

TB – Minutes September 5, 2006

STATE OF NEW YORK

COUNTY OF WARREN

Present: Supervisor Alexander G. Gabriels III, Councilmen Scott Andersen, Robert MacEwan,

Owen Maranville, Jason Saris, Town Counsel Michael Muller,

Town Clerk Kathleen Simmes

Absent: None

REGULAR MEETING:

Supervisor Gabriels called the regular meeting to order at 7:00 pm.

Pledge of Allegiance – Michael Muller

PUBLIC HEARING:

Supervisor Gabriels opened the public hearing at 7:03 p.m. The purpose of the hearing is to amend Ordinance #38 entitled "Ordinance for Regulation of Parks and Beaches in the Town of Bolton to specifically include Bixby Beach and repeal of Ordinance #43 entitled "An Ordinance Regulating Parking in Certain Areas of the Town of Bolton. There were no public comments and the hearing remained open.

Announcements:

Warren County held a public hearing on repairs to be made to a bridge on Padanarum Road. The public hearing will remain open for approximately one more week.

A public informational hearing on the Bolton Fire Department retiree pension program will be held at the Bolton Town Hall on Wednesday, September 6, 2006

Steve Chapman Memorial motorcycle ride will be held on Sunday, September 24, 2006 at Rogers Park.

The Lake George Loop Draft Corridor Management Plan is available for review and comment at <http://www.wcplanning.blogspot.com/>.

Meal Site Menu is available in the Town Hall.

There are now 2 Town of Bolton website addresses: [www.town.bolton.ny.us](http://www.town.bolton.ny.us) and [www.townofboltonlanding.com](http://www.townofboltonlanding.com).

Public in Attendance:

Jim Casaccio asked why there is so much clearing on Dickinson Hill Road and suggested that all TB members visit the road, because there is a lot of clearing. Supervisor Gabriels said that he hasn't been there, but he spoke with our Highway Superintendent, Tim Coon about it and the town roads are the responsibility of the Highway Superintendent who reports to the public.

Correspondence:

Letter from Mike Murray regarding building on 206 Coolidge Hill Road.

Letter from the LGA regarding Tim Harrington and the alleged 3-acre clear cutting on his property off County Route 11.

Public information comments on the Wardsboro Bridge.

Correspondence from the APA of a major project that they received. The application is for County Route 11, East Schroon River Road and the Sherman Lake area.

Note that the Highway Superintendent Tim Coon that he picked up two truckloads of building materials that was illegally dumped on old County Route 11.

Letter of thanks from BBA to the TB for the fireworks funding.

Letter from Alice Coon regarding clear cutting by National Grid on Valley Woods Road.

E-mail from Officer Jim White thanking Janette Frasier for coming in to clean up a mess in the police office that was made during an arrest.

Correspondence from Robert Lagoy on suggested improvements to the radio communications systems in the Town of Bolton.

Indication from Evelyn Francis that Edgecomb Pond Road north to Valley Woods Road should be strongly considered for re-paving by the TB and the Highway Superintendent.

Correspondence from Lynch and Company that the Town of Bolton's waste hauling fees will be increased effective November 13, 2006 from \$56/ton to \$58/ton.

Letter from Art and Tony Franz indicating they own the property where the Welcome to Bolton sign is located and they have given the Town and only the Town permission for that particular sign. Other signs are not permitted there without prior permission.

Correspondence on Shared Municipal Services Grant Award Program Round 2 for the Town.

Correspondence from Mr. Vacca about a particular tree in a right-of-way on Rainbow Beach Road. It has been forwarded to Highway Supervisor Tim Coon for his consideration.

Letter from Rick Schroeder resigning from the Bolton Police Dept. effective Sunday, August 13, 2006.

Correspondence from the NYSDEC of an inspection of the Town of Bolton's wastewater system. The ratings were satisfactory in all regards.

Letter from Atty. Mark Rehm regarding the NYS Liquor Authority. Mr. and Mrs. Bernard Russell are filing an application with the State Liquor Authority for a conversion of on-premises liquor license to a restaurant wine license.

Letter from NYSORPS that the final equalization rate for the coming year is 72%.

E-mails from Steven Cox suggesting that the TB meetings be televised on the local cablevision.

E-mail from Dennis and Marylou Murphy with their views on Town of Bolton Police Department activities.

Information from the Warren County Health Service Committee on rabies programs, for Animal and Dog Control Officers.

Correspondence on tax certiorari with Verizon, which is ongoing.

Correspondence from Hudson Headwaters Health Network that they are approaching their 25<sup>th</sup> anniversary.

*Referrals from Zoning Enforcement Officer / ZBA / BPB:*

Amendment to the PUD-GIA Associates-has been approved by the APA for a 240 sq. ft addition to the service building.

Counsel said that review by the Bolton PB is not required and PUD approval comes from a legislative body, which would be the Bolton TB.

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RESOLUTION #167

Councilman Andersen moved, seconded by Councilman MacEwan, to table action on the PUD amendment for Green Island Associates pending additional TB member review. All favorable. Motion carried.

Queen Family (Green Island LG LLC), Green Island PUD amendment for a swim dock on the east side of the island

Councilman Andersen asked if this matter has been to the LGPC for review and Counsel said that he heard second-hand from Ellen George of the APA that it was reviewed and approved by the LGPC. Councilman Saris asked if the Bolton Zoning Office reviewed the request. Counsel replied by saying that he doesn't know, but the request came to him through the Bolton Zoning Office. Councilman Saris asked if the request is compliant with Bolton's Zoning and Counsel said yes. Supervisor Gabriels asked about proper neighbor notification and Counsel said that the notification requirements for these cases are not as stringent as the usual procedural paths. Councilman MacEwan asked if this has received all the necessary approvals and Counsel said yes. Councilman Saris asked if the initial PUD restrictions for having the docks on that side of the island were created by the Bolton PB and Counsel said yes, the PB recommendation eventually approved by the TB as a legislative act. The TB member consensus was to refer this matter to the PB for their consideration.

RESOLUTION #168

Councilman Andersen moved seconded by Councilman Saris, to send the Queen PUD amendment request to the Bolton PB for its review and input/recommendation. All favorable. Motion carried.

***Note: At this point in the meeting, Carl Schoder arrived and the TB agreed to hear his presentation on the stone wall and fencing for Rogers Park.***

Carl Schoder of Schoder River Associates explained that the wall is in disrepair and the TB decided to have the wall replaced. The proposal is to add an extra 38 feet of wall which will be a stone wall with an 8-inch concrete top, and he needs to know if the TB wants a pedestrian or vehicular rail.

Councilman Saris said that area is not really open for public transit, all work crews are aware of the drop-off, and a vehicular rail would not be aesthetically appealing. Councilman Andersen suggested increasing the wall cap an additional 2-3 inches. Carl Schoder said that increase really wouldn't address vehicles getting in there, he can compromise to ensure a level of protection, if the TB opts for a chain-link fence he suggests the fence be dark in color to reduce the sight of it from a distance, and the total fence length would be approximately 135 feet.

Councilman Maranville asked if the wall could be built about 4 feet higher for vehicle purposes and Carl Schoder said yes, but it would increase the project cost by about 50% due to the stonework and the concrete. Councilman Maranville asked if the wall would be all poured wall foundation with a stone face on it and Carl Schoder said yes.

Councilman MacEwan asked if the concern is with town vehicles or public vehicles. Carl Schoder said that if it were open to the general public, then he would recommend a guardrail. Councilman Andersen said that historically town vehicles, contractors, the fire dept. have only accessed it, etc., not the public. He would rather see a pedestrian fence because it would be nicer aesthetically. Councilman MacEwan agreed.

Supervisor Gabriels said the existing pedestrian fence has worked thus far. Councilman Maranville asked if a protective beam is possible and Carl Schoder said yes. Supervisor Gabriels said that one reason for vehicle access is because it is a prime pumping point for the Fire Dept. Councilman Saris said that he is in favor of a pedestrian rail and there is a need to discourage cars from being down there. Additional lengthy discussion ensued regarding rail specifics and the pros and cons of each type.

RESOLUTION #169

Councilman Saris moved, seconded by Councilman Andersen, to authorize Schoder River Associates to use a pedestrian rail/fence, not a vehicular rail for the entire length of the wall at Rogers Park. Councilman Andersen, Councilman MacEwan, Supervisor Gabriels, Councilman Saris favorable. Councilman Maranville opposed. Motion carried.

Carl Schoder showed the TB members pictures of stone samples from Champlain Stone. Supervisor Gabriels said the consensus is to go with the Adirondack granite type stone. Carl Schoder said he'd provide a proposal to the Town Board at the October 2006 meeting.

*Referrals from Zoning Enforcement Officer / ZBA / BPB:* (continued)

Timothy Harrington, 4 Forbidden Lane extensive tree clearing without a permit—notice sent 05/15/06

Timothy Harrington said one issue was a do not disturb area where one of his contractors cut some brush down. The other issue was County Route 11 and alleged cutting within the boundaries of the scenic corridor area. He didn't go 75 feet from the centerline into the County Route 11 scenic corridor, but he is willing to concede to do something in the scenic corridor even though he did not cut anything in it.

Supervisor Gabriels said that this issue was presented to the Bolton PB on August 24, 2006 and the Bolton PB recommended to the TB to impose maximum civil penalties, a replanting plan, and Mr. Harrington is to enter into an agreement with the Town stating that any legal fees incurred by the Town of Bolton are to be paid by him (Mr. Harrington) and there must be a deed covenant.

Timothy Harrington said he will not agree to a deed covenant and he wasn't at the PB meeting because he wasn't notified. Supervisor Gabriels said this issue went to the PB for their recommendation. Timothy Harrington replied by saying that he understands the whole process but he will not agree to a deed covenant if his rights to manage his property are going to be restricted.

Councilman Saris said the whole purpose is that Timothy Harrington already has restrictions. Timothy Harrington said that he cannot find them. Counsel said that the cutting restriction Timothy Harrington, or his contractor, is accused of violating are set forth in the code. There is a scenic corridor along that area. Timothy Harrington replied by saying that he did not cut in the scenic corridor. Counsel said that the covenant is the contract that goes with the land, so current owners and all substantive owners are aware of any planting plan and maintenance of any planting plan. Timothy Harrington said that he did not cut within the 75-foot zone of the scenic corridor. Counsel said that the Bolton PB wants a deed covenant ensuring that regrowth will be established.

Counsel said what is presented tonight is an alternative remedy to litigation and if Timothy Harrington is not willing to agree with the alternative remedy tonight then the matter then goes to litigation. Councilman Saris said that he thinks the PB in going through site plan review for that property had created certain areas on the property that couldn't be cut. Counsel said that Mr. Harrington did receive his notice of all of the violations on this property. It is not just the scenic corridor in question.

Timothy Harrington said he has a question on whether he has a restriction on his property where he can maintain his actual land in front of his house. Supervisor Gabriels said that there was a no-cut zone from the east to the drop-off and the reason for the no-cut zone was because of a previous owner's actions. That no-cut zone has been violated and abridged. Councilman Saris said the reason the PB is requesting it be recorded in the deed is so future owners won't have the same problem in buying the property without knowing what they bought.

Timothy Harrington said that he has another big issue with a tree-hugging activist telling the town what he is doing and asked if that individual (identified as John Gaddy) should even be on the PB when he (Gaddy) is an activist.

Councilman Saris said that this indicates there is a cutting plan that would be submitted for each lot, but the TB doesn't have the cutting plan. Counsel said it is not in the file, but he is sure it is in the Zoning Administrator's Office. Councilman Saris said it seems neither the TB nor Mr. Harrington has the cutting plan. Timothy Harrington said it is not in his paperwork. Counsel said that indeed, the no-cut zone restriction is not in Mr. Harrington's paperwork and perhaps nobody told him that at the closing. The reason it is imposed on this property is a matter of law. It is in the code of the Town of Bolton, so it is not a question of Mr. Harrington not knowing it. There is an obligation to know the law. Timothy Harrington said that Counsel is talking about the scenic corridor and he and the TB are talking about something totally different. Counsel disagreed and said they are talking about all the violations that are specified on the April 14, 2006 letter that was mailed to Mr. Harrington.

Councilman MacEwan said that some people ask questions and discuss matters with town offices and Timothy Harrington previously said he would contact Code Enforcement Officer Mitzi Nittmann the day after he appeared at the last meeting and he didn't do it. Timothy Harrington replied by saying that he had to be in New Jersey so he couldn't meet with CEO Nittmann and he measured the 75-foot distance himself.

Supervisor Gabriels asked if the matter goes to court if it cannot be resolved amicably. Counsel said yes, the Town of Bolton would seek enforcement of all the violations alleged in the April 14, 2006 letter. Supervisor Gabriels asked if the Town of Bolton could also sue for legal expenses if it went that route and Counsel said yes.

Councilman Saris said that the information on the cutting restrictions/plan should be available to the TB and to Timothy Harrington before the TB makes a decision. Timothy Harrington said that in the meantime he will plant across the County Route 11 area.

Supervisor Gabriels asked how the TB goes about finding out the existence of these documents. Counsel suggested the TB table the matter to the next meeting and for all documents to be available at the next meeting for the TB to look at and to have Mitzi Nittmann present to explain all of the steps she took. If the TB and Mr. Harrington can reach an alternative remedy at the next meeting then he is all for it. If an alternative remedy can't be reached then he thinks the PB has given the TB marching orders, which is that they want enforcement on this issue.

#### RESOLUTION #170

Supervisor Gabriels moved seconded by Councilman Saris to table the Harrington issue until next month pending all the information to be submitted to each board member and Mr. Harrington and the Code Enforcement Officer to be present. All favorable. Motion carried.

#### Neal McHugh, 206 Coolidge Hill Road—violations

At Neal McHugh's request, this item was tabled to the October 3, 2006 TB meeting.

#### Board of Health/Water Commissioners

#### RESOLUTION #171

Councilman MacEwan moved, seconded by Councilman Maranville to adjourn as Town Board and convene as the Local Board of Health to discuss a septic variance. All favorable. Motion carried.

Paul Vega—Public Hearing for Septic Variance—Lake Shore Drive

Paul Vega said that the Bolton PB met on August 21, 2006 and approved his area variance. Tom Hutchins, project engineer, said that the challenge is Mr. Vega's 3,500 square foot lot. They propose to replace the mobile home with a cottage and an Elgin septic system between the proposed building and Route 9N. The request is for 4 variances. Town Engineer Tom Nace has reviewed the plan.

Supervisor Gabriels read a paragraph from a memo from Tom Nace dated August 28, 2006 stating that, "...with regard to the requested variance, Mr. Nace believes that they are necessary and they represent the least amount of variance possible in order to construct a septic system on this small site. The effect of the property line variances is somewhat minimized by the fact that this and adjacent properties are served by municipal water. The structure setback to the proposed house is minimized by the fact that the house will be constructed on a crawl space, however he would suggest stipulating that the floor of the crawl space be constructed above the elevation of the bottom of the septic system absorption trenches. The requested drainage ditch setback is relatively small and it appears that the drainage inlet is up-gradient of the septic system. Based upon my review, I believe that the requested variances are reasonable."

No public comments

Councilman Saris said that this is a win-win situation. The aesthetics of the Town of Bolton and the scenic corridor leading into it are improved. A far from state-of-the-art septic system is being replaced with a much upgraded one, and none of this would have to be done if the trailer was replaced with another trailer. Supervisor Gabriels agreed. Councilman MacEwan agreed and said that he thinks the neighbors are on board with this project as well.

RESOLUTION #172

Councilman Saris moved, seconded by Councilman Andersen to accept a short environmental assessment statement and to make a declaration of negative impact on the Paul Vega septic variances. All favorable. Motion passed.

Supervisor Gabriels referenced our Engineer, Tom Nace's letter dated August 26, 2006 to Zoning Administrator Pam Kenyon, stating that a stipulation of granting the requested variances be that the floor of the crawl space be constructed above the elevation of the bottom of the septic system.

RESOLUTION #173

Councilman Saris moved, seconded by Councilman MacEwan to grant the following septic variances for property owned by Paul Vega Tax Map #186.14-1-47 4645 Lake Shore Dr.

**10' setback from property line required**

7' from Route 9N granted

6' from north property line granted

**20' required between leach field and proposed single family dwelling (crawl space)**

5' granted

**20' setback from drainage ditch is required**

17' granted

**10' is required between the tank and the proposed single-family dwelling (crawl space)**

5' granted

Also it is a requirement that Nace Engineering's letter with his recommendations be incorporated. All Favorable. Motion Carried.

RESOLUTION #174

Councilman Saris moved, seconded by Councilman Andersen to adjourn as the Board of Health and reconvene as the Town Board. All favorable. Motion passed.

Reports:

The only reports read into the record were highlights of the Sewer Dept., Animal Control Officer and Supervisor's reports.

Sewer Dept:

Councilman Saris said; there are still really high flows—an average of 314,306 gals. /day this past month. The NYSDEC did a surprise inspection and there were no violations. The pump used to pump to the upper beds went bad and he feels it is an emergency situation and the pump needs to be replaced immediately without the formal bid process-taking place. Supervisor Gabriels asked if the estimated cost of the new pump is \$5,500 and Councilman Saris said yes. Supervisor Gabriels said that he also ratified that that was an emergency purchase required.

RESOLUTION #175

Councilman Andersen moved, seconded by Councilman Maranville, for ratification to declare the upper bed pump replacement an emergency and to have a new pump purchased without the formal bid process at a cost of \$5500. All favorable. Motion carried.

Councilman Saris said that the Sewer Dept. should be congratulated for going through the entire summer without a single back-up or plugged line, which was a first time thing, so the diligence of the Sewer Dept. to get the mains cleaned really paid off.

Animal Control Officer

Councilman MacEwan said that Animal Control, Officer Harry Simmes went to RPI to learn how to handle rattlesnakes.

Supervisor Gabriels

SUPERVISOR:

Total receipts: \$373,954.67. Total disbursements: \$730,314.56.

Warren County: current matters before the County are tourism and what to do about the proposed sports authority.

Unfinished Business:

Public Hearing on Amendment to Ordinance #38

Supervisor Gabriels again asked for public comment and there was none. Supervisor Gabriels closed the public hearing on the amendment to Ordinance #38.

RESOLUTION #176

Councilman Saris moved, seconded by Councilman MacEwan, to amend Ordinance #38 Regulations of Parks and Beaches in the Town of Bolton to include specifically Bixby Beach and to repeal Ordinance #43 entitled "An Ordinance Regulation Parking in Certain Areas of the Town of Bolton. All favorable. Motion carried.

Bob and Sylvia Phillips – Request for Reimbursement for Plant Replacement

Supervisor Gabriels said the Phillips' are seeking a reimbursement in the amount of \$250.

Supervisor Gabriels said he would recommend granting the reimbursement, because it buys piece and harmony without establishing precedent and he doesn't think many people know what a manhole may necessarily be even though they see it on the ground. Councilman MacEwan agreed. Councilman Saris said that he knows where all the manhole covers are on his property and he wouldn't plant anything that would possibly cover them up. Councilman Andersen asked who would be responsible if there is a waterline that the town needs to repair and someone has built over it. Counsel replied by saying; in many instances it is clearly stated where the easements are so it is a matter of deed covenant and usually a matter of a map filed in the clerk's office. This is more in the oddball category in that it is not necessarily coveted clearly by deed or it may have been briefly described, but it is certainly not specified by a filed map. There is not a contractual mandate here. The request for \$250 is not an obligation, and if the TB did exercise its discretion to allow the \$250 reimbursement it is not properly categorized as a gift. Supervisor Gabriels said that in forty years the town has been less than diligent in its maintenance of the manholes and its maintenance of them. This is the first time in 40 years the town has had them cleaned. Councilman Saris said he thinks the Town of Bolton is relatively generous in the fact that there is no insistence that a big right-of-way is kept to the manholes, so it has little impact on somebody's property, but if one has to get to it, one has to get to it. Counsel said that the municipality has the absolute right to get to it.

RESOLUTION #177

Councilman Maranville moved seconded by Councilman Saris, to deny reimbursement to Bob and Sylvia Phillips for plant replacement. Councilman Maranville favorable, Councilman Saris favorable. (Councilman Andersen opposed, Supervisor Gabriels opposed, Councilman MacEwan opposed. Motion not carried.

RESOLUTION #178

Councilman Andersen moved seconded by Councilman MacEwan, to approve reimbursement to Bob and Sylvia Phillips for plant replacement in the amount of \$250. Councilman Andersen favorable, Supervisor

Gabriels favorable, Councilman MacEwan favorable. Councilman Maranville opposed, Councilman Saris opposed. Motion carried.

Reimbursement Request from Sam and Jackie Castro

This item was tabled to the October 2006 Town Board meeting.

Replacement of Antique Streetlights

John Gaddy said he is still waiting for quotes from the original companies. Supervisor Gabriels said that a model light is in the front lobby. John Gaddy said he would ask George Mumblow what components are needed. Councilman Andersen said he would do the same, as he would like the project completed.

Pioneer Village Improvement Association

Atty. Robert McNally said they propose to build a waterline from Braley Hill Road to the Pioneer Village Association and they are present tonight to request a public hearing on the matter. Supervisor Gabriels asked if Counsel was favorably disposed that there are no problems with this and Counsel said yes.

RESOLUTION #179

Councilman Andersen moved seconded by Councilman Maranville, to schedule a public hearing on the proposed Pioneer Village Association waterline extension for October 3, 2006 at 7:00 p.m. All favorable. Motion carried.

Bolton Rural Cemetery – Request for Additional \$500 for Completed Repair

Supervisor Gabriels said that the Bolton Rural Cemetery asked for additional funds to secure headstones in the older part of the cemetery. They are proposing repair as well as relettering three tombstones a year for an estimate of \$500 per headstone.

Councilman Saris said a valid point is this is unbudgeted. He is not sure where the committee is headed regarding other Town of Bolton cemeteries, and he thinks the TB needs more specifics regarding a project timeframe and exactly where this project could lead. Councilman Andersen said he agrees that there is a need for a more definitive plan presented by the committee.

This item was tabled pending additional information.

*Pending Items:*

Counsel said that regarding The Sagamore Resort emergency pumping station, he and Supervisor Gabriels have the okay to communicate directly with Ike Wolgin.

There was no information given or action taken on any other pending items.

*New Business:*

Accept Richard Schroeder's resignation from the Bolton Police Department.

RESOLUTION #180

Councilman Saris moved, seconded by Councilman MacEwan, to accept Richard Schroeder's resignation from the Bolton Police Department effective Sunday, August 13, 2006. Supervisor Gabriels favorable, Councilman MacEwan favorable, Councilman Maranville favorable, Councilman Saris favorable. Councilman Andersen not present when vote taken. Motion Carried.

#### Authorize Advertising for Police Officers for Bolton Police Department

The TB member consensus was to authorize advertising for Bolton Police Department personnel. Town Clerk Kathy Simmes said she would place the advertisements.

#### Accept Michael Murray's Resignation from the Bolton ZBA and Discuss Replacement

Supervisor Gabriels said that the TB asked Michael Murray to continue as a ZBA member, but based on the most recent letter from him, it appears he is not interested.

#### RESOLUTION #181

Councilman Saris moved, seconded by Councilman Andersen, to accept Michael Murray's resignation from the Bolton ZBA. All favorable. Motion carried.

Supervisor Gabriels asked for input on the ZBA vacancy and Councilman Andersen suggested the TB request letters of interest to fill the vacancy. Town Clerk Kathy Simmes said she would place the advertisements.

#### Discuss Amendment to Zoning Code 200-46 (10)

Counsel explained the current code and said that section of the code is not being enforced. Counsel then read the proposed amendment to Zoning Code 200-46 (10) and said that this amendment is entirely acceptable to the Bolton PB. Counsel said that there were comments made from non-PB members suggesting alternative language and read that alternative. Counsel said that either way, it is not good to have a section of the code that is not being enforced. What he thinks the code was hoping to avoid was people making deep cuts in slopes, passing water onto adjacent lots, etc.

Councilman Saris proposed that Counsel run both sets of alternative language by the APA and said that another option is to also run both proposed languages by Lisa Nagle who is working on the Comprehensive Plan. Supervisor Gabriels said that he has no problem running it by her. Since this is currently not being enforced, it would be beneficial to expedite the process in getting the matter to the public hearing stage.

#### RESOLUTION #182

Councilman Andersen moved seconded by Councilman MacEwan, to schedule a public hearing on the proposed amendment to Zoning Code 200-46 (10) for the Town Board meeting on October 3, 2006.

Alternative A – Zoning Code 200-46(10): Fills shall not endanger adjoining property nor divert water onto the property of others. Maximum cut or fills shall be in conformity with any requirements imposed by the New York State Uniform Fire Prevention and Building Code for all construction. or

Alternative B – Zoning Code 200-46(10): Fills shall not endanger adjoining property nor divert water onto the property of others. Maximum cut or fills shall be six feet for all construction. This limitation shall not apply to basements.

All favorable. Motion carried.

Discuss Zoning Office Request to Require Pre and Post Contour Lines on All Plans Submitted for Purposes of Clarity and Compliance with Zoning Code 200-28 Ca 1-12 and C2 a1-12

Supervisor Gabriels read an e-mail from Code Enforcement Officer Mitzi Nittmann dated August 31, 2006 regarding this item.

John Gaddy said he is in favor of the request and it would be a good effort in backing what is already on the books. Counsel said it is a good idea but maybe a portion of what the resolution should deal with is an administrative waiver and maybe in a proper case, the Zoning Administrator may be given some margin of latitude. Councilman Saris said it is a good idea. There is no question that some things don't require it. If the Zoning Administrator or Code Enforcement Officer need that then the TB should do it, and asked how cut and fill can be enforced if it is not required. Councilman Andersen suggested Counsel put a procedure policy in writing for the Zoning and Planning Offices. Counsel said he would like to allow applicants the opportunity for a waiver. Councilman Saris said that if the Zoning and Planning Offices are given a waiver option it can still be appealed to the ZBA.

RESOLUTION #183

Councilman Andersen moved, seconded by Councilman MacEwan, to authorize Town Counsel Michael Muller to provide the memo that provides the guideline as well as the suggested waiver process on the pre and post contour line issue. All favorable. Motion carried.

Discuss Brush Pile at Transfer Station

Supervisor Gabriels said he received the following three chipping quotes; High Peaks at \$5,000.00, American Tree Company at \$4,250.00, and Real Bark and Mulch at \$4,950.00. Councilman MacEwan said they put this out to bid some time ago, so he called all three companies and all agreed to extend their quotes.

RESOLUTION #184

Councilman MacEwan moved, seconded by Councilman Maranville, to accept the American Tree quote in the amount of \$4,250.00 for chipping the brush pile at the Transfer Station. All favorable. Motion carried.

Discuss Use of Vehicles and ATVs on Town of Bolton Property at the Transfer Station

Councilman Saris said he is not sure that the Transfer Station site is appropriate for recreational vehicle and ATV use. Councilman Andersen said that the Town of Bolton allows ATVs in some areas, like parks in the winter, and as long as the Transfer Station is the only location prohibiting this then he has no problem with posting it. All TB members agreed to work on language to be posted at the Transfer Station regarding ATVs and other recreational vehicles. This item was tabled.

Discuss and Adopt Policy Resolution that Prohibits Vehicular Access to Pier Except for Town Purposes or Public Safety Reasons

This item was tabled pending further discussion.

Resolution Regarding Direct Deposit for Employee Payroll—Electronic Payment Services Agreement with TD Banknorth

RESOLUTION #185

Councilman Maranville moved seconded by Councilman MacEwan, to authorize the Electronic Payment Services Agreement with TD Banknorth for direct deposit. All favorable. Motion carried.

Youth Recreation Grant with NYS—Resolution to Accept \$1,600.00 in Matching Funds from NYS for Recreation Commission Through Warren County Youth Bureau

RESOLUTION #186

Councilman Andersen moved seconded by Councilman Maranville, to accept \$1,600.00 in matching funds from NYS for the Recreation Commission through Warren County Youth Bureau. All favorable. Motion carried.

Consider Resolution Regarding Finkle Brook Delta Dredging—Under Grant from LGWC

RESOLUTION #187

Councilman Saris moved seconded by Councilman Maranville to adopt the resolution for Finkle Brook Delta Dredging. All favorable. Motion carried.

Dredging of Dula Pond

If Engineering, Funds and Legal Permission is Obtained

Councilman Andersen said he thinks dredging Dula Pond is a good idea.

Rules and Regulations Regarding Water District Property—Specifically Activities Prohibited at Water District's Edgecomb Pond Property—To Establish Legal Enforceability Bolton Police Department Needs Adoption by the Board of Water Commissioners

Supervisor Gabriels said that signs were put up by the Water Superintendent by the Edgecomb Pond dam and there was one instance that showed there was no enforceability. Councilman Andersen asked if this has been a real issue in that location. Supervisor Gabriels replied by saying that ATVs, snowmobiles and outboard motors give occasional problems. There is a little more risk taking in falling through up there, other than that it may be the town has a very protective Water Superintendent who doesn't like them on his drinking water supply.

Councilman Saris asked if ATVs are just not allowed on the pond when it is frozen or around the pond at any time. Supervisor Gabriels said that at the dam itself and on the south side of the pond it says no ATVs. Councilman Andersen said he has a problem with ATVs being allowed on the road. Councilman Saris said that anything that would have a direct effect on the quality should be restricted. Councilman Maranville said that he went up there a few days ago and there was debris dumped there.

This item was tabled pending additional discussion.

Water Line—Whose Financial Responsibility for Lateral Line when the Town owns the Easement for the Water Main

All of the TB members agree with Ordinance #39 which says the Town is responsible because the ordinance says that the Town will bring water to the edge of the right-of-way.

Authorize Bid for New Shed (est. \$2,500.00) for Veterans Park Attendant

RESOLUTION #188

Councilman Saris moved, seconded by Councilman Andersen, to authorize proposals for a new 8x14 shed for Veterans Park. Proposals will be accepted until September 22nd All favorable. Motion carried.

Public in Attendance: No comment

RESOLUTION #189

Councilman MacEwan moved seconded by Councilman Maranville, to authorize the Budget Transfers as follows presented.

FROM TO AMOUNT

General Fund

16204 Buildings Cont. 16202 Buildings Equip. \$ 600.00

19904 Contingency 50102 Supt. Of Hwys 450.00

19904 Contingency 51324 Hwy Garage 1,400.00

19904 Contingency 71102 Parks Equip 800.00

19904 Contingency 71104 Parks Cont. 1,000.00

Surplus Zoning Ordinance Update 9,500.00

Surplus 51104 Highway Road Repairs 36,688.00

Surplus Sewer District 20,000 August

Highway

51302 Machinery Equip 51204 Bridges 10.00

51302 Machinery Equip. 51304 Machinery 524.00

Water District

83102 Administration Equip 81304 Administration 300.00

Sewer District

81304 Treatment 81104 Administration 1,450.00

Payment of Town Bills:

RESOLUTION #190

Councilman Maranville moved seconded by Councilman Andersen to pay the town bills. All Favorable.  
Motion Carried.

Executive Session: None

Councilman Andersen moved, seconded by Councilman MacEwan, to adjourn at 10:20 pm. All favorable.  
Motion carried.

Minutes transcribed by: Respectfully submitted by:

Jennifer Torebka Kathleen Simmes

Recording Secretary Town Clerk

09/18/2006