearing officer who had not sent me a notice to attend the hearing. After much protest, the hearing officer will now stay his decision and has given each party an opportunity to submit a written testimony. Although, better than nothing, I feel the scales of justice are against us, since he has



stated he won't inconvenience the plaintiff's or himself by rehearing the matter. My remaining 3 cases have been scheduled for September 27, 2012 and will be heard by another hearing officer

During August, I began my new construction field work much of which was put aside for the revaluation project of 2012.

From August 24 to August 31, I was away on vacation, with Debby MacEwan covering for me, every other day when possible. While on vacation, I missed the August 28<sup>th</sup> meeting of the Warren County Assessors, who held their meeting in Bolton at the Lakeside.

Last March for the reval we had estimated new school tax rates as follows: Bolton CSD at \$4.8418, Warrensburg CSD at \$14.8350 and Lake George CSD at \$6.5642. The actual rates with new budgets in place are as follows: Bolton CSD \$4.9708, Warrensburg CSD at \$14.5003 and Lake George CSD \$6.2867. Both Warrensburg and Lake George were less than estimated and Bolton was only 2.66% more.

Supervisor Conover stated that the hearing officer is not going to re-hear the case but the Town can provide written information. He asked Counsel to contact Dave Rosebrook as well as look at the response by the hearing officer. He also authorized him to speak to the Lake George Attorney to discuss this matter. Supervisor Conover stated that he is concerned that if the hearing officer made his final determination he is not sure if there is an appeal process. Counsel Muller stated that if the municipalities want to challenge this, they would have to do so within a certain timeframe.

Highway- Finished paving Potter Hill Road. Took delivery of new 2013 Western Star Tandem. We are cutting brush and widening corners on Padanarum Road. Hope to start shoulders on Potter Hill this week. Back to mowing road sides.

Justice- Hon. Harry Demarest took in \$8,890 Hon. Edward Stewart took in \$5,360. Total monies forwarded to the Town \$14,250. Itemized lists are located in the Court for review.

### **Councilmember Susan Wilson**

LWRP- and Zoning Code- have ended up on the same track. Both are ready to be submitted to their respective agencies for an informal review. LWRP- to the Department of State and the Zoning Code to the APA. Once we have received the comments from those agencies we will conduct public hearings before sending the final versions out for approval.

Planning and Zoning- Town Board will be advertising for an Alternative Member to serve on the ZBA. The information regarding application and dates will appear in the local newspapers, will be posted at the Town Hall and on the website.

Code Enforcement Officer- 22 page report, 42 sites visited and 218 miles logged. A

report is available for review.

Conservation Park- The 2<sup>nd</sup> Annual Harvest Festival is planned for September 22 from 2pm to midnight. It will be similar to last year and will include bed racing, dessert baking contest, games for children, canoe and kayak races on the pond, stone soup, square dancing and the Stony Creek Band.

Seniors- The regularly scheduled meeting will be held this month on Thursday, the 6<sup>th</sup> at 10:15am. The agenda includes the election of officers for the next two years. Meeting is followed by lunch at the meal site with a presentation by Hal Payne, Adirondack Tri-County Nursing Home, North Creek about what is offered at the home and answer any of your questions.

A defensive driving class has been scheduled for Wednesday September 26<sup>th</sup> at the Senior Center. This is a six hour class and will run from 9:00am to 4:00pm. If you are a member of AARP the cost is \$17 and non-member cost is \$19. If you are interested in participating please contact Al Franz. The Seniors ask that you register prior to attending.

### **Councilmember Cheryl Bolton**

Fire Department- They are planning their fall drills and fire prevention awareness. They are updating the building as they do every fall.

Bolton EMS- Councilmember Bolton stated that she has no report from August but she has invited members of the EMS to give an overview of how their new billing process went. She is hoping to have them in for October.

Recreation Department- Both beaches passed inspections with no red violations and the least amount of critiques in 3 seasons. The Day Camp received its best inspection ever. The Bolton Warrensburg Rec Soccer team has asked to use the Rec field, they will be meeting Monday-Thursday in September and October and will be playing games at the soccer field by the Little League field. Michelle has asked for permission to use the tax ID number. The league is expecting to play games in both Bolton and Warrensburg, it is broken down by age and is for children in first through sixth grades.

Parks Department- Councilmember Bolton stated that they did receive quotes for the resurfacing of the tennis and basketball courts. She stated that she and the Supervisor will be meeting to discuss this further.

They have done their normal rounds. Raked the beaches 3 days per week. Brought 2 loads of sand to Bixby's Beach. Helped Mike Fitzgerald install fire extinguishers on docks at Rogers Park. Put bench together and poured concrete to anchor it in place. Went to landfill and cleaned out the pit after the compactor was taken out. Cleaned all the brush around parking area at Health Center. Poured concrete pad for Seniors storage shed. Trimmed all shrubs around bandstand. Moved tables at Rogers Park for Arts and

Crafts show. Snaked sewer line at Rogers Park bathrooms. All mowing for Labor Day weekend. Cleaned up tree that fell down at Bixby Beach. Fixed mowing deck on small tractor. Took backhoe to Conservation Park to level loads of fill. Oil changes on both trucks. Hung sign up at Rogers Park. Filled sink hole at Federal Hill Cemetery. Met with Mike Fitzgerald about moving electric from building at Veterans Park.

Councilmember Bolton stated that it is impressive that the Parks Department does so much to keep the maintenance cost down. They have been very busy this summer and have done an outstanding job as all of our departments have.

#### Supervisors Report:

- Receipts: \$1,030,612.43
- Disbursements: \$678,255.77
- New transfer station compactor has been installed with refurbished hopper, working very well. Hydraulic equipment removed from transfer station building.
- Bids for basketball and tennis Court resurfacing at Rogers Park were received on August 17, 2012. The low quote was from Luizzi Bros., Albany, NY, courts with new acrylic backboards and new heavy duty rims total \$14,475.
- New restrooms at Rogers Park to be delivered in the next week or two.

Supervisor Conover stated that it got to a point that he just decided to wait until after the holiday weekend. The situation has been working fine to this point so instead of creating a difficult situation with bringing a large wide load truck into town that it would be best to wait. The estimated time is by the 3<sup>rd</sup> or 4<sup>th</sup> week of this month.

- 5 mph and no anchoring emergency order on Boon Bay have been removed, initial results regarding Asian Clams eradication not as good as hoped. The Task Force is looking at that as well as other areas to see what needs to happen this fall.
- Paving completed on Potter Hill Road, small section of Edgecomb Pond Road will need to be done before winter and will cost approximately \$16,000, we would like to do the whole road, but not at this time, maybe next year or year after but this section needs to be done now. We are waiting on permits for bridge work on Padanarum Road. Supervisor Conover stated that he has put in a call to DEC to see if they could expedite this to get it done this year. A section of Mohican Road will need to be redone due to spill of hydraulic oil.
- 2013 Budget packets have been distributed to be returned by September 17, 2012. Our bookkeeper has computerized many of the documents to make it easier for everyone when we start changing numbers.
- We met with AES Northeast regarding sewage treatment plant and treatment issues (AES assisted the Town with the trickling filter cover).

Supervisor Conover stated that when they were working to fix the trickling filter Carl Schoder had suggested that we may want to consider working with AES regarding our sewer processes. Chet Dagles has met with them and they made some suggestions that Chet had not even thought of that could really help with treatment performance. He stated that he may be back to the Board shortly with a proposal from AES Northeast to help us in the future as well. Supervisor Conover stated that we are waiting on DEC approval to move from the alum process to another process called Slack Plus process,

which everyone believes, including AES, will help us with some of the phosphate issues that we have every once in a while.

Old Business / Tabled Resolutions:

- Solar Project
- 824 Trout Lake Road

New Business:

- Resolution authorizing award of court resurfacing, new backboards and rims to Luizzi Brothers Seal Coating LLC, 49 Railroad Avenue, Albany for \$14,475 (\$9725+\$4750).

**RESOLUTION #181**

Councilmember Bolton moved, seconded by Councilman Maranville to authorize award of court resurfacing, new backboards and rims to Luizzi Brothers Seal Coating LLC, 49 Railroad Avenue, Albany for \$14,475 (\$9725+\$4750). All in Favor. Motion Carried.

- Resolution approving annual Octoberfest request by Hans-Jurgen Winter, Hanson, LLC d/b/a Pumpnickel's Restaurant to be held on 28th, 29th and 30th of September, 2012 including sound amplification permit not to exceed 11:00 pm.

Supervisor Conover stated that this is an annual request from the applicant. He has never received any complaints regarding the activity.

**RESOLUTION #182**

Councilmember Wilson moved, seconded by Councilman Maranville to approving annual Octoberfest request by Hans-Jurgen Winter, Hanson, LLC d/b/a Pumpnickel's Restaurant to be held on 28th, 29th and 30th of September, 2012 including sound amplification permit not to exceed 11:00 pm.

- Resolution approving overnight parking of cars at Veterans Park by the Rensselaer Outing Club on September 21-23, 2012.

**RESOLUTION #183**

Councilmember Bolton moved, seconded by Councilman Maranville to approve overnight parking of cars at Veterans Park by the Rensselaer Outing Club on September 21-23, 2012. All in Favor. Motion Carried.

- Resolution to join with the Town of Lake George and other shoreline Towns to request an amendment to existing State Laws to allow for Town land use jurisdiction relating to docks and boathouses on Lake George.

Counsel Muller stated that legislatively we have a chance to have the law changed. Supervisor Conover stated that Senator Little has indicated that this will not be dealt with until next session. Counsel Muller stated that his advice to the Planning Office with the

applications before them regarding docks and boathouses is to follow the Supreme Court decision.

### **RESOLUTION #184**

Councilmember Wilson moved, seconded by Councilman Maranville to join with the Town of Lake George and other shoreline Towns to request an amendment to existing State Laws to allow for Town land use jurisdiction relating to docks and boathouses on Lake George. All in Favor. Motion Carried.

### **Public in Attendance**

Zandy Gabriels with regard to correspondence, he sent in a photo that of a zebra mussel with an Asian clam on top of it. This was not taken in Lake George however it is concerning because it is the worst possible situation. The picture shows that the zebra mussel can provide a stable environment to grow, they won't compete with one another but will help each other out. He stated that we have 4 places of Asian Clams and 9 sites of Zebra Mussels but are somewhat under control.

With regard to resurfacing of the basketball courts, Zandy Gabriels stated that since we got a good price on the courts in Rogers Park maybe the Town should consider resurfacing the tennis courts next to the fire house.

Councilman Maranville stated that he has been approached about the public access point to Trout Lake. Supervisor Conover explained that it is private land but the pathway is part of a court ordered consent agreement from the 1960's between the property owners, the County and the Town of Bolton. Certain structures were built along the fencing on either side of the pathway including metal bars in concrete in the middle of the pathway that were put up by the property owners. This led everyone back to court and another court Order required that the poles be removed but that the concrete bollards could remain because they met the spirit of the 1960's agreement of no motorized access.

Supervisor Conover stated that considerable discussion has gone back and forth between the County and State, there is no public easement or right-of-way. He stated that he is sure that the County, as would the DEC, be happy to lower the bollards if the property owners would let us. That is why the Town decided to stock the lake this year. The Property Division of DEC is aware of the situation and what exists in that area. Some people thought it was blocked but it was not, it is in the same condition that has existed for some time.

Supervisor Conover stated that at one point that was a Town road, but we relinquished it to the County. He is not sure what DEC's position will be going forward but we are hoping that they will re-establish their duty to stock the lake.

Councilman Maranville asked who maintains the foot trail. Supervisor Conover stated that the Court Order does not spell out continuing responsibilities very well; the only thing it specified was that the County was to place boulders.

Councilman Maranville asked if it is still considered public access. Supervisor Conover replied yes; it is not perfect but it is what has existed for a very long time. Councilman Maranville asked if it was wheelchair accessible. Supervisor Conover replied no but there are many Adirondack lakes that are not accessible. Councilman Maranville asked if someone might have difficulty carrying their own kayak. Supervisor Conover replied that it is not an ideal access point but it is what was agreed to. Councilman Maranville asked if it is their responsibility to maintain public access. Counsel Muller stated that he has not seen this decision but could read over it and provide his opinion. Councilman Maranville feels that if there is public access then it should be accessible by everyone.

Transfers: Motion to approve transfers.

**RESOLUTION #185**

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

General Fund:

To:	From:	Amount:
1950.4 Judgment & Claims	1990.4 Contingency	\$1,658.00
3120.2 Police EQ	1990.4 Contingency	520.00
5182.2 Lighting EQ	5182.4 Lighting CE	1,285.00
7550.4 Celebrations CE	1990.4 Contingency	206.00

Sewer:

1440.4 Professional Services	8130.4 Treatment/Disposal CE	1,130.00
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All in Favor. Motion Carried.

Pay Bills: Motion to Pay Bills

**RESOLUTION #186**

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

	<b>Voucher</b>	<b>Amount</b>
<b>August Mid Abstract 8A</b>		
General	950-953,955-964,966-967	\$3,089.23
Highway	311	16.54
Sewer	194-197	2,445.53
Water	172-173	1,426.62
Lights	954, 965	399.61
<b>September Abstract</b>		
General	872-949,968-982	39,489.70
Highway	278-310,312-325	322,378.56
Sewer	182-193,198-200	9,657.72
Water	158-171,174-176	2,866.30
Tourism	33-41	12,219.64
Conservation Club Special	6	226.73
Water Equipment Capital Reserve	3	759.00

Rogers Park Docks	6	500.00
Rogers Park Docks Equipment	3	605.00

All in Favor. Motion Carried.

Executive Session:

- Matters involving ongoing litigation

**RESOLUTION #187**

Councilmember Wilson moved, seconded by Councilmember Bolton to enter into Executive Session at 8:15pm to discuss ongoing litigation with no further business to attend to. All in Favor. Motion Carried.

Adjourn:

Respectfully submitted by:  
Patricia Steele  
Town Clerk

Respectfully submitted by:  
Kristen MacEwan  
Minute Taker