

BOLTON TOWN BOARD

April 7, 2009

--

**TOWN OF BOLTON**

**TOWN BOARD MEETING**

**APRIL 7, 2009**

**PRESENT:** Supervisor Kathleen Simmes, Councilmen Robert MacEwan, Jason Saris, Owen Maranville, Councilmember Deanne Rehm, Zoning Code Enforcement Officer Mitzi Nittmann, Town Counsel Michael Muller and Town Clerk Patricia Steele.

**ABSENT:** None

Meeting Called to order 7:02 p.m.

Pledge: Town Clerk: Patricia Steele

Welcome everyone to our April Town Board meeting

Public Hearing on Amendments to Ordinance #39 entitled "Rules & Regulations of the Water Department of the Town of Bolton, Warren County, New York

Supervisor Simmes stated that basically there is one major change to Ordinance #39 as follows: "3) New Service- For all applications where mains lie within a public highway or right of way or where the Town has an easement the Town shall tap the main and install the following equipment, corporation stop, stop and waste and curb box at the applicant/user's expense to be billed by the municipality at the actual cost for time and materials. This charge will apply to all standard connections up to 1" in size. Any larger installation may involve additional costs to the applicant/user. All copper in excess of 60' will be billed to the applicant."

Supervisor Simmes explained that previously there was only a \$300 charge, which did not cover all of the cost involved. This change will now put the cost onto the applicant, which will cover the cost and expense of doing so. She stated that they also have changed the word "property owner" to applicant/user" throughout. They also have changed "8) Leakage of Consumer's Service Pipe- The Town reserves the right to shut off the supply of water to the property if the applicant/ user does not promptly act to repair any leak."

There were no comments from the public in attendance.

Councilman Saris stated that this would be a worthwhile change. Councilmember Rehm stated that Town employees will keep track of the hours they spend and then would be reimbursed directly.

Supervisor Simmes stated that they would leave the public hearing open for now.

**Public in Attendance**

Chris Navitsky provided information about the Lake George Waterkeeper's ongoing project regarding stream assessment. He stated that in 2002 the Fund for Lake George developed the Waterkeeper program and the Fund has been working with the Darrin Fresh Water Institute for about 30 years doing scientific research primarily on the lake itself and a couple of streams, mostly Northwest Bay. The Fund also has partnered with DEC and Darrin Fresh Water Institute to study about 8 of the major tributaries to Lake George. Unfortunately that funding has dried up and DEC took that program away in 2005. He stated that they saw the gap and have developed a project called the Stream Assessment Project, in which they visit approximately 50 streams and develop baseline data for these streams. He introduced Dawn Kepler to further explain the project.

Dawn Kepler stated that she is the Director of the Stream Assessment Project. She stated that she goes into the field to collect data from June to September to monitor streams throughout the watershed from Finkle Brook to Sucker Brook in Putnam. She stated that in Bolton they monitor about 23 different sample sites; some streams have multiple sites, including Finkle and Indian Brook. The data she collects is a variety of chemical, physical and biological data. The chemical data is mostly dissolved oxygen and pH levels, which are both very important as a component of habitat and also for the aquatic organisms within the streams. She also looks at specific conductants which is a general measurement of in-stream pollution. Some of the physical parameters measured include stream flow, the amount of suspended sediment within the stream, canopy cover and stream bank stability, which are all important to the overall dynamic processes within a stream. The biological data mainly focuses on the collection of macro-invertebrate samples, which live in the stream attached to the rocks. They are extremely important as water quality indicators. They vary considerably in their tolerance to pollution and they are constantly exposed to in-stream conditions so they are really representative of the conditions.

Dawn Kepler stated that the DEC has established a bio-monitoring protocol in addition to their programs. DEC does sample streams throughout the state but only manages to make it up to the Lake George Watershed here and there. She stated that the Waterkeeper has implemented the DEC protocol into their project so that the data they are collecting is accurate and representative of in-stream conditions. Together with the DEC they have determined of the 52 sample sites that they looked at that 31 were impacted to a certain degree either physically, chemically or biologically. She stated that they have issued somewhat of a report card for each of the sample sites, which is included in the project document provided. Green circles indicate minimal impact; yellow circles indicate slight impact and red circles indicating moderate impact. She stated that 8 of the sites stood out more than the others, including Finkle Brook, the Mohican Road tributary and Stewart Brook.

Dawn Kepler stated that they are hoping to increase their sample sites throughout the watershed this year by 20% and they will continue to add water quality parameters. She requested that if anyone knows of any additional sites or streams that could be added to their efforts should contact her at the office.

Neal Van Dorsten- stated that he is not sure if the Waterkeeper's Stream Monitoring Project is a pitch for the Stream Corridor Setback regulations but he would like to know if there have been any studies done on the most egregious polluters of the lake being the asphalt, salt and run-off from the developments around the lake. He stated that everyone seems to be focusing on the stream corridor and he hasn't seen anything on their website that shows any scientific evidence that supports a major radical approach for blanket regulations for setbacks for all streams in the Lake George area. He stated that most developers have stormwater plans and address that very issue. Some houses have been developed 20' from streams or the lake and have minimal impact, whereas other houses that are built 150' from streams have more impact. He feels that making blanket regulations for stream setbacks is inappropriate. Additionally the regulations, as they are written, provide for exemptions in one section and take them away in another section. He feels that everyone in the Lake George region is concerned with keeping the quality of the lake and streams pure and providing for the proper stormwater measures.

Supervisor Simmes commented that the Bolton Town Board as well as a few other Town Boards in the area have taken the same view. She stated that they also have letters from Betty Little and Teresa Sayward who have voiced their opposition to the LGPC regulations .

Zandy Gabriels stated that he read in the Post Star that the Village of Lake George has recently re-signed their contract with Time Warner for 10 years. He stated that he understands that Time Warner would like to have a longer period of time and it may be an industry average throughout New York State, but they should give this more consideration because they are not the average industry. He stated that although he is happy to see that Time Warner is coming around to survey Federal Hill, possibly to Padanarum Road, he suggests they plan the plan anyway, because it will take them a long time to plan it and a longer time to get the contracts going if they don't start now.

### **Announcements**

2<sup>nd</sup> Annual Jack Wax party is scheduled for the Conservation Park on April 11<sup>th</sup> starting at 5:30 p.m. Bring a dish to share and enjoy maple syrup on snow for dessert.

Bolton Zoning revision meeting scheduled for April 13<sup>th</sup> at 4:30 p.m.

Time Warner will be meeting soon to survey Federal Hill Rd.

The seminar on Healthy Trees and Healthy Views was well attended and very informative. The LGA, Cornell Cooperative Extension and Barry Kincaid were the speakers.

The Open House held by the Hamlet Sustainability group was also well attended and many comments were received. The committee will be meeting later this month to discuss all the comments.

### **Zoning Matters**

Timothy Harrington- Counsel stated that he and Mike Stafford have continued to negotiate. He has given a time frame in which Mr. Harrington will need to accept his resolution.

Harold Raven: Waiting for new plan in May that will be in compliance

Elmer Clark- Mitzi Nittmann stated that one of the sons has contacted the office and they are in the process of trying to get a plot plan together and will need to fill out the applications.

Janet Lehman: She has until June 30, 2009 to remove one barn and two small structures and to either remove or shore up the chimney on the larger barn.

Bell Pt. Shores-

Mitzi Nittmann, Zoning Enforcement Officer, stated that when she was there last fall they had done zero work on the lakefront for any type of remediation. The timber that had fallen across the old Bell Point Shores Road had been removed, however, none of the stormwater devices had been cleaned or improved. On Norwood Drive they made minimal attempt to clean some upper check dam areas and they took that material, put it on the road and re-graded it, however, none of the berms on the side of the

road that are keeping the stormwater from going into the ditches were removed and the retention pond that has a broken outlet that was supposed to be sealed was not completed either. She stated that all of the work was supposed to be done by December 30<sup>th</sup>, so they have really only done minimal. As of May 30<sup>th</sup> the whole lakefront remediation was to be done, as for the subdivision, and the stormwater devices on Old Bell Point Road were supposed to be totally cleaned and properly functioning. She stated that she was unaware of the current conditions as she has not been down there lately. She is waiting for Tom Jarrett to perform his report that will be due this month, which will further substantiate what she found. She stated that the TB would need to decide if and when Bell Point Shores should return for alternative remedy.

Supervisor Simmes recommended that either Mitzi Nittmann or Counsel send a letter informing them of what still needs to be done with a reminder of the deadline and consequences if they should fail to comply. Mitzi Nittmann stated that she would draft a letter and have Counsel Muller review it. Councilmember Rehm recommended adding Tom Jarrett's comments from the fall report to the letter. Mitzi Nittmann agreed.

### **Correspondence**

Letter from Jane Gabriels with concerns about the concepts for Rogers Park.

Copy of letter to Senator Little from David Gabriels concerning the sale of wine in grocery stores.

Zandy Gabriels letter concerning his comments on the finger docks for Rogers Park.

Supervisor Simmes stated that she talked with Scott Andersen, who looked into it and spoke with Carl Schoder and they have come to the consensus that they cannot get another dock in there.

In answer to letters we sent, we received letters from Senator Little and Assemblywoman Sayward both expressing their opposition to the LGPC concerning the stream corridor regulations. We sent a letter to the Governor also and Supervisor Simmes received a phone call that we can meet with a representative. If anyone wants to go, Thursday's and Fridays are the best for them.

Ron's Hardware will reopen as ACE hardware on April 27<sup>th</sup>.

Copy of letter from Kathleen Spahn to Bolton Rescue Squad with information on other ambulance services.

APA project permit for William and Stacy Bixby and Anne B.D. Reid was issued

APA is reviewing the resurface of 9N project permit.

Time Warner notification they are now publicly traded.

Chris Hatin with WC Sheriff's Office commending Jim Galante for a burglary case he handled

Notification that Trailways will not continue bus service to Bolton. Lake George is still available.

Vince Palazzo has an interest to serve on the Recreation Commission.

Jaeger & Flynn Associates with list of support personnel for our health insurance.

Algonquin thank you for help with their DEC modification for septic hauling.

Bolton Free Library thank you for yearly support.

Lake George Regional Chamber of Commerce in support of retaining the buildings at Gaslight Village.

Letter from the Crisp family concerning the runoff problem on their property from Rogers Park.

Rob MacEwan notification that he will recuse himself from UDAG conversations or any action taken.

Counsel's letter to the attorney for Lake George Camping Equipment regarding our ownership of property that abuts them.

We have received our check for \$1009 for an easement on Veterans Park for the 9N project.

Time Warner Cable with possible changes in channels.

Letter from Elaine French regarding damage to her stone wall. Supervisor Simmes referred to Highway and Water departments.

Hart Engineering requesting a sewer hookup for property located outside the district. Supervisor Simmes discussed this with Chet and he advised that we do not allow hookups to manholes. Supervisor Simmes believes it is the Van Wart residence.

DOT notification that the Exit 24 southbound ramps will be closed 4/6-5/21. They are being re-routed over County Route 11 to Route 9N and go south.

Office of the Aging notification that Tom Mihalics has been named Senior of the Year for Warren County.

## **Committee Reports**

### **Councilman Saris**

Sewer Department- Took in 4,917,870 gallons of wastewater for an average of 150,641 gallons/day. There were no violations. They did have some breaks. The master meter is down and they had to send them to Texas to be repaired. The air lift in the south sand filter broke, a new one has been ordered. Both the north and south pump stations were cleaned in preparation for the summer. They cleaned sludge out of both sides of the clarifier and cleaned the grit chamber. They have also started their bed maintenance.

Town Clerk- Total Local Shares remitted- \$9,378.58 Total non-local revenue- \$35.39 Total State, County and Local Revenues \$9,413.97.

## **Councilmember Rehm**

Seniors Center- Councilmember Rehm stated that she was pleased that a local citizen, Tom Mihalics, has been named Citizen of the Year, due mostly in part from being nominated by the group. She is pleased that Supervisor Simmes will be attending his recognition ceremony.

Recreation- She stated that in late March sign-up for camp began. They are not quite at full enrollment, the fee was raised but they are not sure that this was any issue and feel that is a timing thing. The Recreation Center is very popular and they are still seeing high attendance but feel that the numbers will be dropping with the upcoming baseball/softball seasons approaching.

Rescue Squad- They are moving ahead with their plans with the Fire Company to separate and become independent entities and should have more information coming in May. They have contacted Keena Staffing with regard to paid staff for the summer months. They may be seeking some assistance with paying for this addition to their budget. They will be evaluating the situation again in the fall to see if it is something that worked well.

Councilmember Rehm stated that she and Mitzi Nittmann attended Local Government Day, which is a joint project by the Department of Environmental Conservation, Adirondack Park Agency and Adirondack Association for the Towns and Villages. She stated that much of the discussion was on the Federal Stimulus money and the rules that go along with it. She stated that on the agenda tonight the Town Board does expect to make an application for a substantial amount of money for upgrades to the wastewater treatment system. She stated that they are hopeful that if successful that not only will it improve what they do but will reduce their operating cost so that they don't have to go to the customers and charge more. She stated that they would also be looking to add some solar units to reduce the energy consumption as well as a variety of other things, which they hope will make them eligible for the funding. She stated that it is a very innovative idea and they could be considered a pilot project for the North Country.

Councilmember Rehm stated that another major topic of discussion was energy and how it is being used. She stated that there are energy audits that can be done for almost no money through the New York State Energy, Research and Development Authority. If you are in a certain income class, much of the improvements made to one's home could be reimbursed by NYSERDA. She stated that these audits are available for both residential and municipal buildings and she hopes that the Town could participate.

Councilmember Rehm stated that there is some stimulus money for broadband and bringing technology to the rural areas. She stated that Warren County is now a partner with Washington and Hamilton Counties and they are looking to do a study to see how they can expand broadband in our area.

Councilmember Rehm stated that she came across an article about a small Town in Kentucky with less than 4,000 people but less than 2,000 internet users that came up with a way to provide Wi-Fi to their downtown for less than \$8,000.

Lastly, Councilmember Rehm stated as an interesting note that Mitzi Nittmann has informed her that if there is a zoning infraction or potential zoning infraction in the community and the Town does not pursue that infraction, a citizen can bring an action independently.

## **Councilman Maranville**

Assessor- During March the office was busy evaluating properties that were inspected in January and February. Dave Rosebrook pressed the appraisers responsible at DEC for the allocation factor needed to be added to the assessment roll, in order that the State will share the taxes for Norowal Marina. To date he is still waiting for the Commissioner to sign that order and then he can file the paperwork, which will allow for a 2 year reimbursement

to follow. There is still an opening on the Board of Assessment Review. The County will be giving the Review Board Course on April 21<sup>st</sup>. The course is mandatory for anyone that serves as a member.

The State needs a resolution of support from the Town Boards of Bolton and Lake George to move ahead with the re-evaluation project for the 2010 assessment roll. It is Dave Rosebrook's opinion that in order to best maintain the assessment equity in Bolton and Lake George that they should move forward with this and do an in house re-evaluation project. For this each Town will need to prepare a resolution supporting such a move by their assessor and requesting whatever assistance is deemed necessary by the State official or Office of Real Property Services and Warren County Real Property Services to accomplish the same and be provided in a timely fashion.

Supervisor Simmes indicated that since Dave Rosebrook's report they do have someone on the agenda to appoint to the Board of Assessment Review Board. With regard to the re-evaluation, she stated that she believes that they have until February to make that decision. Councilmember Rehm replied that they would only have until July to provide the resolution of support to get the ball rolling but they would have until February to make it official.

Police- Patrolled 2,921 miles and used 231.3 gallons of fuel. All members of the Police Department completed training for "Violence In the Workplace" in the Bolton Town Hall and "Hazardous Materials" and "Blood Borne Pathogens" at the Warren County Municipal Center. A detailed list of all the calls answered is available for review.

Justice- Hon. Harry Demarest took in \$7,060 and Hon. Ed Stewart took in \$5,145. Total monies forwarded to the Town of Bolton - \$12,205 Itemized lists are located in the Court.

#### **Councilman MacEwan**

Water Department- 4,671,970 gallons of water filtered. The pond level is over the spillway. John is still out from his back surgery but he is home and the surgery went well. The bacterial samples came back satisfactory. Water meters are scheduled to be read the week of April 20<sup>th</sup>.

Transfer Station- Total receipts- \$4,160. They have made several attempts to burn the brush pile. They did follow up on Councilmember Rehm suggestions about East Side for the metal and Green Fiber for the paper. If approved East Side would come in and clean up the metal that is currently there, then they would provide two containers for collection. David Bradway is still going to be picking up some metals because East Side doesn't take everything. Lisa has also been in touch with someone at Call to Recycle about recycling batteries who are going to provide containers for the rechargeable batteries, cell phones and Bolton will be put on their website as one of their customers. The individuals at Green Fiber have smaller containers to take newspapers, cardboard, hard and soft covered books, etc. Lisa is concerned with the cardboard which accumulates the most especially over the summer. Green Fiber only has one 30-yard container, which is at a school right now, but they would bring it to them if they decide to move in this direction. Councilmember Rehm asked if Green Fiber could haul one of the County containers. Councilman MacEwan stated that he would raise that question.

Supervisor Simmes stated that she has communicated with E-lot who used to be able to, on a Countywide basis, set up a collection for computers and monitors. She wrote to him in the fall, which would have been a great time to do it, but now with the economy it is not. He has informed her that now it would take more money to process and recycle these items than they are worth. Unfortunately if they were to do this event they would have to charge 15 cents/pound for everything taken in and would not include transport, which, if necessary, would be an additional \$175/truckload. She suggested that they wait on this for now until the market comes back.

#### **Supervisor's Report**

Receipts: \$131,258.69 Disbursements: \$417,726.13

On a County level the Board of Supervisors agreed to keep both buildings on the Gaslight Village property. They will be assessing the condition of the Opera House to see if it will serve as an open-air pavilion.

At last month's Planning Board meeting the subdivision of the water district parcel that the Smith family is purchasing was approved. The water district will retain the parcel on the pond side. Counsel has sent out documents to the purchasers. The closing should be in early April.

Senior Pickup for the transfer station will be May 18<sup>th</sup> and 19<sup>th</sup>. The transfer station hours will begin summer hours April 13<sup>th</sup>.

We have received one resume for a position on the Recreation Commission and nothing for PB or ZBA.

Mitzi Nittmann stated that she was asked if someone would have to be a full-time resident in order to be able to sit on the ZBA or PB. Counsel Muller replied yes, because he would not see this person being able to serve all 12 months.

Next month we will have the plans to go out to bid for the new boilers for the Town Hall.

Supervisor Simmes has contacted Upstate Solar LLC concerning possible solar panels to place on some of our buildings to conserve on heat bills. Supervisor Simmes will be researching this further.

National Grid update for lighting.

John Gaddy stated that he has had some discussions about trying to re-contact NYSERDA for LED lights. He stated that National Grid has been talking about high-pressured sodium lights, which would be a reduction in cost for the energy. However, when the question came up about the standard 15-year contract, he is wondering if they will be locked into a technology that would be getting outdated. He stated that there are numerous cities throughout the country that have gone with LED lights, which have long life spans, and low operating costs. However, when he started this whole process he spoke with the people at RPI who are the leaders in lighting and they informed him that they couldn't have this because it is not commercially available yet.

Supervisor Simmes stated that she has been through a Town, which has

decorative lighting on the National Grid poles and would like to investigate that as well. John Gaddy stated that looking at NYSERDA he feels that Bolton is a small enough Town that they could certainly be a demonstration program. He also feels that Deborah Graf from National Grid didn't have that level of clearance for that information and that it would be experimental at this point. With the solar panels and LED lights he suggested that they contact NYSERDA especially since they are a small enough Town that we may be able to get some sort of package together as part of a downtown revitalization.

### **Old Business**

Action on amendments to Ordinance #39 Rules & Regulations of the Water Department

### **RESOLUTION #73**

Councilman Saris moved, seconded by Councilman MacEwan to close the public hearing for amendments to Ordinance #39 Rules & Regulations of the Water Department. All in Favor. Motion Carried.

**RESOLUTION #74**

Councilmember Rehm moved, seconded by Councilman Maranville to adopt the amendments to Ordinance #39 Rules & Regulations of the Water Department. All in Favor. Motion Carried.

The workplace violence program has been completed for most of our full time employees. We need to accept the program and then we will distribute a copy to all employees.

Employee Handbook: Any changes?

**New Business**

Resolution to appoint the committee who will be reviewing applications and making recommendations for UDAG funding. J. Buckley Bryan, Ronald Conover, Susan Wilson, Craig Hannon and Ike Wolgin.

-

**RESOLUTION #75**

Councilman Saris moved, seconded by Councilman Rehm to appoint the committee who would be reviewing applications and making recommendations for UDAG funding. J. Buckley Bryan, Ronald Conover, Susan Wilson, Craig Hannon and Ike Wolgin. Councilmen MacEwan and Maranville abstained. All others in Favor. Motion Carried.

Councilman Saris recommended that they look into adding some alternates to this committee in the event of absence or recusal. Supervisor Simmes agreed.

Resolution to amend the inter-municipal agreement regarding voting machine delivery and storage. This is amendment to the agreement since we still have our old machines.

**RESOLUTION #76**

Councilmember Rehm moved, seconded by Councilman Saris to authorize an amendment to the agreement between the Warren County Board of Elections and the Town of Bolton. This is an amendment to original agreement dated February 7, 2006. All in Favor. Motion Carried.

Resolution to go out to bid for replacement of shingles on the Town Hall roof. We will accept bids until 4:00 p.m. on May 4<sup>th</sup> and open them at our May 5<sup>th</sup> TB meeting.

Councilmember Rehm asked what type of shingles they got the last time because the Town Hall building isn't even 20 years old. She asked Counsel if they had any recourse on the life span or lack there of for the current shingles or in the future for the new roof. Counsel replied no they do not have any recourse. He explained that 50 year shingles are what are recommended and they are designed to last 25-30 years.

**RESOLUTION #77**

Councilman Maranville moved, seconded by Councilman MacEwan to go out to bid for replacement of shingles on the Town Hall roof. We will accept bids until 4:00 p.m. on May 4<sup>th</sup> and open them at our May 5<sup>th</sup> TB meeting. All in Favor. Motion Carried.

Resolution to accept Eastside Used Auto Parts Inc. proposal for \$70 per gross ton for metals. They will provide the containers and trucking to remove the metals. They will also pay \$10 per ton for tin cans and \$3 for car batteries. If the market is paying higher we will receive a higher fee. Approve for a time frame. They have provided references.

#### **RESOLUTION #78**

Councilman MacEwan moved, seconded by Councilman Maranville to accept Eastside Used Auto Parts Inc. proposal for \$70 per gross ton for metals. They will provide the containers and trucking to remove the metals. They will also pay \$10 per ton for tin cans and \$3 for car batteries. If the market is paying higher we will receive a higher fee. This contract may be terminated at will. All in Favor. Motion Carried.

Supervisor Simmes has audited the Town Clerk and Justice Court books and found everything to be in order. Someone on the board needs to audit the Supervisor's books.

Councilmember Rehm stated that she would try to audit the Supervisor's books before the end of the month.

#### **RESOLUTION #79**

Councilmember Rehm moved, seconded by Councilman MacEwan to accept Supervisor Simmes report that she has audited the Town Clerk and Justice Court books for 2008 and finds them in order. All in Favor. Motion Carried

Appoint Bruce Mowery to the Board of Assessment Review to serve until 9/30/2011. He needs to attend training on April 21<sup>st</sup>.

#### **RESOLUTION #80**

Councilman Saris moved, seconded by Councilman Maranville to appoint Bruce Mowery to the Board of Assessment Review to serve until 9/30/2011. All in Favor. Motion Carried.

Resolution to apply through EFC for grant funding for an innovative green infrastructure sewer plant and authorize Supervisor Simmes to sign the application. This is a project that can be 90% or more funded. The new design will produce less sludge and cleaner water as well as save on electricity.

#### **RESOLUTION #81**

Councilman Maranville moved, seconded by Councilman MacEwan to authorize Delaware Engineering to apply for grant funding under the Environmental Facilities Corporation for the Bolton Wastewater Treatment facility, and to authorize the Supervisor to sign the grant application. This application is part of the American Recovery And Reinvestment Act and will be under a new program called "Green Innovation Grant Program". All Favorable. Motion Carried.

Discuss Veterans Park dock. Supervisor Simmes and Carl Schoder looked at the dock this morning. He believes he needs to consult with someone more versed in the lake as far as water movement before making a decision on the best course of action for replacement. He suggested talking to Chris Gabriels for repairs for the present time.

Supervisor Simmes stated that the ice pushed a lot of sand to the beginning of the dock which has pushed it up plus we still have the damage going out to the dock. She stated that Carl is concerned because there is so much sand and has made the area near Hondah Cottages very shallow now. She stated that they need to come up with a plan to resolve all of the issues with the dock including the sand. Chris Gabriels stated that if they build the dock as a crib dock as recommended by DEC they will continue to create this problem. He stated that this would not be jurisdictional to the LGPC, DEC will allow them to modify those recommendations to prevent this from happening. He stated that DEC has just allowed the Sagamore to do the same type of thing for the exact same reasons. He stated that no agency wants that sand to come down the streams into the lake and once it is in the lake to be moving around. Supervisor Simmes stated that she is concerned that unless they do a dredging project on Finkle Brook that sand is going to be continuing to be a problem. Chris Gabriels stated that they would have to have a physical barrier for that sand and the dock will act as that barrier. Which it is to some degree, but given the age of the dock, it is becoming more difficult to do. Supervisor Simmes asked if he could go look at the docks to see about making some repairs to it. Chris Gabriels asked her if the repairs would include just flattening it or to better mitigate the sand movement. Supervisor Simmes recommended that he talk with Carl Schoder. Councilmember Rehm stated that if there is a plan to replace these docks in the fall, which would limit what they would be spending now, he needs to look at it both ways. Chris Gabriels stated a short-term solution is to knock the dock down flat, which would be minimal cost. The financial aspect of trying to contain the sand with the dock in its present condition and/or whatever other repairs you might think about, he would hold off on until they reconstructed the dock.

Chris Gabriels stated that even though they are looking to contain the sand, they also have to look at this from a safety aspect that these docks will be keeping people and boats separate. He stated that there is a real temptation for children to figure out how to get under the open space under the dock piers and they are popping up where the boats are pulling in. Although he understands the DEC's reasoning for better water flow he feels that it does not take this important safety aspect into consideration. He also feels that DEC will see the safety as a reason for granting an exception to the regulations.

Zandy Gabriels stated that when they dredged the last time he had them dredge on the north and south side of that dock. He stated that he was unsure of the time frame but feels that the whole area may be due for a dredging.

George Mumblow requested to be paid for his 2 weeks vacation that he did not take.

#### **RESOLUTION #82**

Councilman MacEwan moved, seconded by Councilman Saris to approve payment to George Mumblow for his unused two weeks vacation. Supervisor Simmes and Councilmember Rehm opposed. All Others in Favor. Motion Carried.

#### **Public in attendance or Board Members**

John Gaddy asked for some clarification regarding the new complaint process for the Zoning Office. He stated that he called up about an issue with some signs in Town and he was hoping to contact the owner to discuss possibly changing or removing the sign because they are supposed to have site plan review for larger signs. He stated that he was told that he had to go down and write out a complaint, which he didn't have a problem with. He asked if the Zoning Administrator acts on her own like a cop on the beat or acts solely on complaints. Supervisor Simmes stated that some of the signs that he is referring to have been taken down and they are working on the others. Counsel replied that the complaint form should not be required especially for obvious issues. He stated that he expects the Zoning Administrator or Zoning Enforcement Officer to act as a cop on the beat for these types of situations. He explained that the complaint process was set up more for neighbors that may have concerns with certain things that are occurring on an adjacent property that is not necessarily visible.

John Gaddy complimented the Town on its containerization of the metals especially because they have some drainage issues up at the Transfer Station.

John Gaddy stated that there has been some discussion at school about a Countywide collection of hazardous waste. He stated that he is not sure if they have ever had one up here in northern Warren County, but he has seen it in Queensbury. It is very expensive, but he is concerned that most people don't know what to do with it and he is afraid of what they might do with it. He asked if it has been proposed at the County level for this type of collection. Sue Wilson stated that there was a collection about 8-9 years ago and it has been talked about since then, but the cost is extremely prohibitive.

Neal Van Dorsten asked if the Town has aesthetic design criteria for signs. Councilman Saris replied that if a sign is larger than 2' x 2' they would need to go before the PB for Site Plan Review. Neal Van Dorsten stated that it is very important that it remain that way because the Town has a nice ambience about it and the more criteria that they have the better off they would be to retain Bolton's charm.

Zandy Gabriels asked if the draft of the employee handbook would be available on the Town website. Supervisor Simmes stated that she didn't see why not.

Zandy Gabriels congratulated the Town Board for the appointments to the UDAG Funding Committee. He feels that they are 5 good people. He asked if the TB would be proposing any standards, limitations or conditions. He also asked if the committee would be responsible for the entire \$4 million or will the Town be reserving some. Supervisor Simmes stated that the Town would be reserving some money and as for any conditions, she stated that Counsel will be meeting with the group to set up their guidelines and application system. Zandy Gabriels asked if the TB would have the final approval of applications. Counsel replied yes, but the application will not be heard if the committee rejects it during the process. Any applications that are recommended by the committee will come to the TB for final approval. Supervisor Simmes stated that the committee has requested to meet during the day. Counsel stated that would not be a problem. Zandy Gabriels asked if these meetings would be open to the public. Counsel replied no because personal and financial information will be shared at these meetings and that should not be public record.

Supervisor Simmes stated that Buck Bryan had asked her if the UDAG committee could have a secretary that would take minutes. Counsel stated that they could do that but it would not be necessary because it is Executive Session. He stated that they could also just tape all of it instead of having a recording secretary. However, he would recommend that the less formality in the process and less documentation in their process would allow them to keep everything private.

### **Pay the bills**

### **RESOLUTION #83**

Councilman Saris moved, seconded by Councilman Maranville to approve payment of the following bills:

General – \$79,091.20

Highway- 199,620.70

Lighting- 4,346.64

Sewer- 2,679.48

Water- 3,281.04

Tourism- 4,981.35

Zoning Ordinance- 360.40

Rogers Park- 22,845.00

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

### **Transfers**

#### **RESOLUTION #84**

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

FROM TO Amount

General

19904 Contingency 10104 Town Board Brereton Rd. Survey \$1,500.00

19904 Contingency 13304 Tax Collector \$71.00

19904 Contingency 14304 Personnel 4,000.00

12204 Supervisor 19204 Municipal Dues 38.00

12204 Supervisor 19894 Fisher Act for School 150.78

19904 Contingency 86874 Sustainability 9,500.00

Sewer District

March transfer \$10,000.00

April transfer \$18,000.00

All in Favor. Motion Carried.

Councilmember Rehm congratulated Kristen MacEwan on her new position at the Warren County Real Property Office.

With regard to Ordinance #38 for the beach, Councilmember Rehm stated that they will need to amend that before the summer to change the smoking policy on the beach. She didn't think it would require a public hearing because it says they can amend these ordinances from time to time by Board resolution. Counsel agreed.

Councilmember Rehm stated that she would also like the Board to consider approving an award for the Lake George Association for their floating classroom boat.

**Executive Session**

**RESOLUTION #85**

Councilman Saris moved, seconded by Councilman Maranville to enter into Executive Session at 8:23pm with no further business to be conducted. All in Favor. Motion Carried.

**Adjourn**

**RESOLUTION #86**

Councilman moved, seconded by Councilman to adjourn the meeting at 8:59 pm. All in Favor. Motion Carried.

Respectfully submitted by: Respectfully submitted by:

Patricia Steele Kristen MacEwan

Town Clerk Recording Secretary