

BOLTON TOWN BOARD

Pledge: Councilmember Deanne Rehm
Regular Meeting

November 3, 2010

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

Call To Order : 7:00pm

Minutes: Approve minutes of Regular Meeting of October 7, 2010.

RESOLUTION #213

Councilman Smith moved, seconded by Councilman MacEwan to approve the October 7, 2010 as written. Councilmember Rehm abstained. All Others in Favor. Motion Carried.

Public Hearings :

- Local Law #3, Dog Control Ordinance for the Town of Bolton.

Bob Weisenfeld, stated that he sent a letter and forwarded a copy of a letter from his mother regarding this issue. He stated that they feel that the proposed ordinance has been worded in a way which may, inadvertently, could weaken it. The change eliminates the current ordinance requirements that dogs be muzzled or leashed, subject to certain exceptions. He stated that he is not sure if it was intended to be omitted, but if the intent to remove that was to allow owners more leeway at exercising their dogs he feels there is a better way to accomplish that without putting other residents at any risk. He stated that their preference would be to maintain the current language and increase the list of exceptions. He feels that the leash requirement should stand with the exception of allowing dogs off the leash to exercise on the owners own property or other consenting land owners property. This would be a clearer explanation.

Bob Weisenfeld stated that in the proposed ordinance there is not a definition of under "control" or "accompanied by". He stated without further definition it could create a problem. He stated that he and his mother are concerned because there is a dog in their neighborhood that has been a nuisance. He stated that with this lack of definition this owner could interpret that under control and accompanied by means that they are within their sights. He stated that unfortunately dogs can get into a lot of mischief even if they are in the owners sights. He was recently knocked to the ground by this dog and has concerns that it could have been his mother who is 89. He and his mother would like to be able to enjoy their property without worrying about when this dog will come around to play.

Dan Daniger, Coolidge Hill, stated that the TB is well aware of the problems that he has had on his property with dogs. He agrees that any dogs that are going off of the owner's property should be on a leash. He stated that the dogs that he has been dealing with have been more aggressive than the dogs that Mr. Weisenfeld is talking about. He stated that he has even had to buy counter-assault which is made to deter grizzly bears. He feels that the new ordinance has stiffer penalties and would deter some of this, but he would like to see that any dog on the road that is not hunting be leashed.

Supervisor Conover stated that they did receive a correction from Zandy Gabriels with regard to Section 9a, end of the eight paragraph, should read: "...adoption or euthanasia."

Supervisor Conover read the letter from Madeline Weisenfeld and noted the letter from Bob Weisenfeld.

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

- Town of Bolton, Preliminary Town Budget for 2011.

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

Public in Attendance :

- Dave Wick, Warren County Soil and Water Conservation District

Dave Wick provided an update on the status of the Finkle Brook Delta Dredging Project. He gave a presentation of the overall project and the reason for the project. He stated that they have been looking at this area and project for about 5-6 years. He stated that land owners have been complaining that they have had to extend out their docks and the Darrin Freshwater Institute has been unable to access boats in this area. He stated that they got together with the Lake George Association and were contracted to do some planning for potential removal of the delta.

Dave Wick explained that the delta was formed over time due to a combination of factors: 1) Historically weak land development control in the past, 2) Lack of erosion control on developments periodically, 3) Highway de-icing practices, 4) accelerating stream bank erosion and 5) the landfill wash-out in the 90's. He provided aerial photography to show the progression of the delta. He stated that there has been a slowing of the growth due to better stormwater management practices, stricter Town requirements and responsible development.

Dave Wick stated that they want this delta removed because it is not a natural feature of the lake; it interferes with navigation and recreation. The shoreline landowners are unfairly prohibited for using the lake without increasing their docks. However, the LGPC no longer allows dock extensions into the lake.

Dave Wick stated that they have put together the project and done the proper testing and have found that the soils can be used for other use. He stated that Supervisor Conover has approached them about using the soils up at the landfill for adding some playing fields. Dave Wick stated that no one has the wherewithal or dollars to get the full delta out of there, which is estimated to be 30,000 cubic yards. He stated that this project intends to remove 8,000 cubic yards which will bring them down to a 4' depth.

Dave Wick stated that as part of the planning process the APA was involved and they requested a survey, which was done by the Darrin Freshwater Institute. This survey provided the APA with the proper information and helped them determined that they had jurisdiction. He stated that they spent over a year with the APA going through the permit process.

Dave Wick stated that there are only 2 methods for dredging in a project like this; hydraulic and mechanic. The hydraulic method works well but it produces a product that is 80-90% water. It essentially acts as a snow blower underwater, it churns up the sediment, takes it into a hose and then discharges it somewhere upland, which requires 2-3 acres of area to de-water the sediment. He stated that it is a difficult operation to do, plus it needs to be anchored at 2 separate points to pull back and forth. This was determined not to be a feasible method for the Finkle Brook Delta.

The mechanical method will use a variety of excavating machines to go into the lake and excavating them out with movers and trucks. They will have much higher solids content with 70-80% solids. This method is also more cost effective. He stated that this is the method of choice, and has been used on a number of dredging projects on Lake George.

Dave Wick provided pictures of what the project site will look like. He stated that the area that they will be working in will have 2 turbidity curtains to protect the lake. He stated that from the shoreline to the furthest point will be 200'. Since no machines can reach that far they will have to build access pads out to the area that they need to excavate. He further explained the process. The material removed will be brought to the landfill which is an approved disposal site. He stated that the stream will always have access to the lake which is a requirement of DEC Fisheries.

Dave Wick stated that they had Ruben Ellsworth review the plans to critique whether or not this is a feasible method for a contractor to undertake a dredging project. He stated that Ruben Ellsworth provided some good comments back and gave us an approximate cost for the project. He stated that it is estimated to cost between \$360,000-400,000 for the project.

Dave Wick stated that the northern limit is the Darrin Fresh Water Institute boathouse and the southern limit is the Veterans Beach pier. He stated that these limits were decided by all of the agencies that have been involved since the beginning; LGPC, LGA, The Fund for Lake George, WC Soil and Water, APA, DEC and the Town of Bolton. He stated that the northern and southern points were determined based upon the water depths and impact on the delta.

Dave Wick stated that the Town of Bolton has been and will continue to be the applicant for this project. He stated that WC Soil and Water is acting as their agent and will continue that role through the execution of the project. Currently the permitting process is at the DEC level. The DEC is requiring that they follow the SEQRA process so the Town will need to decide whether or not they wish to be lead agent.

Dave Wick stated that currently this project hasn't met the funding line. The Lake George Watershed Coalition got a \$900,000 grant from the Department of State and one of items in that was \$250,000 for Finkle Brook. The Town will have to discuss whether or not the remaining \$150,000 will be forthcoming.

Dave Wick stated that they received the APA permit. They have also received the Army Corp of Engineers permit and a letter of approval from the NYS Office of Parks, Recreation and Historic Preservation. The DEC permit is pending on how the Town wishes to proceed with the SEQRA process. They have drafted some erosion and sediment control plans for the disposal site and the Town will need to issue permits for that as well.

Dave Wick stated that many agencies and many individuals have been involved in this process. He stated that they appreciated the comments and concerns and feel that they have designed a decent project. The planning is completed, the permitting is 90% completed and the funding is pending. The contract from the State to the LG Water Coalition will be signed sometime next year. They are seeking to get started in the Fall of 2011. Typically, they need to be out of the lake by October 1st but DEC has allowed them to extend it to December 31st. He stated that the time frame will depend upon who wins the bid. He stated that a larger outfit could have the job done in 3 weeks where a smaller outfit might take 3 months.

Supervisor Conover stated that they received a letter from Mark Migliori of DEC. This letter states that the review that they are presently under cannot continue due to a misclassification of this project on their part and that the SEQRA step needs to be completed. He suggests that they may want to waive their decision making time line because otherwise they would have to turn down the permit at this stage. He stated that this is on the agenda for review and hopefully a decision will be made. Also on the agenda is to instruct Town Counsel to have the Town as lead agent on this project.

Supervisor Conover stated that they also received correspondence from the Fund for Lake George and the Waterkeeper relative to this project. He stated that his understanding is that the LGPC has passed a resolution expressing some concerns relative to dredging projects generally.

Councilman Maranville thanked Dave Wick for his professional and thorough presentation.

Rod Owens, Hondah Cottages, stated that his dock is right next to the Veterans Beach dock. He stated that they used to have 3' of water and they are now down to 6". He stated that they are obviously too late to get into this project. He has discussed this with Dave Wick and found that this area is not the result of Finkle Brook but rather beach sand that is washed off the beach. He requested to see if anything could be done for them.

Zandy Gabriels asked how the Town will be able to handle the additional \$150,000 to cover the dredging project since it is not in the 2011 budget. Supervisor Conover stated that it is a decision that the Board will have to make when they have a project. Zandy Gabriels stated that he recalls that Rod Owens discussed this matter last year and Dave Wick was going to look into it and possibly include it in the project. He stated that it is now not included in the project and he is not sure why. He feels that it should be because it is part of the Finkle Brook issue because the sand does move through the dock even though it is solid crib.

Chris Navitsky, Lake George Waterkeeper, stated that this project started under an environmental review process started in 2001. From 2001-2004 an environmental impact statement was done by LGPC, and they were the lead agency. During that process it was determined that dredging would be allowed for 7 deltas; Westbrook, English Brook, East Brook, Finkle, Indian, Hague, and Foster Brooks. It was a generic impact statement that was set up as a model and that individual sites would have to come in and see if they fit into this model environmental review that went on. The findings of fact that were approved by the LGPC specifically said that there were only 2 methods for dredging; 1) mechanical, however it was to be done with barges, clam shells with water tight containers and 2) hydraulic dredging. Chris Navitsky stated that one of their biggest concerns is the construction of roads in the lake. It is not in harmony with the LGPC findings of fact for SEQRA. He stated that the impact statement specifically says that if alternative methods are proposed, a supplemental environmental impact statement needs to be done. That has been their major concern. They have raised this issue to the APA and the DEC. The APA dodged it and DEC indicated that it was to be reviewed by the APA and they were not involved in SEQRA.

Chris Navitsky stated that he has provided information to the Supervisor regarding studies that have been done in Lake Tahoe which show best management practices. They have compared the various methods of dredging. Mechanical dredging and the methods proposed here have the greatest impact to the lake. They re-suspend the nutrients the greatest, they create the greatest potential algal blooms, which has been found after dredging on Lake George. These are some of the impacts that need to be looked at and why they are saying that if this method is the preferred method, then it needs to have a supplemental environmental review. Chris Navitsky stated that there was a process set up 6-7 years ago that specifically mentioned this delta and this delta should follow through with that.

Chris Navitsky also raised the concern of the Town being the applicant and the lead agent for the project. He feels that it could cause a problem and asked about the legality of it. They think that it could save time and money by having the LGPC as the lead agency.

He stated that it could fall under the generic environmental impact statement and be applicable to other sections.

Supervisor Conover reminded the Waterkeeper that governmental entities such as the DEC, DOT and Town municipalities are allowed to be both the applicant and lead agent under SEQRA.

Dave Wick addressed Chris Navitsky's comments. Procedurally, the way the environmental impact statement was done in the early 2000's was deeply flawed. The only successful method of dredging on this Lake, that has shown no environmental detriment, has been mechanical dredging. He stated that WC Soil and Water was involved in the process as well as the APA and DEC who have acknowledged the same thing. Something that was not done properly is being held hostage to this process right now. This proposed process has been undertaken in other areas on Lake George successfully. When they came up with this concept 2 years ago these other agencies did not have these concerns.

Dave Wick explained that when they do a dredging project the area is segmented off from the rest of the lake with turbidity curtains. The only area impacted is what is within the turbidity curtains. Using roll-off boxes and clam shell hydraulic dredging does not make sense nor is it an appropriate means for removing the compacted sediments in the lake. He stated that regardless of the method they will be re-suspending the sediments but it will be contained to the specific area of dredging. Dave Wick stated that they have chosen the most cost effective and logistically feasible process for this.

With regard to the permitting process, Dave Wick stated that this project is at the highest levels of APA and DEC and is not for himself or the Waterkeeper to decide. If the APA or DEC feel that this process has not been handle correctly they will not issue a permit. However, it has been deemed appropriate for the Town to be the lead agency of this project and that is the Town's option.

Supervisor Conover stated that he thought they received a letter from the LGPC indicating that they would not be an involved agency. Dave Wick agreed, however, the Fund and the Waterkeeper have been writing letters to the LGPC trying to invoke their involvement. Supervisor Conover stated that generally an involved agency is by permit, funding or ownership.

Correspondence :

- Richard Horsch, Architect regarding change order #8 on the Conservation Club.
- Cecil Provost, Saratoga Modular Home, request to park trucks (November 4-11) at Veterans Park, insurance provided.
- John W. Ozard, Albany Chapter, Adirondack Mountain Club, thank you letter to Town Board for use of Veterans Town Beach on October 2 and 3, 2010 for Kayak and canoe safety and training class.

- Sarah F. Melcher, aka Lt. Chauncey Goodrich, Commanding His Majesty's Forces at the Lake George Tactical, thank you letter for use of Veterans Park parking lot.
- Kathleen Bozony, Natural Resource Specialist, Lake George Waterkeeper, regarding posting of public comment letters with the publication of Planning Board and Zoning Board Minutes.
- Wauneata Waller request to utilize Town Hall meeting room for Bolton Holiday Art Show by local artists on December 4 and 5, 2010, 10:00am – 4:00pm in conjunction with Christmas Tree Lighting.
- Marc S. Migliore, Deputy Regional Permit Administrator, NYSDEC, requesting written confirmation to waive the Uniform Procedures Act time frames associated with the final decision on the Finkle Brook Delta permit application in order to meet the procedural requirements of SEQRA.
- John Mucha, Director of Governmental Relations, Time Warner Cable regarding changes to channel or program service.
- Zandy Gabriels regarding Edgecomb Pond Dam – CT Male Study and establishment of resident contact list and notification.
- Judge Edward Stewart requesting authorization to file an application for funds from the 2010 Justice Court Assistance Program for court security, equipment and courtroom furnishings.
- Robert Todd, 14 Parkside Drive, expressing support for the Finkle Brook delta dredging project.
- Referral from Pam Kenyon regarding naming road serving Alpine View subdivision as Alpine View Drive.
- Thomas A. Ulasewicz, Attorney, on behalf of the Fund for Lake George and the Lake George Waterkeeper expressing concerns regarding Finkle Brook Delta Project.
- Tod Beadnell, P.E., Deputy Superintendent of Operations, Warren County DPW regarding renewal of contract with Warren County for Snow and Ice removal, sweeping and mowing.
- Standard Medical Services at Convenient Medical Care regarding drug testing services for 2011.
- Independent Towers Holding, LLC regarding wireless communication towers in Bolton.

Committee Reports:

Councilman Robert MacEwan

Transfer Station-Receipts-\$6,240. East Side has cleaned up the metal pile and will remain that way until spring. Lisa has been in communication with Green Fiber about putting cardboard in with magazines. She has been having a little difficulty with them picking up the cardboard because it was not working out how they thought so she is going to try it with the magazines. She has inquired about the brush pile, so Councilman MacEwan stated that he will look into how big it is. Winter Hours will start November 28th, closing Mondays and Wednesdays.

Water Department- 5,190,000 gallons of water filtered. The pond is over the spillway. John has been doing regular maintenance. Jimmy Palazzo could not do the cement work on the dam due to all of the recent rain. They did get the valves replaced at the bottom of Mohican. They still need Ellsworth to come back to finish the bottom of the road.

Code Enforcement Officer- 14 page report, 16 sites visited, 81 miles logged, 4 attached letters.

Councilman Owen Maranville

Police- 2,921 miles logged, used 219 gallons of fuel. An itemized list of all of the calls is available for review. All members attended and completed Fire Arm Certification. They hosted the BCS Kindergarten children for Community Day. They gave a tour of the office and police car. Future Officer badges were awarded to each child. All members participated in Halloween and Cabbage night detail, no reportable incidents occurred.

Assessor- Maintenance of deeds of property, information was kept up to date. The number of real estate sales have been low; since July 1st there has only been 9 arms-length sales taken place. He received official decisions involving the small claims assessment review hearings for the 2 Lynch properties on Homer Point. As he anticipated the Town was awarded both decisions with no reductions ordered. On October 26th he attended the Warren County Assessor's meeting held at the Holiday Inn in Lake George. During that meeting he learned that interest in doing re-evaluations for 2012 year is still a popular idea with 10 towns. The WC Real Property office is exploring the possibility of providing assistance where needed on a charge back basis. He began a field review of properties with new photos and outside inspections starting in the hamlet area. He will continue with this until January when new construction inspections and reviews take place.

In October, he and 2 other WC assessors attended a meeting in the Saratoga County Assessor's Association. At that meeting, a lobbyist for the Citizens for Fairness spoke about the Circuit Breaker Bill being considered in the legislature. Briefly, this would provide a refund or credit in ones income tax based on paying property tax of more than 9%-6% of adjusted gross income. Looking at the median household income and real property tax amounts for WC, very few people would benefit, except those owning very expensive homes and having modest incomes. It would be the downstate counties with higher taxes that would be getting a windfall of relief. He sees this as an equitable upstate vs. downstate program, and the benefits being paid through the income tax of upstate property owners who live in conservative spending school, county and town districts. He feels that this group does not want to see a cap on spending and he would be surprised if Senator Little would see a benefit if Warren County were to co-sponsor this bill.

Justice- Hon. Harry Demarest took in \$5,440, Hon. Edward Stewart took in \$5,265. A total of \$10,705 was forwarded to the Town of Bolton. An itemized list is available for review.

Councilmember Deanne Rehm

Recreation Department- The Youth Center is up and running full-time for the after school program. Starting October 25th and running for approximately 1 month, is the open enrollment for the local students who want to participate in the Gore Mountain ski program which starts after the Christmas Holiday. It is 6 successive Saturdays. The program provides transportation to Gore Mountain, lift ticket and ski lessons. The cost is \$130. Photo ids will be provided on the evening of Monday November 8th at BCS. Councilmember Rehm stated that she hopes many take advantage of this opportunity because it is an affordable option that the Rec Department provides.

Seniors- November 11th is Veterans Day and they would like to remind everyone of the collection boxes in the Town Hall and Seniors Center. They collect non-perishable items for soldiers. They will be having the annual Christmas Luncheon on December 5th at 2:00pm at Frederick's Restaurant. Anyone wishing to attend should check-in at the Senior Center before Thanksgiving.

Library- The Sagamore luncheon was a success and the Library made over \$800. Many thanks go to a past Trustee of the Library, Jane Gabriels. On November 9th, there will be a commencement of the Sembrich Winter Film Series. "The Women of Katyn" will start the series. She stated that the Sembrich is trying to bring this to the community that normally wouldn't be seen in a theater. There is no charge for admission. On Sunday, November 14th will be the 1st Annual Bolton Spelling Bee, which will be held at BCS at 1:00pm.

Councilman Gregory Smith

Sewer- Took in 6,680,883 gallons of waste water, an average of 215,512/day. Monthly samples were done, DMR's were done, 2 violations; phosphorus 1.5 and 1.0 is allowed and well 1 was high in nitrates 12.8 and 10.0 is allowed. Chet recommends that the Town send a letter to all restaurants in Town to use phosphorus-free dish soap in their dish washers. All beds are dry except the ones in use. Jack Hall installed a new chimney in the green shed. They cut a lot of brush and chipped it up. Mike Fitzgerald is working on the motor in the vent fan. They had compressor and engineer trouble due to needing a new belt. They ran a camera up the line that they will be taking over from RPI and everything looks okay. They cleaned the grit chamber, had new tires put on both trucks, put anti-gel on all of the outside generators and they are getting everything ready for the winter.

Parks- They are preparing for winter, shutting down all seasonal buildings and bathrooms. They are doing fall clean-ups as well.

Supervisors Report:

- Receipts: \$1,129,635.92
- Disbursements: \$968,146.66
- Temporary Animal Control Officer, George Schuster, Town of Lake George Animal Control Officer, 668-2020.

Harry Simmes will be out of action for a few months. Supervisor Conover stated that George Schuster has agreed to help while Harry is out. The contact information will be posted on the website as well.

- Open House for the new Conservation Club, Sunday, November 14, 3:00pm to 7:00pm.

Supervisor Conover invited the community to attend to see the new building. He also indicated to the Board members that there are draft policy and rental procedures for their review.

Old Business:

- Lower Brereton Road
- Lake George Camping

New Business :

- Resolution adopting Local Law #3, Town of Bolton Dog Control Ordinance.

RESOLUTION #214

Councilmember Rehm moved, seconded by Councilman Maranville to move this item to the end of the agenda to await the arrival of our attorney. All in Favor. Motion Carried.

- Resolution adopting Town of Bolton 2011 Budget.

Councilman Maranville stated that he feels that they have done a nice job and he appreciated everyone's efforts. He stated that this has been the smoothest year for budget meetings since he has been on the Board. Councilman MacEwan agreed.

Supervisor Conover stated that he does have one proposed amendment for Sewer. He stated that there was an employee that was going to move onto the Town Health Insurance but has since chosen not to. This would change the amount under appropriation for the sewer district from \$329,657 to \$317,657 and the estimated revenue would be \$317,657 as well, and at the bottom the number would be \$5,142,839 and the second column would be \$3,097,946.

Councilmember Rehm commented about the budget and commended the Supervisor and the Town Board for their efforts. She stated that in this economy, the budget proposed does not reduce services, lay anyone off, provides employee benefit increases while only resulting in less than a 1 cent increase. She feels that they have done a herculean job and taken care of their employees and community.

Councilman Rehm stated that they might want to consider an amendment under the Rec Department. She stated that the Director has not put the Gore Mountain program in as a budget item because the money that the students pay is the money that is spent for the program so it acts as a wash. She recommends that they increase the appropriations by \$6,000 and increase revenue by \$6,000. It does not change the total levy anywhere. She stated that they can make the amendment now or wait and do it during the year when it happens and call it a budget amendment at that point. Supervisor Conover replied that they could wait because there are other items that they have that are similar to that, such

as the Occupancy Tax. He stated that they can note it for the record that they anticipate that amendment.

RESOLUTION #215

Councilman Maranville moved, seconded by Councilman Smith to adopt the Town of Bolton 2011 Budget as amended. All in Favor. Motion Carried.

Supervisor Conover commented about the budget. He thanked the Board for the considerable amount of time that each put into the budget process. He stated that next year's budget continues to hold the line on spending on the general and highway. The projected increase is 6/10ths of a penny and if you are in the fire and lighting district it goes down fractionally because of an expansion of the tax base.

Earlier this year the TB made an adjustment to the amount of sales tax that they leave with Warren County. The changing equalization rate and significant declines in sales tax revenue made that necessary and the goal at that time was to balance the 2 tax structures to net a zero increase for the Bolton taxpayers. As reported in the media, the proposed 2011 County budget represents the lowest increase in Warren County budget since 1996. The proposed County budget shows approximately a 1.09% increase. The County tax rate per thousand for the Town of Bolton would result in 2.5 cents increase.

Supervisor Conover stated that the 2011 budget increases their allocations for road improvements and to the Library which are both deserved and good things for the community. Unfortunately, due to declining markets and other issues they had to absorb a \$55,000 increase in retirement costs, which is large for their budget. This year's budget also includes a \$50,000 repayment to the community development account for improvements at the pier.

Although the change in health insurance provider and program offerings helped to mitigate the rising cost of health insurance they are going to need to continue to explore other products and providers to ensure that they offer the best most affordable coverage to our employees, especially since they pay 25% of the cost of the health care. The decision to finance the water filtration plant has had a positive impact on the water district operating budget. The sewer lining work scheduled to take place through WC with an EPA grant are all positive developments for water and sewer. However, we will need to address the fact that we sell less water and bill for less sewage treatment as a result of greater efficiencies, user efficiencies and the closing of the Sagamore during the winter months. Supervisor Conover stated that he knows the TB needs to address this issue and he looks forward to working with them to determine the best way to fund future water and sewer operations.

Supervisor Conover stated that their decision to switch from mercury vapor to sodium vapor street lights should result in savings for the lighting district and general funds starting sometime next year. He thanked John Gaddy for his assistance in this matter.

Supervisor Conover stated that Bolton employees continue their excellent service on behalf of the taxpayers of this community. They do a lot with a little and they do it with a smile. He stated that it is a privilege to work with each and every one of them on a daily basis.

- Resolution approving change order #8 in the amount of \$1259 for the Conservation Club Project.

Supervisor Conover explained the need for the change order. He stated that in order to achieve the Certificate of Occupancy, the inspector required additional grip rails in the restrooms and a metal backsplash in the kitchen. He stated that it was determined the most efficient and fastest way to achieve this would be to have VMJR, who is on-site, order the material so the work could be done. Supervisor Conover stated that this is the last expenditure to complete the building. Both VMJR and the architectural services have received their completion on this project.

Councilman Maranville asked if there will be any more money spent on this building. Supervisor Conover replied yes it will need money to operate. He stated that the committee has provided an operating budget for the upcoming year. Councilman Maranville asked if they have a business plan from the committee. Supervisor Conover replied that they have an operating budget and that they have some draft policies from the committee on how they plan to operate. However, until they have new policies in place they will continue to operate under the current policies and procedures. Sue Wilson stated that she thought the business plan was requested because there was a possibility that the Club would be run as a LDC rather than through the Town of Bolton. Councilman Maranville stated that he is concerned that they have spent over half million dollars and do not have a plan of how they intend to use it. Supervisor Conover stated that it will be used just as they have been in the past. He stated that the committee has worked hard to provide policies and procedures for the buildings use. However, if there is any changes, such as the terms of fee structure, who can use the facility, times of use, or if there was a change in who operates the Club, then that would need to be discussed.

RESOLUTION #216

Councilmember Rehm moved, seconded by Councilman Smith to approve change order #8 of \$1,259 for the Conservation Club Project. Councilman Maranville opposed. All Others in Favor. Motion Carried.

- Resolution approving use of Veterans Park Parking Area to park vehicles by Saratoga Modular Homes November 4 – 11 (insurance provided).

Supervisor Conover stated that this company is constructing a new home on Treasure Point and they needed a place to park their trucks temporarily to prep the site. He stated that the park is not in use during that period and he felt that it would be okay for them to do that as long as they provided appropriate insurance.

RESOLUTION #217

Councilman MacEwan moved, seconded by Councilman Maranville to approve the use of Veterans Park Parking Area to park vehicles by Saratoga Modular Homes November 4- 11. All in Favor. Motion Carried.

- Resolution establishing Winter Hours at the Transfer Station beginning Sunday, November 28, 8:00 a.m. to 4:15 p.m. (transfer station closed all day Mondays and Wednesdays).

Supervisor Conover explained that the start day is a Sunday, because they did not want to start hours on a day that they were closed. He stated that they will be open a couple of weeks longer than in the past because depending on the weather it will help the people who are still cleaning their lawns. Councilman MacEwan stated that he has gotten more positive comments than negative.

Councilmember Rehm asked how they should handle days off when the Monday happens to be a holiday. Councilman MacEwan stated that he thought that they would take another day off. There was further discussion of a floating holiday or taking of another day to compensate. Supervisor Conover stated that he would look into it and let them know how they handled it in the past because they do not want to result in closing for 3 days straight.

RESOLUTION #218

Councilman Maranville moved, seconded by Councilman MacEwan to establish Winter Hours at the Transfer Station beginning Sunday November 28, 8:00am to 4:15pm, and closing all day on Mondays and Wednesdays. All in Favor. Motion Carried.

- Resolution approving proposed use of Rogers Park for Arts and Crafts show May 28, 29th and 30th, 2011.

Councilman Maranville stated that he thought that they were going to honor the holiday and not allow the Craft Fair to run on Memorial Day. Supervisor Conover stated that this was what they requested and they felt that they could balance their operating hours on Monday with the parade and ceremony. Councilman Smith stated that he spoke with Gail Street who indicated that they intend to be open more on Saturday and Sunday and that Monday would be used more for closing up. He was concerned about them parking in Rogers and difficulty moving around for the parade. However Gail indicated that the vendors all park over at Albert Robinson's and did not feel that they would be in the way of the parade.

Councilman Maranville stated that they need to ensure that doesn't happen and make sure that Gail notifies the vendors of this. Supervisor Conover stated that he will talk to both Gail and the Chamber regarding this change. He stated that they requested this time to assist in the shoulder season because of the success of the craft fair they felt that they wanted to try to do this a little earlier. Gail found that most of her vendors were very enthusiastic to participate in this one as well. Councilman Maranville stated that Gail does a great job.

Councilmember Rehm stated that they also need to be sure that no vendors are re-selling commercial products. Supervisor Conover stated that they will continue to have that conversation. He added that it was nice to see the grass coming up in this area.

RESOLUTION #219

Councilman Maranville moved, seconded by Councilman Smith to approve the proposed use of Rogers Park for Arts and Crafts show May 28, 29 and 30th 2011 with the following conditions: 1) the Craft Fair shall not interfere with the Parade or ceremonial services on Memorial Day, and 2) no commercial products are to be sold at the Craft Fair.

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

- Resolution authorizing use of Town Hall meeting room for Bolton Holiday Art Show by local artists on December 4 and 5, 10:00am to 4:00pm in conjunction with Bolton Tree Lighting.

RESOLUTION #220

Councilmember Rehm moved, seconded by Councilman Maranville to authorize the use of Town Hall meeting room for the Bolton Holiday Art Show by local artists on December 4 and 5, 10:00am to 4:00pm in conjunction with Bolton Tree Lighting. All in Favor. Motion Carried.

- Resolution authorizing Supervisor to waive the Uniform Procedures Act time frames that are associated with the final decision on Finkle Brook permit application by DEC.

Councilmember Rehm asked Counsel Muller if there was any downside or repercussions that they may face for doing so. Counsel Muller replied he does not see a downside. However, he would like to have further discussion of the next item before a decision is made.

RESOLUTION #221

Councilman Maranville moved, seconded by Councilman Smith to authorize Supervisor to waive the Uniform Procedures Act time frames that are associated with the final decision on Finkle Brook permit application by DEC. All in Favor. Motion Carried.

- Resolution authorizing Town Attorney to submit letters requesting that the Town of Bolton be Lead Agency under SEQRA relative to the Finkle Brook Delta Removal Project.

Counsel Muller stated that he would like to have the opportunity to talk to the TB about a letter received regarding potential issues that could be litigated. He requested that they discuss this in Executive Session and allow for further review before making a decision.

RESOLUTION #222

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

- Resolution appointing Sally Swetland Pepper to the Bolton Board of Assessment Review for a term to expire September 30, 2015.

Councilmember Rehm stated that with her 30 years experience she realizes the importance of Board of Assessment Review members are. They need to be knowledgeable and fair and Mrs. Pepper has always shown those attributes and they are lucky to have someone with her qualifications continue to serve on this Board. Supervisor Conover agreed.

RESOLUTION #223

Councilman Maranville moved, seconded by Councilmember Rehm to appoint Sally Swetland Pepper to the Bolton Board of Assessment Review for a term to expire September 30, 2015. All in Favor. Motion Carried.

- Resolution authorizing Supervisor to apply for funds from the 2010 Justice Court Assistance Program for court security, equipment and courtroom furnishings in the amount of \$8,612.99.

Supervisor Conover explained that they are looking to install security cameras, an alarm system and new chairs for jurors. He stated that the chairs that were intended for the jurors are now what the Board members sit in. He stated that he suggested that they give these chairs back to the court but the Judges didn't care for that idea.

RESOLUTION #224

Councilman Maranville moved, seconded by Councilman MacEwan to authorize the Supervisor to apply for funds from the 2010 Justice Court Assistance Program for court security, equipment and courtroom furnishings in the amount of \$8,612.99. All in Favor. Motion Carried.

- Resolution naming road serving Alpine View Subdivision as Alpine View Drive.

Councilmember Rehm suggested that they set up a start point and ending point with the total distance of the roadway for 911 system. Supervisor Conover stated that he would make sure that was done.

RESOLUTION #225

Councilman Smith moved, seconded by Councilmember Rehm to name the road serving Alpine View Subdivision as Alpine View Drive. All in Favor. Motion Carried.

- Resolution authorizing contract with Warren County for Snow and Ice Removal and other services for 2011 per 2011 Schedule A Payment Rate.

Supervisor Conover stated that the amount projected is what is in the proposed budget and is the same as last year.

RESOLUTION #226

Councilmember Rehm moved, seconded by Councilman Maranville to authorize the contract with Warren County for Snow and Ice Removal and other services for 2011 per 2011 Schedule A Payment Rate. All in Favor. Motion Carried.

- Resolution authorizing Supervisor to sign agreement for drug and alcohol testing with Standard Medical Services at Convenient Medical Care for 2011.

Supervisor Conover stated that the rates that they quoted for the testing are less than this past year. The urine drug test is down from \$55 to \$45, breath tests remain the same and DOT 19-8 Physicals are down from \$100 to \$90.

RESOLUTION #227

Councilman Smith moved, seconded by Councilman MacEwan to authorize the Supervisor to sign agreement for drug and alcohol testing with Standard Medical Services at Convenient Medical Care for 2011. All in Favor. Motion Carried.

- Resolution adopting Local Law #3, Town of Bolton Dog Control Ordinance.

Councilmember Rehm asked if this would replace Ordinance 33. Counsel Muller replied that Section 11 repeals and replaces existing Ordinance 33. Councilmember Rehm stated that several letters and members of the public raised some concern regarding Section 5a. She stated that the current ordinance requires that dogs are effectively muzzled or leashed in any public place, but the current version does not include that language. Counsel Muller stated that it could be included. He stated that the only reason that it was not in there is because this is the model that came from the Secretary of State's office. He accepted that this is what they were proposing for all municipalities. Councilmember Rehm stated that since they have had it for over 30 years and it has worked she does not see why they shouldn't continue using the same language. She stated that Bob Weisenfeld suggested some language that include that dogs could be off leash or muzzle if they were on the owners property or another consenting property owner property.

Bob Weisenfeld stated that he suggested that the existing language be carried over to the proposed ordinance and that the list of exceptions be enlarged to make it clear that a dog owner was free to run their dog on their property without a leash, or on the property of another consenting property owner. He stated that his other concern was that if the word under "control" was going to be used with "accompanied by" the owner they should have a more precise definition for it to be enforceable.

Counsel Muller agrees with Bob Weisenfeld's suggestion of better defining what constitutes control. He asked if the Board felt as though they should consider that control is only under muzzle. Councilman Maranville replied no, but they have just received some letters and comments of concern to look at this a little further. He suggested making a decision at a later date. Supervisor Conover stated that they need to have this done by the end of the year. Pat Steele stated that it has to be done by December 31st. Counsel Muller asked if they could wait to enact this at the December meeting. Pat

Steele agreed that they would have time. Counsel Muller stated that he would feel better if they waited to fit in the proper definitions and the review it again before adopting the new resolution.

RESOLUTION #228

Councilman Maranville moved, seconded by Councilman MacEwan to table this item. All in Favor. Motion Carried.

RESOLUTION #229

Councilman Maranville moved, seconded by Councilman MacEwan to keep the public hearing for Ordinance #3 open. All in Favor. Motion Carried.

Public in Attendance

Madeline Weisenfeld stated that she had hoped that the ordinance would be passed. Supervisor Conover stated that the existing ordinance is still in effect and is enforceable which contains the language that she likes.

Zandy Gabriels stated that he is concerned with the Sewer versus Water use difference. This past month there was a million gallon difference, which is the second time this year. He thinks that it is great that the Town is going to slip line the sewer lines this year and he hopes that they can proceed to get any additional slip lining done so that no funds need to be return to EPA for lack of use. He hopes that suitable modifications can be made at the County level and he would be happy to write a letter in support of that concept.

Zandy Gabriels stated that this difference indicates high ground water coming into the pipes from various sources. He stated at the end of September they had a week of tremendous rain, which he feels went into the ground and eventually came down the mountain and hit the sewer district and found its way into the sewer pipes causing the huge difference. What is significant is that the end of September rain, it raised the level of the pond considerably by 30". They are lucky because the level of the pond before the rain started was down 22". What is of interest and great concern is that if the level of the pond had been a more normal position this would not have been a concern. He stated that former Commissioner Grannis and DEC dam safety people should be concerned because that is erosion on the back side and that is where the problem occurs. He stated that he has always looked for a solution on this situation but has not found it. However, he has also never come into the situation where the water level has jumped 30" in one week. It never did in June 2005, this time it did and it is recorded. It is real close to being very scary. Zandy Gabriels stated that this is a lot more concerning and poignant than worrying about compliance with Grannis reclassification of the dam. He stated that he is not sure where to find the money for this solution. They have not been using as much water as in the past so the pond is not being drawn down and it is becoming more of a problematic management question.

Zandy Gabriels stated that he was happy that they took the contract list for the property owners downstream of Finkle Brook and getting that Flood Plain taken care of but he also feels that they should do the same for the Conservation Park as well. He stated that

it is not a huge dam and is not recognized by DEC but he does feel that if that were to break they would have some serious problems. He feels that this is a public safety issue and they should take the extra step especially since they already have the engineers working on it. They have the topos and tax maps that can be given to the Fire Company, Rescue Squad and Highway Department. He feels that it should be done under CT Male's contract without any additional cost.

Zandy Gabriels stated that he is happy to see that Camping Islands Garbage collection will continue for the next season. However, he is not sure that Senator Little has the necessary regulatory or legislative implements in place to keep the collected garbage fees away from the general fund. He stated that there was a very serious firing of the Commissioner for a leaked memorandum which stated that because of the State's fiscal urgencies there are certain programs that are going to come under the fiscal gun, specifically, hunting, fishing, skiing and camping. All of those elements are key elements to Warren County. If the State decides to cut back, eliminate or reduce services to those programs because of their financial concerns, Warren County and Bolton will take a tremendous hit. He feels that this region needs to start planning for potential cutbacks. They need a Plan B to be sure that they can provide the recreational activities and services in the interest of their tourist economy. He stated that they can no longer sit back and depend upon the State; the State is fiscally broke and cannot be trusted with their recreational facilities.

Dan Daniger, Coolidge Hill, stated that he has a lot of thoughts about the camping islands because his family spends a month each year camping in 2 of the 4 island campsites in New York State. He stated that they spend 2 weeks out in Saranac and 2 weeks on Lake George. As Zandy Gabriels mentioned he is concerned about potential cuts to programs. He stated that even though the garbage pick-up will continue the problem goes beyond that. He stated that it is different type of camper that comes to Lake George versus those in the Saranacs. The Saranacs seem to take care of themselves but Lake George has a different clientele that would not be able to take care of themselves. He feels that the Town of Bolton has an obligation to protect the many islands within the Town. He would like to see them protect this valuable resource. He appreciates how the Town stepped up in seeing the garbage collection re-instated but he would like to see the Town step up and have a plan in place to preserve this valuable resource.

Transfers:

RESOLUTION #230

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

FROM	TO	AMOUNT
General Fund		
10104 Insurance	19404 Research	\$110.00
19904 Contingency	10104 Town Board	3,461.00 Lake to Locks Grant
19904 Contingency	51324 Garage	10,000.00

71402 Recreation	71404 Recreation	2,500.00
Highway Fund		
51104 Road Repairs	14404 Engineer	\$11,450.00
51104 Road Repairs	51122 Chips	18,975.00
51204 Culverts	51122 Chips	6,000.00
Water Fund		
83402 Transmission	83304 Purification	\$7,000.00
83402 Transmission	83404 Transmission	2,000.00
Sewer Fund		
81302 Treatment	81204 Sewage Collection	\$100.00

Conservation Park \$3,226.09

All in Favor. Motion Carried.

Pay Bills:

RESOLUTION #231

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

October Mid Abstract:	Voucher#	Amount
General	1180-1197, 1207	\$6,430.74
Highway	416	16.54
Sewer	238-241	3,026.57
Water	231-232	1,248.63
Street Light	1184, 1194, 1197	402.85
Rogers Park Dock	12	3,215.00

November Abstract:

General	1135, 1179, 1198-1206, 1208-1237	43,787.69
Highway	386-415, 417-420, 422-427	48,143.68
Water	220-221, 223-230, 233-243	6,359.95
Sewer	224-237, 242-247, 251	9,760.52
Tourism	49-52	11,166.70

All in Favor. Motion Carried.

Executive Session : Contractual Matter, Personnel Matter and Potential litigation.

RESOLUTION #232

Councilman Maranville moved, seconded by Councilman Smith to enter into Executive Session at 8:55pm 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
Recording Secretary