

TB – Minutes – September 4, 2007

STATE OF NEW YORK
COUNTY OF WARREN
TOWN OF BOLTON

Present: Supervisor Alexander G. Gabriels III, Councilmen Scott Andersen,
Rob MacEwan, Owen Maranville, Jason Saris,
Town Counsel Michael Muller, Town Clerk Kathleen Simmes

Absent: None

Pledge of Allegiance: Alexander Gabriels

Public Hearing: Supervisor Gabriels opened the public hearings at 7:00pm

Definition of Parcel - amendment to Zoning Code 200-8 revised definition of "Parcel of Property" to clarify Bolton usage and custom that a road dividing property does not create a subdivision

Supervisor Gabriels said the proposed revised definition of parcel is as follows:

"Any real property shown on the latest adopted county tax roll as a unit. Parcels separated by a public highway and owned by the same owner shall be deemed the same parcel of property. The division of any tax map parcel shown on the county tax roll as a unit by a public highway does not constitute a subdivision of the tax map parcel."

Supervisor Gabriels said that he hopes that codifies the custom the Town of Bolton has followed over the past years. Counsel said that it is the practice being followed by the PB and is also a practice the APA representatives anticipated the Town of Bolton had to do. While what the APA representatives expected the Town of Bolton was doing and what the Town of Bolton had been doing was in conformity, but the definition found in the Town of Bolton code did not support how the Town of Bolton was proceeding. Deanne Rehm said that she is concerned that no one construe a parcel that is on the tax map that is outlined may or may not be a parcel by deed and she doesn't want them to start accepting tax maps as gospel, because there was a time when two contiguous parcels could be asked to be combined on a map while they were still separate parcels by deed. She added that regarding contiguous units, that is some variation on something the APA language has where if you owned property before 1973 and they were contiguous, while they may have been separate parcels but they were considered one parcel. Counsel said that he thinks the origin is that one of the developers came before the PB and took a position that he had a survey inventory of lots and one of those lots was by his definition that a tax parcel was divided by a town road. It was up to PB to determine how they were going to interpret that and the interpretation they chose was that the highway did not make a natural subdivision, so it didn't create an extra lot. Deanne Rehm said she's in total agreement with that. Counsel said that they asked the APA representatives their expectations and their expectation was consistent with the PB's expectation, but in terms of the other configurations, he agrees with Deanne Rehm in that

the deed restriction prevails. Deanne Rehm said that she is concerned with the first sentence of the definition in that it seems it is read as that if it is on the map as a parcel it is a parcel even if it is two, three or more lots. Counsel said that if the first sentence is troublesome, deleting the first sentence would still leave the proper meaning. There were no additional comments of public in attendance on this matter at this time. The PH remained open.

Regular Meeting: Supervisor Gabriels called the regular meeting to order at 7:09pm.

Announcements:

Beginning Sept. 10, 2007 (for 4-6 weeks) Valley Woods Road from Curri's to Federal Hill Road intersection will be closed to all but local traffic for construction of Finkle Brook retaining wall. The Bolton Chamber of Commerce is hosting a "Candidates Night" at the Bolton Town Hall on Wednesday, September 5, 2007 at 7:00pm.

Bolton Pride Day will be Saturday, October 13, 2007 at Camp Walden beginning at 1:00pm following with a light dinner at 5:00pm.

Lake George Park Commission and Saratoga Associates are holding workshops on draft recommendations for upland tree cutting rules and stream corridor management.

Bolton Zoning Improvement Committee may have draft revisions to Zoning Code ready to begin public discussion in October.

There was another sewer leak at the north pump station on August 21, 2007. There was no effluent into the lake at that point.

Meal Site Menu is available in the Town Hall.

There are now 2 Town of Bolton website addresses: www.town.bolton.ny.us and townofboltonlanding.com.

By prior Resolution #220 of 09/11/98 traffic lights go back to blinking the Tuesday after Labor Day until May 15. Per resolution #269, the Bolton Police Dept. can change that per their discretion unless the TB wants to change it.

Conservation Park was used five times in June and requested for use seven times in July.

Warren County bids for Finkle Brook retaining wall were opened August 17, 2007.

Warren County will be installing a new fuel monitoring system at Highway Garage.

Warren County/Bolton Sewer Plant bids for improvements were due August 23, 2007.

Cross walk across Route 9N to the Post Office – letter dated August 16, 2007 – to be installed as NYSDOT workload permits.

Comments from Public in Attendance:

Don Kingsley asked the status of the Westwood Forest West project regarding the town contacting Tom Nace for sign-off on the road. Supervisor Gabriels said that Tom Nace faxed a letter August 28, 2007, with copies to Rolf Ronning, Don Kingsley and Dennis Dickinson, citing five additional items he is requesting. Don Kingsley said that his wife spoke by phone with Tom Nace last Thursday and was told by Tom Nace that he is okay with a sign-off of substantially complete barring that last basin. He said Tom Nace was going to contact Supervisor Gabriels and Town Counsel to see if it was alright for him to go that route. Supervisor Gabriels said that if it were the Town of Bolton directly involved with Don Kingsley as a contractor, he understands the legalities in the Town of Bolton undertaking substantial completion if in fact it was, but Tom Nace brought up the use of "substantial completion", but Supervisor Gabriels didn't know whether or not that term could be used in terms of Don Kingsley as a contractor or

an applicant before the TB requiring a sign-off from the Town's Engineer. Counsel said that "substantial completion" came about by the PB requiring Rolf Ronning to deposit \$150,000 in an escrow account and by law, Counsel must specify the terms and specifications of that escrow agreement, so that he (Counsel) is held harmless from returning it to the wrong person at the wrong time. Counsel prepared the escrow agreement looking out for the Town of Bolton not the applicant/developer or any subcontractors for the development. The first trigger to release money was the term "absolutely complete" or "fully complete" in accordance with the requirements of the PB, which Tom Nace was not comfortable with, so he (Nace) suggested the term "substantially complete" which is a standard that Counsel and the Town Engineer are held by, so that is where they are as far as who makes the final decision and why it is Tom Nace and not himself or anybody on the PB or anybody in the Town of Bolton. Don Kingsley said that they are still caught in a catch 21 with Warren County Soil and Water, which is why he asked that someone find out who is making a determination and what is required, as it has been 5 months now. Counsel said that it sounds like to him that based on the engineers that there are deficiencies in that and he, as Counsel to the PB would never be rushing Tom Nace, as his interest is that Tom Nace is completely satisfied. The Town of Bolton is looking for accuracy and not pushing these people (the developer, project engineer, etc.). He said that it is hard working with Mr. Ronning and Mr. Dickinson in a manner in how they deliver things to Tom Nace as it is not only on this subdivision either, it is on others too where they just don't know what they've got. Don Kingsley said that what they've been exposed to is that sometimes information will get down to Tom Nace's office on the first of the month and they won't get a response until the 28th of the month, which is why he asked Supervisor Gabriels about timeframes. Counsel said that he thinks that there is always room for improvement and he feels very comfortable in having the developer communicate with Tom Nace. He realizes this cuts through one step, but it avoids a chain of command where they don't know what's going on there between the developer and the engineer. Counsel said that he's not sure it is working as well as he'd like it to work. Don Kingsley asked if they should just keep banging away and Supervisor Gabriels said that it would appear from Tom Nace's email of August 28, 2007, that some additional work needs to be done before Tom Nace is ready to say it is completed. Don Kingsley said that regarding the width of the road, he received a phone call from Tom Nace's office asking him (Kingsley) to go up and check the width of the road, which means here he is checking his own work and verifying it over the phone.

Don Kingsley said that seeing as there is a road that is not signed-off on, there is still a business up there operating and it is under his insurance as an open contract. The public is going in and out of that road and using facilities and areas his company has worked on that is still not signed-off and asked who would be liable if someone were to get hurt. He added that this job is not signed-off, so it should not be open to the public. Counsel said that assuming all Don Kingsley says is true in terms of hazards and the condition of the road, the Town of Bolton doesn't open it and doesn't close it. All the Town of Bolton can do within the limits of the code is approve the stormwater plan and the subdivision plan. Counsel said that it's not like the official opening of the road. Claire Kingsley said that in her discussion with Tom Nace last Thursday, he told her that he was not going to sign-off like he does with every other subdivision, but Tom Nace said that he was going to ask Supervisor Gabriels and Counsel if he (Nace) could write a letter saying that the only question is the one basin and the rest are satisfactory. She added that Tom Nace was never going to give a sign-off, but he wanted to quell any questions to do the road or any of

the other basins. Counsel said that for him as the escrow agent, if the engineer says it meets the requirements and has completed it in a satisfactory manner conforming with the subdivision requirements and stormwater management and erosion control, Tom Nace's signature is good enough for him, then he knows what he can do, which is essential for him (Counsel) to take action.

Supervisor Gabriels said that he doesn't think the request has to do with releasing the escrow funds, but he thinks that Claire Kingsley is looking for a determination from the Town Engineer that they have this effort substantially complete in a document the Kinglseys can take back to the developer in order to collect funds under their contract, which may not come from this performance bond, but wherever the developer is going to get his money. Counsel said that he has no problem directly communicating with Tom Nace to get a document reflecting the percentage of conformity the project is at with details on what is lacking and/or needs to be changed. Claire Kingsley said that is what they are looking for and they would like an update of exactly what is right and what isn't. She said that regarding the "as-builts" they have no control over that or the basin and the basin was done according to the plans approved by the PB, so anything over and above that they have no control over. Counsel said that in a certain respect he is holding Tom Nace's feet to the fire in that he doesn't want him, if he finds there is a better idea on how to change something, he doesn't want him to think he has the latitude to do that, as that part has to come back to the PB. He added that he doesn't have a problem with it in principle. Claire Kinglseey said that Tom Nace told her that he will not be signing-off on it, but that if it is okay with the Town, Supervisor Gabriels and Town Counsel Michael Muller, then he will give them (the Kingsleys) a document they can take to show what has been completed.

Claire Kingsley said that they are inspected weekly by the Town Engineer, but they don't ever get anything in writing, so she thinks it would be helpful for the contractors to get a monthly or weekly punch-list in writing so they can address any issues and have a paper trail. Supervisor Gabriels said that he thinks a greater paper trail would serve the Town of Bolton well. Counsel said that he would contact Tom Nace tomorrow.

There were no additional public comments on this or any other matters at this time.

Correspondence:

Letter from Anita Richards thanking the TB for making the board room available for the Sembrich Museum 's summer film series

Correspondence from APA regarding Bolton's grant of an area variance to Thomas Eigo where the APA overturned the Town of Bolton 's decision

Email from Laurie Kovack, they have a group of 145 people coming from Sysco to the Sagamore and have set aside 1-5pm on October 3, 207 to participate in some community service project and are looking for project suggestions

Correspondence from NYSDOT that they will arrange to have a crosswalk and fluorescent pedestrian crossing warning signs installed at the Post Office when NYSDOT workload permits

Notification from the Sagamore Pub and Pizza regarding a liquor license application notice

Correspondence from Mary Scordio of Heritage Village complaining about the sewer smell that is recently floating down the sides of the mountain

Referrals from Zoning Enforcement Officer / ZBA / BPB:

Discuss Code Enforcement finding Jacoba Barboza and expansion of structure without permit in 1999 vs. Theta Curri Maille - alternative remedy Nov. 2005 - no SPR/ structures

Mitzi Nittmann said this morning she spoke with Jacoba Barboza who offered to show her additional lot lines. Supervisor Gabriels asked if it is still under review and Counsel said that there was a point of time they had managed to convince themselves Jacoba Barboza was in compliance by several different theories. He added that M. Nittmann did do a field inspection after they had a discussion with the owner and they came back with one great uncertainty, so they are still developing this. Item is pending.

Timothy Harrington, 4 Forbidden Forest Lane , (TMN 156.00-2-28) extensive tree clearing without permit - BPB recommendations

Counsel said that after a failed attempt at bringing the item back to the table for alternative remedy, it is being litigated.

Board of Health/Water Commissioners:

Septic variance - Lichtenstein (TMN 157.05-1-40) - from 3/26/07 - needs variance from ZBA
Item tabled to the October 2007 TB meeting per the applicant's request.

Reports:

Councilman Maranville

Assessor:

Deed work and tax map maintenance is up-to-date. JoAnne Burgess' last day of work was August 9, 2007. She was a hardworking and conscientious employee who deserves a note of gratitude from the Town of Bolton . Requests for bids for the surplus maps were mailed out to area realtors and surveyors and bid opening is scheduled for September 14, 2007. The first batch of residential questionnaires will be mailed out on September 6, 2007. Dave Rosebrook attended a training session on August 29, 2007 on the new GIS program, which is scheduled to be installed in two weeks.

Police Department:

Miles patrolled: 2,814 miles. Fuel used: 219.6 gals. Officers investigated 2 burglaries, 1 larceny, 11 disorderly conduct/noise, 2 harassments, 2 trespass, 1 fireworks, 5 alarms, 4 loss/founds of property, 11 traffic/parking, 2 animal complaints, 1 boat complaint, 11 property damage or auto accidents, 5 warnings issued for cars, 8 warnings issued for boats, 1 parking ticket issued, 5 assists to motorists, 1 assist to New York State Police, 4 assists to Warren County Sheriff, 2 assists to Bolton Fire Dept., 8 assists to Bolton Rescue Squad, 1 health and welfare checks, 8 miscellaneous complaints, 2 court security details, 2 assault arrests, 2 harassment arrests and 5 trespass arrests.

Justice Court :

A/R for August 2007: Judge Harry Demarest - \$6,255. Judge Edward Stewart - \$3,035. Total: \$9,290. There is an itemized list located in the court breaking down the amounts.

Councilman Maranville presented the following NYS Court System resolution for adoption.

RESOLUTION #160

Councilman MacEwan moved, seconded by Councilman Andersen to adopt the following NYS Court System resolution.

RESOLUTION

At this regular meeting of the Town of Bolton , held on September 4,2007, the following Resolution was adopted by the Town Board of the Town of Bolton .

WHEREAS, there has recently been negative press coverage by the New York Times, suggesting that The Town court system is flawed and more specifically, alleging that the three hundred year tradition of non-lawyer judges presiding over and within the local municipalities should be eliminated; and

WHEREAS, there has always been a Town Court within the Town of Bolton , conveniently located and accessible to our citizens; and

WHEREAS, there are 2 Town Judgeships established within the Town of Bolton ; and

WHEREAS, there are presently 2 non-attorney Town Justices within the Town of Bolton ; and

WHEREAS, with their civil and criminal jurisdiction, the Town Justices in the Town of Bolton handled many hundreds of cases in the past years; and

WHEREAS, the Town Court of Bolton in the past year collected over \$91,500.00 in statutory fines, fees and surcharges on behalf of the State of new York, the County of Warren and the Town of Bolton, to help fund essential public services; and

WHEREAS, the Town Board of the Town of Bolton, recognizes and appreciates the professionalism, diligence, intelligence and integrity of the non-attorney justices within our town who bring a specialized experience to the bench particularly with issues unique to our community who elected them; and

Now, therefore, be it:

RESOLVED, that the members of the Town Board of the Town of Bolton support the continuation of the three hundred year tradition of non-lawyer justices in Town Courts, and it is further;

RESOLVED, that the members of the Town Board of the Town of Bolton hereby oppose any requirement that Town Justices be attorneys, and it is further;

RESOLVED, that the member of the Town Board of the Town of Bolton oppose any efforts to eliminate local and convenient access to justice by our citizens; and find that the local presence of the Town Court of Bolton provides a meaningful and necessary presence within our community for judicial resolution of conflicts, continued public safety of our citizens and the protection of constitutional guarantees for all of our citizens.

All favorable. Motion carried.

Councilman Saris
Sewer Department:

The Plant took in 7,346,850 gals of wastewater for a daily average of 236,995 gals. There were two violations for high nitrates in wells and high phosphorus, which has been an ongoing issue. All beds are dry. Councilman Saris said that there was a break in the force main and the Sewer Dept. responded in an absolutely wonderful way. Due to their efforts it got solved without any major disasters. Kubricky was hired, who was also a tremendous asset in getting it fixed, however they do consider the town update or upgrade that sometime in the near future, as it is an aging piece of infrastructure. There is still more grease coming out of the pump stations than should be. Grease is not allowed to be disposed of in the town sewer system and the town should consider enforcement for that. 48,000 gals. of liquid sludge was hauled. A motor was replaced on Pump 2. Chet Dagles will be on vacation from October 4-10, 2007.

Supervisor Gabriels said that members of the community have asked the possibility of extending a sewer line either south towards the Algonquin and/or west up Horicon Avenue to the intersection of Federal Hill Road and Valley Woods Road . Bill Lamy replied via email that if either of those proposals were not in the original SEQR and NIPA documents, then those documents would need to be revised, approved then see whether or not there would be funds left to extend the lines up in either of those two directions.

Supervisor Gabriels said that Alex Rhodes of CT Male has told him that she wants to sit down to discuss whether or not anything can be done about the stench and where the TB wants to go with this. Supervisor Gabriels added that when the sewer lines were videoed there were about 56 locations in the hamlet area where it seems we have infiltration and inflow coming from pumps, that is some pumps dumping directly into the sewer itself, so Alex Rhodes would also like to discuss a possible solution about that kind of I&I and remediation at that point. Councilman Saris said that would have to be done before any expansion could be considered, because it is the only way they are going to gain the head room they are going to need to be able to legitimately expand the town sewer system and expansion would be a wonderful thing because it would reduce costs to those connected to it, but the town can't even consider expansion until they get the flows down. Councilman Maranville agreed. Councilman Saris said that the infiltration problem needs to be solved first, then the town can think about expansion. Supervisor Gabriels said that one of the reasons this is being brought to the TB's and community's attention is because the county just let contracts for more improvements at the sewer plant including re-doing the trickling filter and clarifier and putting up a stand-by generator for the treatment plant if the power ever goes out again. After those projects are paid for and after whatever the emergency cost was for Kubricky, there are still hundreds of thousands of dollars left for investing in the sewer system in Bolton .

Councilman Andersen

Parks Department:

The bank up against Route 9N in Veterans Park has washed out twice in the last 10-12 days and the state has been notified. If the state can't remediate that within 60 days, he thinks the Town of Bolton should consider a blacktop berm at the top, because it really does a lot of damage at the park. Supervisor Gabriels said the reason to bring this to the TB's and community's attention is that next year the NYSDOT plans to do a road repaving/reconstruction from Mohican Hill to County Route 11 and points north.

Recreation Commission:

They needed new supplies and now have a new lifeguard stand, some new rescue boards and other materials, so they are ready to go when next spring arrives.

Councilman MacEwan

Water Department:

The Water and Sewer Dept. staff are looking for uniforms, which would amount to 11 pairs of shirts and pants for each employee, which would equate to \$96 for the Water Dept. and \$144 for the Sewer Dept. for the remainder of 2007 and a full year would equate to \$780 for the Sewer Dept. and \$520 for the Water Dept., which he thinks is a valid request. Supervisor Gabriels asked if the money would come from the Water Dept. and Sewer Dept. budgets and said it could be considered at budget time. Councilman Saris said that he did bring this item up at Chet Dagles request and he asked him to do some research, but he has been too busy to do it, however, the jobs the Sewer Dept. employees do are very hard on their clothes they wear.

Councilman MacEwan said that John Perry has let them know that there is an opportunity to get a grant application for getting the drive-by readers for the water meters, which would be a big help. Supervisor Gabriels said that the Village of Lake George did a similar grant application and they got around \$60,000 out of the records archives management. Councilman MacEwan said that he thinks it would be a big help in terms of saving time and money and Supervisor Gabriels agreed.

The Water Dept. has a truck out of commission. They have received estimates to get it repaired at up to \$5,000 and they are currently using a truck from the Highway Dept. Supervisor Gabriels said that a solution to that is getting a multi-purpose shared vehicle to be addressed later in the agenda, and the cost would be charged back to the department that uses it, which is being done because the Water Dept. doesn't have the \$5,000 repair job on that vehicle, so it obviously doesn't have the financial resources to buy a new vehicle at about \$28,000.

Supervisor Gabriels

Supervisor's Report:

Total receipts: \$482,561.66 and Total Disbursements: \$747,456.72.

Warren County: Special meeting scheduled for Friday, 09/08/07 on sales tax versus property tax. Item is pending

Stormwater: None

Unfinished Business:

Public Hearing on Definition of Parcel - amendment to Zoning Code 200-8 revised definition of "Parcel of Property" to clarify Bolton usage and custom that a road dividing property does not create a subdivision

There were no additional comments from public in attendance on this matter.

RESOLUTION #161

Councilman Maranville moved, seconded by Councilman Andersen to close the public hearing on Definition of Parcel - amendment to Zoning Code 200-8 revised definition of "Parcel of Property". All favorable. Motion carried.

RESOLUTION #162

Councilman Saris moved, seconded by Councilman Maranville to approve the amendment to Zoning Code 200-8 revised definition of "Parcel of Property" to read as follows:

Parcels separated by a public highway and owned by the same owner shall be deemed the same parcel of property. The division of any tax map parcel shown on the County Tax Map as a unit by a public highway does not constitute a subdivision of the tax map parcel.

All favorable. Motion carried.

Tabled from August, Theresa Kennedy, 20 Goodman Avenue , request to use Town Hall parking lot for delivery of modular home to property in mid-October, email sent 8/13/07

Robert Kennedy gave an overview and said that they are looking for approval for October 9, 2007 to have two tractor trailers come to deliver their home and use the back of the Town Hall parking lot. He said that the crane and two trucks would come in the early morning (7:00am) and lift it onto the foundation, which they have told him would take 3-4 hours. Supervisor Gabriels asked about potential damage to trees and to the parking lot and Mr. Kennedy said that there are some trees on the adjoining property sideline they are going to be taking down, which Rob MacEwan agreed to and in the back there are no trees there. He said that he (Kennedy) would be responsible for any damages. He said that the contractor would be in early in the morning to start, have the trucks staged one at a time and not be disruptive. Supervisor Gabriels said that Town Law regulates start times to not be before 7am. Counsel asked if the contractor could supply the Town of Bolton with a certificate of insurance and Robert Kennedy said yes.

RESOLUTION #163

Councilman Andersen moved, seconded by Councilman MacEwan to authorize the Kennedy's to use the Bolton Town Hall on October 9, 2007 for the delivery of their modular home, provided the necessary documentation to safeguard the Town of Bolton is presented to Town Counsel and he is in agreement with it. All favorable. Motion carried.

Authorize statutory installment bond with Glens Falls National for new highway dump truck - terms: amount \$159,976.00 for 5 years at 4.47% fixed rate

RESOLUTION #164

Councilman Andersen moved, seconded by Councilman Saris to authorize the statutory installment bond with Glens Falls National Bank for a new highway dump truck in the amount of \$159,976.00 at a 4.47% fixed rate. All favorable. Motion carried.

Geese in Veterans Park – individuals were given permission for certain dogs to be free in park until 8:30am to scare geese off beach and grass - 8/15/07 - executive decision amends parks ordinance

Mary Owens, beach attendant, said it isn't working at all.

Consider entire new boiler proposal for entire Town Hall from Thermal Associates - greater than \$10,000 - RFP's solicited / received?

Supervisor Gabriels said that nothing has come in recently on this matter and the town has had its expert down there saying the town needs to replace that. Councilman Saris suggested the Town

of Bolton ask for bids to revamp the whole system. Councilman Andersen said that he thought the TB had a lengthy discussion on this matter already and TB members agreed. Supervisor Gabriels said there was discussion on the matter, but no bids have come in on it. Town Clerk Kathleen Simmes said that there was no date set to open any bids. Counsel said that his recollection is that the TB was doing request for proposals. Supervisor Gabriels said that if they need to advertise, then they need to get going on this. Councilman Andersen said that the town uses Carl Schoder for lots of things for the town like things with parks and engineering and conservation, so it may be prudent to hire Carl Schoder and tell him the Town of Bolton needs a system, because he is in connection with the people who design that stuff and could get the town a set of specs they can then go to bid with. Councilman Saris said he thinks that would be a wonderful idea. Councilman Andersen added that he is strenuously opposed to continually fixing a system that has never worked right since he's known anything about the Town Hall.

RESOLUTION #165

Councilman Andersen moved, seconded by Councilman Saris to hire Carl Schoder of Schoder River Associates at his regular hourly rates to get a set of specs for the Town of Bolton then the Town of Bolton can go to bid. All favorable. Motion carried.

Dated estimate from Thermal Associates to replace horizontal heat pump in court/police - then estimate \$6,000 - future action?

Item is pending.

Action on Walter Law's house served August 17, 2007 - thirty day clock running
Counsel said they are in the statutory period and Mrs. Law already sent a letter to the Town of Bolton that her voluntary steps might on a voluntary basis beat the Town's deadline. The TB should let the 30 days run, then the Town Law and local ordinance require another notice go out and then if the TB chooses, it could go to the Supreme Court mandating removal at the owner's expense. Counsel advised the TB to keep on task here, which would still give Mrs. Law all the latitude she might need, but for the TB to resolve tonight that should the 30 days run out and they have not taken the voluntary steps, then the Town of Bolton will keep applying the process and the procedures, so the TB should authorize Town Counsel to proceed to take the matter to the next step, which would be to petition the Supreme Court for an order.

RESOLUTION #166

Councilman Andersen moved, seconded by Councilman Maranville to authorize Town Counsel to take the appropriate steps at the appropriate times in the Walter Law matter. All favorable. Motion carried.

Discuss Town's reaction to private use of Town property without permission per Atty. Muller's letter of June 11, 2007 - meeting held - Attorneys to prepare alternative analyses - gas dock liability issue - analysis coming

Counsel said that all of the attorneys (Atty. Cathi Radner, Atty. Mark Rehm and himself) are in agreement in terms of those who take the position contrary to the Smith Family's position. He said that Atty. Susan Millington's position is that the Smith property could and did take Town property by virtue of the fact that what the town has down there is a proprietary interest in real estate and she proposes that her client was able to seize that property by use, because that

property is not what it looks like, in that it looks like a town road down to the water line and is being used as a town road and boats are being launched down there, which certainly is allowing and affording the public access to the shoreline. He added that it is a governmental use, but there are a vast body of cases that say you cannot adversely possess property against the municipality if the municipality holds that property as part of its stock and rights as a governmental piece of property. Counsel said that in all due respect to Atty. Millington, he believes her characterization is wrong and this matter is likely to be brought to a head civilly, as there is supposedly a trial coming up in late October or early November 2007. At this point he would suggest the Town of Bolton continue on and participate until the Town of Bolton is either ordered out or there is no proof against them. Counsel said that it is getting complex because of civil issues, administrative issues and a series of 2 or 3 lawsuits. Supervisor Gabriels said that if he recalls correctly, the Smiths asked permission in the early 1970s then came back in the 1980s asking for a lease right for these properties and at both times those boards rejected the fee title and the lease. Counsel agreed and said that those requests were declined and you cannot adversely possess property against the king and in this case, the king is the government of the municipality of the Town of Bolton. Counsel said that the Town of Bolton should sit tight and he has all the legal authority he needs to protect the Town of Bolton's interest in these cases.

Pending Items: Reviewed and no action taken.

New Business:

Discuss Rolf Ronning's request to discuss public utilities along scenic corridor of Padanarum Road 2-3 miles to English property

Supervisor Gabriels said that at one time National Grid sent him an email letter on this issue then moments later the company sent an email recalling that email letter. He added that TB members have received a letter from Town Highway Dept. Superintendent Tim Coon, who also submitted a letter on the matter. Rolf Ronning gave an overview and said that there is a large Padanarum Parcel (almost 1,000 acres) that he purchased early 2007 then he made a deal with the Nature Conservancy to buy half of the acreage, which won't be developed. He conveyed a separate tax parcel in the past few weeks to Ed English which includes all of Indian Pond and part of the deal was that he (Ronning) would provide power to that parcel at his (Ronning's) expense. Rolf Ronning said that his intention is to make 10-12 lots along Padanarum Road with most of them being on the east side. He said that because it is a town road, he is entitled to have power brought along the right-of-way. The question is of above ground or underground power. Rolf Ronning said that he knows there is a petition that people don't want power there, but the power is coming there and the law is clear that private property owners are entitled to power and utilities if it is accessed by a public road. Rolf Ronning added that the TB passed an amendment to the Zoning Ordinance that almost all of the town roads are scenic corridors and that power lines should be underground. He doesn't know one town road that exists where the power lines are underground. In this case, there is a very strange situation and his goal of speaking tonight is to have the TB allow power to go overhead. He said that Ed English wants the power this fall and National Grid is prepared to run the power this fall.

Rolf Ronning said that Tim Coon insists, and rightfully so, that even though the Town of Bolton doesn't own the road by deed, and deeds go to the center of the road, so by law you have a 50-foot easement (a 25-ft. easement on either side of the center line). He then gave specifics of

materials needed to run the power underground, saying that it would be messy and expensive, because you'd be digging in the swamp. He also said blasting would be needed because of all of the ledge in that area. He said that National Grid couldn't believe they should even be here because they think it is absolutely ridiculous to even consider underground power there. He said that he personally thinks it would look worse than putting power above ground. Rolf Ronning then read the letter of opposition to power being run underground in this area from Town Highway Superintendent Tim Coon into the record. He said that overhead power will cost him about \$175,000 whereas underground would cost him around \$500,000 and this is not a PB issue, because it was the TB who passed the law of scenic corridor needs underground power, which is what he is asking for relief from in this case. Supervisor Gabriels asked who's job it is to make this decision. Rolf Ronning said that Tim Coon said it's the TB's call. Counsel said that he thinks Rolf Ronning jumped the gun a little, as if you look very carefully in the Bolton code and the zoning regulations, particularly Section 200-20 regarding the scenic travel corridors overlay district, which does indeed mention that one of the scenic travel corridors would be Padanarum Road among others. He said it is not within the section that pertains to supplemental regulations on the scenic corridor. He said that supplemental regulations on the scenic corridor mentioned in subsection 200-20(d)(4) "...the electric and communication distribution wires should be installed underground rather than overhead whenever possible to minimize the risk of public health and safety and to enhance public and private use..." which pertains to County Route 11, but it doesn't say that on Padanarum Road. Counsel said that Padanarum Road, like any other subdivision in the Town of Bolton, is clearly within the jurisdiction of the PB. Rolf Ronning said that this isn't a subdivision here, but it is Ed English requesting power on a piece of property that he bought without subdivision. Counsel asked if the property is stand alone and Rolf Ronning said yes, it is right now, and he will benefit from the power when he gets a subdivision, but this is not a subdivision. Supervisor Gabriels said that this is not an instance of first impression and he thinks they should all take time to look at this. Rolf Ronning said that the trouble is that National Grid needs 30 days to get the stuff geared up, which is October, then it will take 2-3 months to complete it and when the ground freezes, if they are half way through, they are in trouble. Counsel said that Mitzi Nittmann said it started out as a subdivision. Rolf Ronning said that there is a subdivision application for his remaining land, but he does not own Mr. English's piece, because he conveyed it to him as a separate tax parcel. Counsel said that it needs to be researched further and if it is not a subdivision, then it is certainly not going to come within the jurisdiction of any PB and that section on the scenic travel corridor overlay district does not specifically address about 15 different roads. Rolf Ronning asked how long it will take Counsel to research it. Counsel said that he'd work on it this week. Mitzi Nittmann asked which lot Rolf Ronning conveyed and Rolf Ronning said it was the tax lot that contained 150 some acres, according to the tax map when surveyed it was really under 60 some acres, but it included all of Indian Pond. Mitzi Nittmann asked if it was the old Bedii lot and Rolf Ronning said yes and it borders on Padanarum Road for many hundreds of feet and does not require subdivision.

Councilman Maranville asked if Rolf Ronning would have to come back before the TB to seek relief if it is determined that it is not a subdivision. Counsel said he may not and the first question many months ago was that there were 5 parcels and the question was that since he owned all the adjacent tax map parcels if he wished to sell any one of them, is he still held to the subdivision regulations and the answer simply is no. Counsel asked if it was separate deeds and Rolf Ronning said it is one deed with five parcels and five separate descriptions. Counsel said

that Rolf Ronning is laying the solid ground works that this is a pre-existing lot. Rolf Ronning agreed and said that if it is found that it is not a subdivision he doesn't think he needs to go back to the TB. Supervisor Gabriels said that it is a controversial issue. Counsel said that Rolf Ronning would be held to the same standards as any person. He requested a copy of the deed from Rolf Ronning, who said he'd fax it to Counsel.

Authorize resolution for Finkle Brook Delta removal

RESOLUTION #167

Councilman Maranville moved, seconded by Councilman Andersen to authorize approval of the following draft proposal for the Finkle Brook delta:

**Lake George Deltas Sediment Management
& Shoreline Restoration Project**

Whereas, the Lake George Association, Inc, acting as project sponsor, caused to be prepared a Generic Environmental Impact Statement (GEIS) to advance the development of the Lake George Sediment Management & Shoreline Restoration Project, and

Whereas, the GEIS was accepted by The Lake George Park Commission serving in the capacity of Lead Agency for the review of said report, on April 20, 2004, and

Whereas, the Lake George Park Commission, acting as lead agency, issued a Findings Statement dated May 25, 2004 relative to the Lake George Association, Inc.'s Delta Sediment Management & Shoreline Restoration Project, and

Whereas, the GEIS identified as Phase II of the project the development will consist of the preparation of individual detailed design plans and specifications and preparation of applications of all necessary regulatory permits and approvals for remediation of the individual deltas, and WHEREAS, the Town of Bolton, is desirous of advancing remediation of the Finkle Brook Delta, and

Now, therefore it be resolved, that the Town Board does authorize the preparation of an application to obtain the necessary permits and approvals to advance the Finkle Brook Sedimentation Removal Project. The Director of the Lake George Watershed Conference shall be requested to coordinate the preparation of such a permit application, incorporating the input and assistance of other Conference member institutions.

All favorable. Motion carried.

Discuss increasing Transfer Station petty cash from \$50 to \$100

Councilman Maranville asked if cards could be accepted instead of cash at the transfer station. Supervisor Gabriels said that cards can be purchased at the Town Hall. Councilman Maranville said that he has heard some concerns of cash at the Transfer Station and asked if there is a possibility of payments by check or credit cards. Supervisor Gabriels said the TB could look into checks and credit card options. Supervisor Gabriels said that the machine up there is

capable of printing receipts, so presumably those receipts tally the cash at the end of the day, which is the only tracking mechanism the Town of Bolton has to ensure they have proper cash management up there. Councilman Maranville asked if the Transfer Department has ever been an audited and Supervisor Gabriels said that anything can be audited, but he doesn't think the Town of Bolton has ever taken an audit from a particular department. Councilman Andersen said that the important thing is that the Town of Bolton has fought to have the Transfer Station open even when the Town Hall is not and he thinks it is very important that technically people are inconvenienced should that come to pass. Councilman Saris agreed and said that it is important as a convenience to the customers and also in the respect that it helps control that they don't find trash along the side of the road. Councilman Maranville agreed. Councilman MacEwan said that when the Transfer Station was closed on Labor Day somebody left some garbage outside and someone else left garbage there with two dollars pinned in back. Supervisor Gabriels said that perhaps the first step is to post a sign prompting people to ask for a receipt. Councilman Maranville said that the TB could make it mandatory that Transfer Station employees hand a receipt to everyone. Councilman MacEwan said that Lisa French is good about asking people if they want receipts. Councilman Andersen said that he thinks the Town of Bolton still needs to make it convenient for the public and Supervisor Gabriels agreed.

RESOLUTION #168

Councilman Andersen moved, seconded by Councilman Maranville to make it mandatory that Transfer Station employees give receipts to customers for every transaction at the Transfer Station. All favorable. Motion carried.

RESOLUTION #169

Councilman Andersen moved, seconded by Councilman Saris to increase petty cash at the Transfer Station from \$50 to \$100. All favorable. Motion carried.

Discuss hiring CT Male Associates to prepare NYS archives local government records management grant for wireless transmitter for water meters and possibly for a select number of sewer users - LGV obtained similar grant in 2006 - source of funds?

RESOLUTION #170

Councilman Saris moved, seconded by Councilman MacEwan to hire CT Male Associates to prepare NYS archives local government records management grant for wireless transmitter for water meters and possibly for a select number of sewer users. This will be paid for from the records management account. All favorable. Motion carried.

Discuss and authorize resolution to the purchase of a multi-purpose shared vehicle (Ford F350 pick-up with snowplow) for all departments with charges to individual departments for maintenance and operation. Funds for purchase under state contract from unappropriated surplus

Supervisor Gabriels said it has been researched and they have three bids under state contract in the amounts of \$28,768.85, \$28,900.00 and \$32,985.00. Councilman Saris asked if this is something the Town of Bolton bid. Supervisor Gabriels said that they didn't advertise it and these were telephone requests that went out to see if they could get something under state contract provisions that isn't available immediately for pick-up. Councilman Saris said that he doesn't

think the vehicle being sought equals the one that is being replaced. Councilman Andersen said that whatever means the TB comes up with to provide the Water Dept. with a truck, he thinks is a fine thing, because they need one. He added that the Highway Dept. has more new heavier duty equipment than he can even imagine they will ever need, so he has a problem spending the extra money for a one-ton pick-up with a plow, if their primary job is water, doesn't require that vehicle. He said that Water Dept. certainly needs a new vehicle, but today with trucks, a heavy ½ or ¾-ton, which is what the Water and Sewer Depts. had previously. He added that they seem to be jumping to excessive vehicles and it comes to the thing with plows, as his personal take is that that is the Highway Dept.'s job. He added that he thinks a ¾-ton is plenty. Councilman MacEwan said that he's not sure how John Perry came up with the specifications. Councilman Saris said that in all fairness, in the past it has been advertised. Supervisor Gabriels said that for this they were looking for state contract and immediate availability. Councilman Saris said that it seems that trading up happens a lot. Councilman Andersen said that the buy-in price, the upkeep and the maintenance are huge. Councilman Saris said that if there is a rationale for doing it he's not against it and Supervisor Gabriels said that he doesn't recall that he heard any rationale. Councilman Saris said that it would seem what they had has been adequate for all this time. TB members agreed to go forward looking for a ¾-ton truck to replace the current ¾-ton truck. Councilman Saris said that he doesn't think spending the money on the old one would be money well-spent and in the Water Dept.'s defense, they have done an awesome job in maintaining this truck, so they should be commended for that. Supervisor Gabriels agreed.

RESOLUTION #171

Councilman Saris moved, seconded by Councilman Andersen to go to state contract for immediate availability for a ¾-ton truck with snowplow and utility box for the Water Dept. All favorable. Motion carried.

Award bid for chipping and removal of burn pile at Transfer Station
The three bids received are: \$2,800.00, \$3,900.00 and \$4,250.00.

RESOLUTION #172

Councilman Maranville moved, seconded by Councilman MacEwan to accept the lowest bid in the amount of \$2,800 from Wood Waste Service for chipping and removal of the burn pile at the Transfer Station. All favorable. Motion carried.

Councilman Maranville said that he'd like to know why they can't burn. Supervisor Gabriels said that if for some reason they don't burn up there at the beginning of the season and it gets too big, then the Forest Ranger says you can't burn up there because it is too big. He said that the NYSDEC Forest Ranger says the burn pile has to be completely out at the end of the day or someone stationed there with a fire hose all through the night until it is completely out. Councilman Andersen said that it seems with the amount of equipment the Town of Bolton has that you could break it into small piles and keep it controlled and he hopes someday the Town of Bolton will have a Department of Public Works, which would certainly be cost effective and could be done without all that interdepartmental headache. He said that in the end it would save a lot of money. Alternative suggestions for consideration in the future were discussed.

Award bid for removal/replacement of 345 sq. ft. of brick pavers at Health Center

The three bids received were: \$3,650.00, \$3,795.00 and \$4,500.00.

RESOLUTION #173

Councilman MacEwan moved, seconded by Councilman Andersen to award the bid for removal/replacement of 345 square feet of brick pavers at the health center to the lowest bidder, James Palazzo in the amount of \$3,650.00. All favorable. Motion carried.

Discuss re-activation of LDC for Conservation Park - and consider donating fee title of Conservation Park property from Town ownership to LDC

Supervisor Gabriels said that Counsel has suggested the TB re-activate not-for-profit status, which the Conservation Club formed years ago and make sure it is up and running as a viable entity and its own LDC specifically for running the Conservation Park . He added that it has been proposed for financial reasons that the Town of Bolton deed the Conservation Park property to an LDC. He said that it would be a non-profit entity and the Conservation Park LDC would run it and be responsible for the entire operations. They would also be capable of receiving grants or donations from the Town of Bolton should the TB so desire. Supervisor Gabriels added that the benefits that would accrue to the Conservation Park LDC would be that they would not necessarily have to comply with the WICKS Law, bidding out for individual contracts and Davis Bacon Act, which would save the Conservation Park LDC considerable money in that endeavor. Counsel said that his research shows that Supervisor Gabriel's comments are correct. He added that the question posed to him is if this would be an entity that would not be required to pay prevailing wage and the answer is yes. They would not be required to pay the prevailing wage. Another question was if it is an entity that would not be under the same requirements of the municipality in terms of bidding and the answer is yes, it would be a separate entity, so it would not be guided by the rules and regulations imposed on the municipality. Counsel added that it is presently, today, an active status valid not-for-profit corporation and it does have by-laws that were drafted, but probably not enacted. Some tinkering he thinks should happen is recommending five (5) voting members on the board and regarding tax status, he feels that a simplified application could on behalf of that not-for-profit corporation, establish it as a qualified charitable entity. He added that it is so important to get it done as soon as possible. He thinks an essential requirement of the Town of Bolton is that it be a protected not-for-profit corporation with some authority, it should be comprised of people who are not TB members, in that they should be independent and should have independent ownership of the property. Counsel said that it could in the deed, and he recommends it does have a revert clause in the event the Conservation Park doesn't do what it has set out to do and promised to do, then the ownership of the property would revert back to the municipality. Counsel said that this would allow a not-for-profit corporation, quasi-governmental corporation, to do that which the municipality cannot do on its own. He said it could work, but they just need to be careful they have a plan. Counsel said that one of the other requirements could be that if the Town of Bolton wishes to make grants to that organization, the Town of Bolton could restrict it to specific purposes and/or projects. He said that there should be a public information session, which is a recommended path. Supervisor Gabriels said this is the first time the TB members have heard of this. TB members were all in agreement with scheduling a public information hearing. Discussion ensued on the matter. Supervisor Gabriels asked if the TB were ok with potentially giving the fee title to this group and Councilman Saris said yes. Councilman Maranville asked if any money that would go to this group from the Town of Bolton would have to come to the TB for approval. Counsel said yes,

but the Town of Bolton can't contract with this group with annual funding, as it would have to be revisited by each Town Board as to whether it would want to fund it, retain it, etc. Councilman Saris said that it is very similar to the way the library or historical society operates. Counsel said that the key for not-for-profit doesn't mean it can't collect fees or earn money, it's just not a profit oriented sense. He then gave an example. Supervisor Gabriels asked if it would be governed by the Public Authorities Accountability Act and Counsel said no, but it would be nice to have a board that is not packed with all TB members. Counsel said M. Nittmann asked him if this separate corporation would be bound by zoning issues, stormwater and APA and the answer is yes. Item is pending.

Discuss Patricia Shelli, 11 Parkside Drive , request for 70,000 gal. water leak

Councilman Maranville asked if the leak was on her property and if it was her line and Town Clerk Kathleen Simmes said that it was in the Shelli house, it was a leaky toilet. Councilman Andersen said that he recalls that if private people needed to run a bleeder in the winter, the Town of Bolton would do something, but other than that, like it is for everybody else, it is for the amount that went through the meter. Councilman Saris said that sometimes in the past the TB has made exceptions for either sewer charges if it was leaking into the ground and not going into the sewer and/or a time for which there was some reason like inability to read meters in the winter so the leak wasn't discovered, but if there are no extenuating circumstances, then he believes past practice has been one pays for what goes through the meter. Robert Todd of 14 Parkside Drive said that he's a neighbor, Mr. Shelli is a summer resident and Mr. Shelli has been in the hospital in ill health. Councilman MacEwan said he feels bad for the situation. TB members agreed, but decided to stick with their decision, as it has been past precedent.

Arts & Crafts - for 2008 in Rogers Park July 4, 5 and 6 and August 9 & 10 and September 6 & 7
Councilman Maranville asked if the vehicles are being allowed to drive on the hillsides, as it may cut up the grass. Councilman Andersen said that parking and loading/unloading requests can be done prior to the event. Councilman Saris said that he thinks everything should be done to accommodate the people, but it also has to be Parks Dept. Head George Mumblo's discretion.

RESOLUTION #174

Councilman Andersen moved, seconded by Councilman Saris to approve the use of Rogers Park on July 4, 5, and 6, 2008 and August 9 & 10, 2008 for Arts & Crafts. All favorable. Motion carried.

Dave Cummings requests permission to conduct Farmer's Market in Rogers Park each Saturday from June to October, 9am to 1pm

Supervisor Gabriels said that Gail Street thinks the proposed Farmer's market will conflict with the proposed Arts & Crafts Fair Saturday dates. TB members said that they'd like Dave Cummings to come before the TB with a presentation on the proposed Farmer's Market.

Authorize new private road name – JEHM Lane , located off Trout Lake Road 1,440 feet west of Lake Shore Drive intersection. Road is 682 feet in length.

RESOLUTION #175

Councilman Maranville moved, seconded by Councilman MacEwan to authorize the new private road name, JEHM Lane , located off Trout Lake Road 1,440 feet west of Lake Shore Drive intersection. All favorable. Motion carried.

Bernard French has requested to be paid for 60 hours of unused vacation time – he has the time

RESOLUTION #176

Councilman MacEwan moved, seconded by Councilman Maranville, to pay Bernard French for sixty (60) hours of unused vacation time. All favorable. Motion carried.

Consider appointing Craig Hannon as member of BLDC

Item is pending.

Determine correct and consistent spelling of Padanaram/Padanarum Road

Item is pending.

Youth Recreation grant with New York State - resolution needed accepting \$1,600 in matching funds through Warren County Youth Bureau

RESOLUTION #177

Councilman Andersen moved, seconded by Councilman Saris to authorize the acceptance of \$1,600.00 in matching funds through the Warren County Youth Bureau for the Youth Recreation grant with New York State . All favorable. Motion carried.

Consider for adoption as Town policy 8/3/07 proposed policies for new fleet vehicle – needs work per Counsel

Item is pending.

Open wells – public safety issue – 2 letters allegations of an additional two open sites how to resolve?

Item is pending.

Governor Spitzer’s Smart Growth Initiative – Should Bolton consider grant application – planning for full broadband throughout all town roads? – “Last Mile” issue

Supervisor Gabriels said that Governor Spitzer’s Smart Growth Initiative is \$1 million given to communities within the blue line and it is generally for planning purposes, but it is available for application if the Town of Bolton wishes to use it. He would suggest somehow acquiring and funding a full broadband Internet access, which would be through cable, on all town roads.

RESOLUTION #178

Councilman Maranville moved, seconded by Councilman Andersen to consider Governor Spitzer’s Smart Growth Initiative grant application. All favorable. Motion carried.

Discuss new sidewalks from Sagamore Road north to U.S. Post Office then to Veterans Park – Buddy Foy requests and will donate easement on his properties to Town

Councilman Andersen said he thinks it is worth pursuing, but there is a legal question about the sidewalks in front of Maranville's and in front of Buddy Foy's. Supervisor Gabriels said that Mr. Foy has indicated he is willing to grant an easement at no cost to the Town of Bolton . Councilman Andersen said that he'd be curious to see how far the state easement is in those two spots to start with, which is why he thinks the legal issue should be looked at first. Supervisor Gabriels said that according to an email from Frank Komorski, Regional Director of NYSDOT, stating that their right-of-way doesn't go that far and they wouldn't be responsible or accountable financially or otherwise for any sidewalk put there. Councilman Andersen said that he thinks it's worth Counsel investigating the feasibility of the donation of easements and if it is legal the TB should decide if they want to undertake the cost factor. Councilman Maranville said that there are plans at the Sunoco station of putting tanks and pumps there. Councilman Saris said that there will be a fair segment of the community that suggests that before new sidewalks are built, the existing ones need to be repaired. Several TB members agreed. Item is pending.

TRANSFERS FOR SEPTEMBER 2007

FROM	TO	Amount
General Fund		
31201 Police Personal	31204 Police Contractual	\$5,000.00
19904 Contingency	50102 Superintendent of Hwy	1,400.00
19904 Contingency	71102 Parks Equipment	5,100.00
19904 Contingency	71104 Parks Contractual	5,000.00
71401 Recreation Personal	71404 Recreation Contractual	4,000.00
19904 Contingency	71502 Conservation Equip.	160.00
80104 Zoning Contractual	80102 Zoning Equipment	1,200.00
80304 Research	85104 Beautification	2,400.00
19904 Contingency	87454 Erosion Control	7,795.00
Highway Fund		
Increase Budget 2770 Multi Modal		\$115,898.00
	51104 Road Repairs	90,898.00
51304 Machinery	25,000.00	
Sewer District		
81102 Administration Equip.	81104 Administration	2,000.00
81304 Treatment	81104 Administration	4,000.00
Water District		
83304 Purification	83104 Administration	2,000.00

RESOLUTION #179

Councilman Saris moved, seconded by Councilman Maranville to approve the September 2007 transfers as presented. All favorable. Motion carried.

Comments from Public in Attendance:

Robert Todd, 14 Parkside Drive , thanked the TB for passing the resolution to request the application for the dredging, as it has been going on for years. He said that in talking to the NYS Highway Dept. requiring drainage and with the park erosion problems as well as his driveway erosion problems, if it is possible, he'd like that department to fix it. Supervisor Gabriels said that's one of the reasons the Town of Bolton is trying to identify the stormwater problems that are particular to downtown, so they can have them focus on some of these issues before they come in for the milling and grinding.

Ron Conover, 4323 Lake Shore Drive , said that regarding the Conservation Club project, he thinks that whether you form an LDC or utilize an organization and build it into an LDC, it currently has no assets or income stream. There are grants available, but it seems to him that the Town of Bolton is possibly working toward a fairly significant expenditure of public dollars. He thinks the question that should be asked is where this project fits amongst all the possible projects needed in this community. He is not against any particular project, but he is unclear in his mind, assuming the cash was available, of how this project fits, especially given the earlier conversation of not having funds for town employee uniforms. He asked the TB members to think about that and whether you can avoid the Davis Bacon Act or the prevailing wage rate or whether you bid the project with one general bid as opposed to four bids, they're talking about a lot of money here. He said that the TB should act on that first and how you organize or chose to operate in the future, it seems to him it is more a logistical question, so if the question is a project that this municipality is going to have allocate various capital dollars for and the if answer is yes, then it would seem to him that many other things can automatically come forward. Supervisor Gabriels said that public administration is always the process of establishing the priorities, particular for capital project investments. Supervisor Gabriels added that there are any of number of capital projects out there. He added that this was brought up because there was a NYS "Restore New York" grant that came up with competitive grant funding and he did make an application on behalf of the Town of Bolton for the conservation department (it is a 90/10 matching grant split), but he was told that grant was not going to finance a municipal effort, but they would only finance a non-governmental office or not-for-profit. He added that this discussion was started with the Conservation Park 6-7 years ago and the town has been struggling with how big to make the Conservation Park and what to get out of it, but there are no conclusions to date. Supervisor Gabriels gave details of what has changed then said that the community really hasn't made up its mind on this project. Ron Conover said that in all fairness, they were just out on the street for architectural firms for this project which tells him this is an idea that is moving toward a project mode and it would be tens of thousands of dollars and Supervisor Gabriels agreed. Ron Conover said that at some point this TB has to come to grips with the fact that regardless of how the TB constructs this organization whether it transfers the property to the Conservation LDC, the question is if the Town of Bolton is prepared to come in with significant capital and operating resources for this project—has it achieved that priority in the community. Supervisor Gabriels said that is true and to some extent it has and once they have plans drawn up by an architect, then the public will weigh in and may say no.

Councilman Maranville said that the Parks Dept. is still in need of a new building and Supervisor Gabriels agreed. Councilman Maranville said that there is vacant land up for sale behind the Town Hall parking lot, which would be a great location. He added that he thinks the former TB made a big mistake getting rid of the old Town Hall and the property across the street.

Approve payment of Town bills

RESOLUTION #180

Councilman Maranville moved, seconded by Councilman Andersen to pay the Town bills. All favorable. Motion carried.

Executive Session: None

Councilman Maranville moved seconded by Councilman Andersen, to adjourn the regular meeting at 10:53pm. All favorable. Motion carried.

Minutes transcribed by:
Jennifer Torebka
Recording Secretary
09/12/2007

Respectfully submitted by:
Kathleen Simmes
Town Clerk