

TOWN OF BOLTON  
Town Board Meeting  
January 6, 2009- Minutes

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

ABSENT: None

PLEDGE: Supervisor Simmes

Supervisor Simmes called the meeting to order at 7:18 pm

Supervisor Simmes read the following statement-

First I would like to take a moment to thank the employees and the Town Board for their cooperation this year. This being my first year as Supervisor has surely been a busy and exciting challenge.

It is reassuring in these times that the Town of Bolton continues to be in great financial shape.

A long standing project namely: Bixby Beach has been finished.

The Highway Dept. made improvements to one mile of East Schroon River Rd. on the south end and on the north end brought a section of the road up above flood level. The project was to replace the bridge which would have cost the Federal, State and County government over \$1.2 million to replace. The State said it would cost \$900,000 to bring the road up and Tim did it for under \$50,000

The 9N project as of today is still slated to begin in April. That could still change.

The sewer line relocation is still on track and due to begin also in April.

The Town pier project is definitely happening and Carl Schoder of Schoder River Associates and Tim Larson from the LA Group are here tonight with their proposal. This project has received a \$250,000 matching fund grant for the Pier and Rogers Park improvements in 2008. We have a capital reserve account in place in the amount of \$315,661.50 toward this project.

We also have received a matching grant in 2008 to finish updating our Local Waterfront Revitalization Plan.

The Smart Growth grant committee has been meeting on a regular basis and has held a Public Informational Meeting for input. They will be holding another in the spring. This is a \$50,000 grant through DEC that did not require matching funds.

The Zoning revision committee will be meeting again at the end of the month. They should be in the final stages of presenting the new ordinance to the public and holding public hearings.

We contracted with a company called Public Sector to administer a program for wage & job descriptions and also an Employee handbook. This project is also near completion.

The Town Board has been in discussion with the school concerning their need for ballfields. We are working toward a cooperative solution.

I am sad to report that the Conservation Park project is at a standstill at this time. We are awaiting Schoder River Associates reports concerning our complying with zoning, stormwater and parking issues and the APA regarding wetlands for the placement of our building before moving forward.

Public Hearing:

Proper notice was in the paper 12/23/08 to hold this hearing for Ordinance #10 entitled "Removal of Assessment Restrictions on Converted Residential Condominiums" as specified in Real Property Law

§339y and §581.

Supervisor Simmes stated that there are copies of the ordinance available for the public to view. Councilmember Rehm gave an explanation for the reasoning behind changing this Ordinance due to her experience as an assessor for the last 30 years. In that experience, she and most of her colleagues have recognized an extreme disparity and unequal treatment of properties that are owned as condominiums. She stated that in NYS there are special privileges in how properties are assessed if those properties are condominiums. It came about after WWII and its origin was in NYC. At that time there were a lot of apartment buildings that were being converted to cooperatives and condominiums and in an effort to encourage that it was decided that they would continue to be valued as if they were just apartment buildings. This means that they get a sizable benefit when it comes to assessed value. In NYC that was the fair thing to do but the condominium concept has spread throughout the state of NY. For at least 20 years the assessing community has made an attempt to get the legislature to change the law so that a condominium would be assessed the same as any other out-right owned unit. She then compared the assessment of a free-standing home versus another free-standing home that is considered a condominium both owned on 100' x 100' lots. The house owned as a condominium gets the same preferential treatment as if it was in an apartment building. In most communities that could end up being a 30-50% reduction in the assessment. She stated that the legislature has just gotten wound up in this and can't see their way through it to change the law. However they have found within the law there is a potential for the community to at least address at some level condominiums if they are conversions. If a developer were to create new condominiums the law that stands would preside but if a structure exists as a dwelling today, and the owner decides to convert it to a condominium this law would lift the restriction and that unit would be assessed just like every other dwelling unit that is directly owned. She stated that this would bring equity to taxation, provides fairness and she does not personally see any down side to this but it is one way to take some steps to secure our tax base. She stated that this will not have a retroactive effect on existing condominiums and they will remain untouched. Councilmember Rehm asked if 30 days from their approval the Ordinance would be effective. Supervisor Simmes stated that approval would need to be published in the paper and it would become effective 10 days after it is published.

The hearing was left open.

#### Alternative Remedy

Dan Daniger: 213-13-1-6 73, 73 Coolidge Hill Rd. Our Zoning Ordinance says a Certificate of Compliance is required from the Town of Bolton in order to place a fence on your property. Mr. Daniger installed a fence without a certificate of compliance. He could have chosen a course of action that would have required him to pay a \$150 civil penalty and apply for an after the fact certificate of compliance. He is here tonight to speak to the board under the alternative remedy procedure, although he was not cited for an alternative remedy.

Dan Daniger stated that he was appealing a fine for putting up a fence without a permit. He stated that the Code Enforcement Officer let him know that he needed a permit for the fence because it was over 100 sq. ft. He stated that it was his understanding of §7.130 fence regulations, that this only applies to lakeshore lots. He told the CEO that he would not be taking the fence down and she indicated that he would need a certificate of compliance and that he would need to pay a fine. He stated that he felt that this was a little unfair so he contacted Pam Kenyon and Kathy Simmes to explain the need for the fence

in the first place.

Dan Daniger stated that he put the fence up because the owners that bought the house next door converted it from a two family to a single-family dwelling. According to the Town regulations a dwelling of multiple families under §200 must have a separate entrance, dwelling, occupancy and an unpierced wall. It no longer has a separate entrance, unpierced wall or second kitchen. Changing that wouldn't normally affect him but starting in the first summer after the neighbors purchased the house they began to rent this out on a weekly basis. The cars that are parked at this home are within 27' of his house and he has had to put up with a lot of inconvenience and disturbance at night. He stated that this went on for 2 summers and they let it be known that they were not happy about the situation. But the situation never improved and the guests continued to park on or across their property line. This summer he came home from vacation and the 2 homes next to him were up for sale and property damage had occurred on his property. He asked the owners of the home who he should call when something like this occurs and they recommended that he call the police. He stated that put him in quite a spot to do this. He met with Supervisor Simmes and Officer Neumann and filed a property claim and put up a fence.

Dan Daniger stated that when he read the regulations, as long as he was not putting up a fence more than 6' and not being on a lakeshore lot that he wouldn't need a permit. He stated that he has been to see Pam Kenyon to ask her forthright whether or not he needed permits for anything he has done on his property. He stated that these weekly rentals change the character of their neighborhood drastically. The fence was put up so that he wouldn't have people parking on his property anymore and that children or anyone unsupervised wouldn't be coming onto his property. He stated that the neighbors also started a rescue dog service and he has had dogs come over unleashed running around on his property and snapping at his son. He feels that was a very dangerous situation.

Dan Daniger stated that the dwelling has changed in use substantially. They cannot rent it out as a single family dwelling with 4 bedrooms that can hold 14-16 people but then on Town regulations they are considered a two family unit. This concerns him because according to regulations a single family can only have 4 un-related people living in it but a two family can have 8. He stated that this is not the only house in Bolton being rented in such a manner; weekly rentals can change the neighborhoods if they are not supervised by responsible landlords. He stated that some communities that are tourist related have passed a zoning regulation that says that these rentals need to be at a minimum of 30 days.

Dan Daniger stated that with what he has presented to the TB he is seeking relief from the civil penalty and requested that the home be inspected under 9.020 conversion of certain uses so that the wall, kitchen and separate stairs can be verified and they would have a year to remedy that or face a classification change. He asked that they consider the latter request because of the bed tax money. He stated that many hotel owners would be upset to find out that these owners are not paying bed tax money.

Councilman Saris clarified that a fence is a structure when it is over 100 sq. ft. and above 6" above grade and all structures require certificates of compliance. He stated that his right to have a fence was never in question. He stated that he has stated many reasons why he wants a fence but he does not even need a reason and he has that right. There isn't a variance required for the fence. He stated that he admits that the zoning code, as presently written, is very confusing in that because it really doesn't state that he doesn't need a variance for a fence. They have interpreted it in such a manner that they can't give

permission for someone to put up a fence which is logically put on or along property lines which would violate a setback and would require a variance for every fence. It has been interpreted to not require a variance unless it violates the shoreline setback and that is where the lake front lots comes into play.

Councilman Saris stated that the reason for requiring a certificate of compliance for all structures is to get people to come into the Zoning Office to find out if they are in violation of something and to prevent problems before they arise.

#### RESOLUTION #19

Councilman Saris moved, seconded by Councilman Maranville to grant the request of Dan Daniger of 73 Coolidge Hill Rd (Tax Map #213-13-1-6) and waive the \$150.00 civil penalty. All in Favor. Motion Carried.

Sagbolt LLC/Sagamore Resort is here tonight to address the board concerning an amendment to the PUD. (Planned Unit Development)

1. To reinstall an outdoor swimming pool and a hot pool in the same area as a historic pool was previously located.
2. To convert the first floors of the southernmost two wings of the hotel building that now contain, respectively, the Trillium restaurant and the administrative offices to 32 guest suites.

The Zoning Board of Appeals granted an area variance to convert the Trillium into guest room, alter the Trillium terrace and construct a swimming pool. The Warren County Planning Board determined that there was no County impact. The APA is willing to approve an amendment based on the Town's adopting an amendment to the PUD.

Ben Pratt introduced the Walsh family who are owners of the Sagamore Hotel. He stated that they were present today to meet the TB and to do a lot of the planning involved in this PUD amendment. He stated that Ocean Properties was originally founded by Tom Walsh and it began as 1 hotel in Maine and they now own/operate over 125 hotels on the east coast and Canada. Tom Walsh's family now operates the corporation.

Tom Walsh stated that they are very happy and excited about owning the Sagamore. They are very anxious to improve the facility and add on to it to make it a profitable hotel, which it really hasn't been for quite a few years. He stated that it is a great property and they are willing to put the money into it to make it successful.

Ben Pratt provided a pamphlet of literature that was also presented to the other Boards. He gave an overview of the Walsh family and what they have done in other Ocean Properties projects. He stated that the Wentworth by the Sea in Portsmouth is an old historic hotel that had been empty for 15 years when the Walsh family bought it from a neighborhood group who were trying to save it. He stated that they conducted a very expensive and historic renovation of that property. The family is very hands-on with their projects. They are very concerned with historical renovations and have won several awards with this particular renovation from the National Historic Trust as well as local historic entities. He stated that the Wentworth is now run under a Marriot banner and it has been voted the number one Marriot hotel in the entire Marriot system a few times. This hotel has also been placed on the Conde' Nast list of best hotels and there are only 150 of those in the nation.

In addition to historic preservation, the Walsh family is very environmentally conscious and their hotels have won a variety of environmental awards. They have cut down on the use of chemicals and water and

have made their hotels environmentally sound, safe and beneficial. He stated that the Samoset in Maine is a certified green hotel and they intend to use a lot of those policies at the Sagamore, such as using a more relaxed laundry system by not collecting towels and linens on a daily basis. The statistics on that show a 70,000-80,000 gallon/year in savings. They would also look to conserve energy by changing out light bulbs for more efficient cost saving lighting and to make sure that their equipment installed for the hotel will be energy efficient.

The Walsh family runs 125 hotels in the U.S. and Canada and they hope that they can make an economic success of the Sagamore. Ben Pratt stated that the Sagamore is one of a very few number of hotels owned and operated by Ocean Properties that are considered their prime properties. It is a gem of the Walsh enterprise and they intend to treat it that way. The first thing they did when they purchased the hotel in September is to look at what needed to be done to make the hotel economically sound and not impact its historical, cultural or environmental condition. The two things they realized that needed to be addressed immediately were first to add an outdoor pool and secondly to add additional hotel rooms to the main hotel, where guests very often prefer to stay. In doing that, the Walshs have committed themselves, in this environment, in this economy, to make a substantial investment in this hotel and it is the first of many. He stated that the Walshs were present to finalize work on the plans for these changes so that it is done before Memorial Day and that they do not disrupt the hotel with guests and making income.

Ben Pratt stated that the Sagamore is the only hotel of its caliber under Walsh ownership that does not have an outdoor pool. He stated that historically there used to be a pool on the property but it was much larger and closer to the lake than they are proposing. He stated that the pool is necessary to assist the economic viability of the hotel because people want to come to a hotel with an outdoor pool. With respect to the proposed rooms, most of the work will be done on the inside and very little outside work will need to be done with the exception of some doors, windows, small roofs and a small expansion. Ben Pratt stated that they have already met with both the PB and ZBA who reviewed this project and went through the environmental and other impacts that the project would have and both unanimously approved and recommended that this project be approved by the TB. Based on the fact that the project was a good project, one that has not caused controversy and not received letters of opposition the PB decided to waive the public hearing.

Ben Pratt stated that they have also been in contact with the APA, State Office of Parks, Recreation and Historic Preservation, DOH and the LG Waterkeeper. To date they have draft permits from the APA in hand approving both projects as minor permit amendments to a couple of already existing APA permits with no unusual conditions. The Office of Parks, Recreation and Historic Preservation has approved the project having found no adverse historical impact. They have worked with the DOH with regard to the pool's size, location and set-up/maintenance and so far they have been very positive about the information they have given them. They have met with the LG Waterkeeper and so far they have not submitted any negative comments.

Ben Pratt stated that they believe, as the APA did, that these are minor permit amendments which are incredibly important to the success of this hotel going forward. He stated that is also imperative that they start work as soon as they can. He explained that they did the process slightly out of order for this PUD amendment but they were hoping to act quickly in order to start the process of renovation if it were to be approved. He stated that normally the applicant would come to the PB first and then go to the ZBA for approval or denial. He stated that they have an urgent need to begin this project and to complete it as soon as they can so that they don't impact the summer season. He stated that they had discussions with all necessary parties and everyone was agreeable to do it this way and they very much appreciate it. Councilmember Rehm asked if the neighbors have been notified of the change at the ZBA level. Ben Pratt

replied that it was treated as a public hearing at the ZBA level and all neighbors were put on notice and no one has come forth with opposition. Councilmember Rehm asked Counsel if he felt the need for public input has been satisfied at that juncture. Counsel replied that he agrees that it is discretionary and this Board could require an additional public hearing but they have already done their due diligence in amending a PUD.

Councilman Saris stated that the PUD is for the operation of the resort on that property. He stated that the amendments and proposal are consistent with the normal functions and operations of the resort. They would not want to keep them from keeping this a viable business and this is a way to stay up to date and meet customers' needs. Ben Pratt stated that the original 82-71 permit for the Sagamore included permission to build a combination indoor/outdoor pool, but it just was not done for variety of reasons at that time.

#### RESOLUTION #20

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

#### RESOLUTION FOR MODIFICATION OF GREEN ISLAND PLANNED UNIT DEVELOPMENT (PUD)

WHEREAS, the Town of Bolton Town Board ("Town Board") enacted PUD legislation on October 5, 1982 to encourage the continuation and restoration of The Sagamore Resort/Hotel as a resort/facility including such amenities as dining, large meetings, dancing, pools, athletic facilities, theater, lake oriented recreation, dormitory and commercial uses; and

WHEREAS, Sagbolt, LLC the owner of the Sagamore Resort owns approximately 49.4 acres on Green Island within the PUD; and

WHEREAS, Sagbolt, LLC is proposing to modify the PUD to include installation of an outdoor swimming pool and the conversion of the Trillium Dining Road and the current administrative wing of the hotel to 32 guest rooms (the PUD amendment) as set forth in the application to modify the PUD dated December 1, 2008; and

WHEREAS, pursuant to Article 15 of the Town Board Zoning Code, the proposed PUD amendment was reviewed by the Zoning Board of Appeals on December 15, 2008 and the Planning Board on December 18, 2008 both boards recommending approval, and the Planning Board in its discretion declining to have a public hearing; and

WHEREAS, the Zoning Board of Appeals and the Planning Board reviewed the proposed PUD amendment and recommended to the Town Board that the proposed PUD amendment meets the planning objectives and the Town and is consistent with the goals and objectives of the PUD legislation; and

WHEREAS, Warren County Planning Board reviewed the proposed PUD amendment on Wednesday, December 10, 2008 pursuant to General Municipal Law §239-m and has recommended approval of the PUD amendment; and

WHEREAS, the Planning Board is serving as lead agency for this project under the State Environmental Quality Review Act (SEQRA), has completed the necessary procedural requirements under SEQRA and has issued a determination of non-significance under SEQRA; and

WHEREAS, the New York State Office of Parks, Recreation and the Historic Preservation has determined

that the proposed development at the Sagamore will have no adverse impact upon cultural resources included in the State and National Registers of Historic Places; and

WHEREAS, the proposed PUD amendment requires permit modification from the Adirondack Park Agency (APA), the project applicant has filed an application with the APA for the PUD amendment and the APA is currently reviewing the application and has prepared and circulated draft permits that have been reviewed by the Town Zoning and Planning Department;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board has determined that the proposed amendments to the PUD are consistent with the goals and objectives of the PUD, comply with the legislative purpose of the PUD and are hereby approved as an amendment to the PUD legislation; and

BE IT FURTHER RESOLVED, that the application to amend the PUD is approved and the PUD legislation is specifically modified to include the installation of an outdoor swimming pool and the conversion of the Trillium Dining Room and the current administrative wing of the hotel into 32 guest rooms.

All in Favor. Motion Carried.

LA Group/Schoder River Associates are here to present concepts for the rebuilding of the Town pier, dock spaces and the amenities for the pier.

Tim Larsen, LA Group gave an overview of their planning initiative for the Town. He stated that Supervisor Simmes mentioned the Smart Growth grant that they are drafting for the Town which is entitled "The Hamlet of Bolton Landing Sustainability Plan". This is a Hamlet-wide study where they are looking at specific areas within the Town and improvements or projects that could be implemented as certain grant funds become available. Specifically they are looking at the downtown core, Rogers Memorial Park, Veterans Park, working with the BLDC and Norowal Marina, as well as vacant or underutilized parcels such as the vacant parcel at the intersection of Sagamore Road and Lake Shore Drive. He stated that they are working with this project in concert with the Town Pier project and they will be holding another public workshop for the "Sustainability Plan" in February in which they will present more of their conceptual plans and get more public input.

Tim Larsen stated that the Town Pier project was funded through matching grant funds through the Dept of State Environmental Protection Fund. It basically entails construction level drawings for the reconstruction of the Town Pier. Another piece of this project is looking at the Master Plan of Rogers Memorial Park which will be part of their conceptual presentation but the Town Pier project will be a physical project that they hope to begin construction on in the spring.

The primary goal of the Town Pier project is to improve aesthetics and to have the ability to have the tourist boats use and dock at the facility to possibly increase the tourism in Bolton. This project will include: 1) reconstruction of the Town Pier structure itself, 2) installation of new steel piles to facilitate the docking of tourist boats, 3) removal of the existing elevated timber deck, 4) installation of a new covered picnic shelter, 5) addressing and improving stormwater and drainage, 6) installing dry hydrants for the fire department, 6) analyzing pedestrian circulation and ADA (American Disabilities Act) access, and 7) reconstruction of the current boat/finger dock facility.

Carl Schoder of Schoder River Associates stated that they had a survey done over 2 years ago and they were able to ascertain that the pier from the water line down is in good condition. The problem was from the water level up because unfortunately the exposed timbers were quite deteriorated and displaced outward. He stated that the worst part of the pier is the east end. This project started out 2 years ago with just replacing that eastern end but the difficulty in that is that the remaining portions of the pier would not have had a design life of much more than another 5-10 years. He stated that in looking at it now, 2 years later, the prediction is indeed true.

Carl Schoder stated that they decided to come up with a system that would be durable, attractive, require minimal maintenance and would be able to address some amenities that could be constructed on the pier. He stated that they opted for a design concept that would utilize pre-cast concrete units. The design will allow them to lower the overall height of the pier from 6.5' to 4.5-5', which will help it blend it better. He provided more detail as to the engineering problems with the current pier and provided a rendering of the new docking system and pier. He stated that the pre-cast concrete will provide more stability to the unit overall. He stated that structurally he thinks this is the direction that the Town should be heading.

With regard to the docks adjacent to the pier, Carl Schoder stated that their overall design was to enhance the ability for the tour boats to come in and dock and to enhance the ability of private boaters to be able to use the docking facilities. He stated that they have taken the input from TB members and community members and have increased the number of dock slips available. They tried to use the existing dock system but upon researching this they found that the slips are rather narrow which causes congestion and adding length to them would not be reasonable either because they would consist of different construction material and wouldn't mitigate the traffic congestion problem. He provided a rendering of a potential dock layout. He stated that if they do not use the existing cribs and timbers and start from scratch they could potentially have 3 fingers and dock a total of 14 boats. He continued that there is the potential to dock 4 more boats on the outboard side of the easternmost dock to increase that number to 18. However, there are competing needs here because the Town is trying to get the tour boats in here as well. He stated that he spoke with Tom Connerty who is the skipper on the Lac Du Saint Sacramento and he was concerned if the Town were to utilize those 4 additional spaces. He was most concerned for the Lac but not the Mohican because given the conditions on the lake the Lac can be affected by wind and swing into those boats. He is also concerned about maneuvering to get off of the dock in windy conditions. Carl Schoder stated that if the Town wishes to maximize the amount of slips for private vessels they need to recognize that there may be numerous times when the Lac would not be able to dock there. On the other hand, if the Town should choose to accommodate the Lac and other tour boats then they would need to eliminate those 4 slips by posting signs and not providing tie-up provisions.

Carl Schoder reviewed the different types of docking systems. The downside to building a crib system in this location is dealing with deep water in certain areas and the cost would be a factor. Even more importantly crib docks act as a barrier to good water flow which would not benefit the marina or beach aspect of the park. A floating dock system provides the water flow but does not provide a stable walking surface. A third option would be to use steel piles that go through to a bearing on the bedrock below. This would give support to the dock surface and provide a stable walking surface and have minimal effect under the dock to interfere with water flow. Carl Schoder stated that this type of docking system has been used successfully in numerous locations on Lake George and Lake Champlain and would

recommend using this type of dock system for this project.

Carl Schoder stated that they will need to connect the pier and dock system together. He stated that the dock system will need to comply with ADA and have handicap accessibility. He stated that is relatively easy to achieve with the dock surface but they need to provide better access from the pier. Therefore they will use ramps instead of the current set of stairs.

Carl Schoder asked the TB what their feelings were with regard to the dock layout. Councilman Saris asked if they could put a piling in about 10-12' off that last dock to protect those 4 boats and help the Lac from drifting at the dock so that they could have the best of both worlds. Carl Schoder replied that 1) they may not have much maneuvering room if the private vessels are on the outside, and they would have to wait until the tour boat leaves. 2) There is very little amount of overburden over that rock, it is quite shallow and they would have to socket them into bedrock. He continued that it wouldn't just be one pile it would be a group of piles. It is buildable but it would be a rather significant expense. He stated that he would also be concerned that people would try to tie up to them. After speaking with Tom Connerty he decided it would be best to allow the Lac to have the swing room so that he can get in and out of there safely. Given that information, Councilman Saris asked if that third dock as a whole would be too close because they are only talking an 8' difference. Carl Schoder stated that it is possible in an extreme situation. Councilman Saris asked if the dock system would survive being hit. Carl Schoder replied that it would depend on the hit. The benefit to the pile dock system is that if that were to occur, they are more readily fixable. Councilman Saris stated that there may be times when this may not be the most appropriate spot for the Lac. Carl Schoder replied that the skipper would need to make that call based on the conditions. Supervisor Simmes asked how often the Lac would utilize the Pier for docking. Carl Schoder replied that Tom Connerty could not offer that up because it is a company decision for Lake George Steamboat Company. He suggested that they start some discussions with the company in order to make a better determination.

Supervisor Simmes asked if Carl Schoder could explain the need to separate the two projects. Carl Schoder stated that once they get some agreement as to the design they will need to do some preliminary investigation relative to permitting. He stated that they only reason they couldn't include the finger docks is that they are going to try and get started this spring. It is a permitting issue for the replacement of the docks themselves. The docks are a new configuration; they will be taking some material out and putting in newer and larger docks which require input from the Corp of Engineers and DEC. Carl Schoder stated that it may make sense to separate the two projects so that they can start the main town pier in the spring.

Councilmember Rehm asked if there would be any problems with docking and unloading passengers onto the new pier because of the change in elevation. Carl Schoder replied that new area would be helpful to the Lac. However, they are not sure if that will work for the Mohican and he has asked Tom Connerty to verify some heights for them and they may need to make some adjustment to that based on what he finds. He stated that they raised it up slightly, mainly to address stormwater and to bring it back away from the lake.

Councilmember Rehm stated that she understands they are trying to accommodate as many private vessels as possible but speaking from personal experience, the current outboard side of the dock experiences heavy wakes and will only worsen moving further out into the lake. She stated that it might

be in their best interest to only use the interior of that dock. Carl Schoder stated that if they choose not to use that side of the dock they can consider installing a wave attenuation feature into the outboard side of the easternmost dock which could break the incoming waves and help the interior boats greatly.

Carl Schoder asked the TB which way they wish to go regarding the docking and boats. Councilman Saris stated that in general he feels that they should move forward with the whole project because it fits with their comprehensive plan to have additional docking, it appeases many community members and guests to the community are in support of the pier because it is the landing in Bolton Landing and it should be restored to a focal point of the Town. With regard to the issue of docking on the outboard side, they will need to have some further discussion with the Steamboat Company. Carl Schoder stated that he has a meeting set up with Bill Dow and Tom Connerty in which he will ask them specifically as to what usage they anticipate. He stated that they could go with more slips now and if the LG Steamboat Company comes with a high usage rate they could always make modifications to the dock system.

Supervisor Simmes asked what their next step is if this is to get approved. Carl Schoder stated that they would go into final design and work on permitting.

Councilman Saris stated that it might be best that they separate the project and have the docks done at a later time because it would be good to have a season under their belt to see how it is utilized by the LG Steamboat Company and which will aid them in making a determination. Carl Schoder agreed and stated that the permitting process may drive them in this direction anyway.

With regard to the height differential, Zandy Gabriels suggested that they also include the other tour boats and boat companies in their design plans so not to preclude them from docking if they wish to. Carl Schoder replied that it was a good point, and he does not feel that any of the boats would be precluded in docking but it would depend on the angle of the gangplank.

Tim Larsen described the proposed design for the new pier. He reviewed the materials that will be used and the overall layout of the pier. Their main driving factors in their design were tour boat access and access for the fire company to the dry hydrants located on the pier. The gazebo will be replaced, which will be a prominent focal feature from the lake and the beach and will be a covered shelter for passengers of the tour boats. There will also be a paved plaza area which will be a gathering area with large rock outcroppings and large boulders. With an Adirondack flare they are hoping for a real piece of originality for the pier. Councilmember Rehm asked if the material used for the pier would be the same as what was used to fix the wall a few years ago. Tim Larsen replied no but he intends to tie in some of that stone in the picnic shelter foundation.

Tim Larsen stated that for safety and liability they needed to include a rail that will encompass the entire perimeter of the pier. The rail needs to be more than ornamental and needs to be a sturdy rail. From a liability standpoint they really need to prevent access to the lake from the end of this pier. He stated that the rail will come across the front of the pier with an access gate that will be locked. Keys would be provided to the Town as well as any tour boat operators.

Supervisor Simmes stated that the kids will still get over that rail to jump off the end of the pier. Tim Larsen agreed but they are doing what is required. Councilman Saris stated that if the rail is to the end of the pier they would be limiting the access to fisherman. Councilmember Rehm agreed. Tim Larsen stated

that they can review this again but in their preliminary discussions the tour boat operators will need this space for their gangways and to tie up safely. Councilmember Rehm stated that they are not suggesting that the space isn't there, but just the barricade. Carl Schoder stated that he understands where they are coming from and perhaps they can consider some alternatives such as signage, but they would need to get some legal advice with regard to the Town's liability. He stated that he would be concerned because it is a fall hazard. Councilmember Rehm stated that she envisions on the east side having fencing but allowing for 2 entrances that are not gated to allow pedestrians to pass through. Carl Schoder stated that is something that they could look into but it should be under the advice of counsel. Carl Schoder also suggested that they talk to their insurance provider as well. Supervisor Simmes stated that they would look into that. Supervisor Simmes likes the concept of the pier but agrees with Councilman Saris and Councilmember Rehm that the railing would not allow the fisherman to use the pier as they do now. She stated that if their insurance company is okay with not having a railing then they could just eliminate that part of the design.

All TB members approved of the overall design and agreed to move forward to the next step.

Rolf Ronning- Review of Resolution to accept Saddlebrook Subdivision Road

Supervisor Simmes read the letter from Town Highway Superintendent Tim Coon. In his letter he stated that after reviewing the Saddlebrook plans in greater detail it was his opinion that the Highway Department is not prepared or equipped to take on this responsibility and cannot agree at this time with the Town accepting the road. He also indicated that Councilman MacEwan contacted him with regard to the Highway Dept. involvement and he told him that they do not have the equipment or manpower to do it. He stated that Councilman MacEwan stated that he would have changed his vote to a no if he knew this information sooner.

Rolf Ronning stated that he has not spoken to Tim Coon or Councilman MacEwan since receiving the letter last night. He stated that he was surprised at the content of it. He stated that the road will cost close to a million dollars to build, it is close to 6,000' in length, and it would be the best constructed state of the art road that the Town would own with a state of the art stormwater management system all of which would require ordinary maintenance like any other stormwater device. He stated that he first presented these plans to Tim Coon over the summer and again in September when he was having difficulty with the Atty. General's office and then again before Christmas. At that time Tim Coon indicated that he had spent a couple of hours reviewing the plans and was in favor of the Town taking over the road.

He stated that the road is 6,000' with a large loop at the end and less than 10% grade, it should take about 15 minutes to plow it and then they would need to sand and salt. With regard to the maintenance of the stormwater system Rolf Ronning stated that in larger storms they may need to clean out a culvert or minor sediment in the basins. He stated that there shouldn't be a lot of sediment because they are paving the road and there is riprapping on all of the culverts and ditches.

Rolf Ronning stated that developers are required to construct state of the art roadways and stormwater systems and are required to maintain those roads and systems. He stated that he is getting the impression that it is not important or necessary to maintain these systems on Town roads. He feels that if it is required of developers and HOAs then it should also be required of the Town as well.

Rolf Ronning stated that the Town is now considering rescinding their resolution and asked what was the issue. This is providing a service to 23 potential homeowners and asked if cost was the big issue. He stated that in two years each lot in this subdivision will be assessed at the current assessed value of the entire subdivision and when homes are built it will be 5 times that. He stated that the assessed value will be 100 times greater in 10 years.

Tim Coon stated that he indicated in the last meeting that he doesn't see how they can take over a road that does not exist. He stated that he talked to people in Soil and Water and they feel the same way. These stormwater systems are something that he will have to maintain more regularly as they have found with Artist Falls and Woodshire. He stated that they have to rent equipment to do this and at times when the Highway Dept does not have the time to do it they have had to hire it out to a contractor. He stated that he is in opposition to taking over the road.

Councilman MacEwan stated that he went to see Tim Coon after hearing this. He stated that after the presentation that Rolf Ronning and others made on December 30th, there wasn't a lot of negativity about the prospect of taking over the road. However, now hearing that the Highway Dept does not have the equipment or manpower to do this, it should be considered in whether or not this should go forward.

With regard to plowing, Tim Coon stated that most of the trucks are doing 10-15 mph. This road would take at least 15 minutes in and 15 minutes out as long as there are no problems. The truck doing that route already has a long route. The road has a 10% grade and it will take him additional time. He has 8 men currently, one of which is a full time mechanic and he has to drive a truck to plow.

Councilman Saris asked Tim Coon what they would need to be able to handle taking over this road. Tim Coon replied that in snow and ice he would prefer to have a 550 go in there and would need additional manpower. With regard to stormwater maintenance he only has a backhoe which would not be sufficient to reach into the basins. He would have to rent an excavator which could run them approximately \$4,300/month. Councilman Saris stated that they would need to rent that more frequently, add another truck to the fleet and more men. Tim Coon agreed. Councilman Maranville asked if any other developers or HOA have approached him about the Town taking over roads. Tim Coon replied no. Councilman Maranville stated that his opinion does matter and it will influence his decision as well.

Councilman MacEwan asked if he would consider Artist Falls an exception to the rule with regard to stormwater. Tim Coon replied no, it has been like this every couple of years. He stated that it is working and doing what it was designed to do, but it was designed to only require maintenance every 5-10 years and they need to do it 1-2 years. He stated that Soil and Water feel that the same thing could happen with this given the wet area and hilly terrain that it is in.

Zandy Gabriels asked if more manpower would help in taking over the road. Tim Coon replied yes. Zandy Gabriels asked if there would be enough work for additional manpower throughout the entire year. Tim Coon replied yes.

Dennis Murphy asked Tim Coon how much it cost the Town to replace the East Schroon River Road. Tim Coon replied \$365,000 which covered approximately 1 mile. He stated that it cost more than they anticipated because they ran into some undercuts that they did which they needed to take down to below the frost line to get rid of them. Dennis Murphy asked how long he thought that road would last

before they will have to put in another \$365,000. Tim Coon replied that he would hope that it would last 10 years and it is supposed to under CHIPS funding. He stated that the whole road sits on clay and so far the undercuts are working. He stated that it will not cost the same amount to re-pave that when needed.

Dennis Murphy stated that East Schroon River Road is exactly what Mr. Ronning is looking at having the Town take over. He stated that there are other added costs in there because these roads are on a 10 year re-paving schedule and a lot of roads are behind schedule. He stated that this subdivision has been before the Boards time and time again since the original approval for changes. He stated that he has asked for a reduction in a bond for the road. He has come before them admitting that he is mortgaged to the hilt on this project. He stated that they should all be prudent with their investments, which the Town has shown in the last year because there is a 0% tax increase. He stated that this subdivision is quite a white elephant for Mr. Ronning and he does not feel that it should be for the Town. He thinks the Town should consider the other things that will need to be done in terms of maintenance of the road and stormwater. He wonders if the value has or will increase enough to offset the costs.

Rolf Ronning stated that he is spending more than double of what Tim Coon spent to repair 1 mile of road and it is going to be a far better road because the plans call for it to be state of the art. The road will last a lot longer and will generate a lot more revenue. He stated that they have the right to change their mind. However, if they listened to what Tim Coon said maybe they should be looking to make other changes such as adding another man, which sounds like they may need anyway or purchasing equipment which may be in their best interest to do anyway. He asked that they reconsider this carefully before they change their minds on this issue.

Zandy Gabriels stated that he doesn't want to get trapped on the comment of having to pave the Town roads every 10 years. He stated that this used to be true but it is not true now. Tim Coon has made a conscious effort to do things like he did on East Schroon River Road so that they can get a better life out of each road. He stated that he knows there are many more Town roads to do and they have a 5-year plan that would allow them to get caught up. He stated that the plan is expensive and Tim Coon does not bring the roads in under budget and until he gets caught up probably never will. He stated that the main problem is that the roads that are there were never built to Town standards. These roads coming in now have to last more than 10 years and they hope that it is planned for. He stated the Rolf Ronning's road will be state of the art and will be the best road that they have out there.

Ike Wolgin stated that he did not know about the end of the year meeting and since the minutes were not yet available he is trying to figure out why the TB is considering taking on the expense of a road in a private development where they have never done it before and opening up a can of worms of having to do it in the future. He stated that Councilman Maranville commented that there was no one present at the meeting on the 30th to object but for him and others there was no knowledge of the agenda of the meeting to come and ask the questions.

Councilman Saris replied that he based his decision on the following: 1) Tim Coon at the time was telling them that this would not be a problem for him. 2) His personal feeling is that everyone who lives in this Town is a taxpayer and what they get for the taxes they pay isn't a lot. They do not supply a lot of services as a Town but plowing is one of those services. In a subdivision, all of the homeowners get even less of Town services than someone living on a Town road. 3) HOAs are very often dysfunctional and when they have stormwater devices that need to be maintained, many HOA's do not do a very good job.

He felt the Town could do a better job. 4) He also is interested to see if this is something that could be done in the future. This would offer developers an incentive to put a better quality road in.

Councilman Maranville stated that when he looked at this project he looked all points of view. He stated that the Town has not taken a road over in 42 years. Each road is and will be looked at on a case by case basis. He felt in this case, it would be a good opportunity to take it over. He looked at possible increase in employment and tax base. He stated that although it all points to the positive for the Town he feels that obviously they are not ready to take over the roads if they do not have the equipment or manpower to do so. He stated that he hopes that in the future it may be a way to go.

Councilman MacEwan agreed that he looked at it similarly as Councilmen Saris and Maranville. He stated that they had an opportunity to look at something that they haven't done that might be beneficial to the Town. He stated that he relied on the presentation from the engineers, the Assessor and Tim Coon's interpretation of the project at the meeting. He stated that once Tim Coon changed his mind he immediately went to see him to further discuss it. Councilman MacEwan agreed with Councilman Maranville that this is something that they should look at but he does not feel that they are ready to do it.

Councilman Maranville stated that he spoke with Jeff Tennent who stated that the Town really needs a well thought out plan on how they intend to take over roads.

Jeff Tennent agreed with Ike Wolgin that this matter was not adequately noticed that it was to be discussed at the last meeting. He stated that they have had a precedent set in this Town and every subdivision that has come before the PB has always had the condition that the Town will not take over the road. He stated that this forces the developer to go through the lengthy process of setting up a HOA. He stated that he disagrees with Councilman Saris because if HOAs are set up properly they do work well. He stated that Diamond Ridge has a 7,000' road and the HOA maintains the road and stormwater as they are supposed to, they pay their taxes as well as an additional \$900/year HOA fee. Jeff Tennent stated that he is not against the Town taking over the roads because it would be to his benefit if they did. However, he does not feel that reacting to a situation is not the right way to take over a road. It should be planned over a period of time so that they can figure out the best way to handle this. He feels that this will set a precedent to have other roads taken over. He has already been approached to see if the Town would take over one of his subdivision roads and that road is already built and approved according to plans.

For their consideration, Joe Schwenk stated that this is a seasonal town and a lot of excavating companies get through the winter months by plowing private roads.

Don Kingsley stated that he constructed the last road that Rolf Ronning built and there are 8 lots still for sale on that property. He stated that there are 23 lots on this subdivision and they will be waiting for the sale of those properties for the tax to come back and the value to increase. He suggested that they think before they accept the road basing on something in the future that they may or may not get. He asked why they would take over a road that has not been built when there are plenty of roads that have already been built above Town standards that could be adopted now.

Ann Marie Somma, adjacent landowner, stated that she does not have an opinion on the Town taking

over the road one way or the other. However, she hopes that the Town did not just think they could maintain it, but state with confidence that they could maintain the road and stormwater facility as well. She stated that it took 3 years to get approval of this system, it is not simple and if it fails, there will be great damage to one of the neighboring properties.

Supervisor Simmes asked if any of the Board members wish to make a motion to rescind the resolution to take over the road. Counsel stated that such a resolution should have some reasoning in it. Councilman Saris stated that he still supports the concept of the Town taking over roads for all the reasons he mentioned before but he is not comfortable with this any longer because Highway Superintendent Tim Coon has changed his mind. Councilman MacEwan agreed. Councilman Saris stated that he feels that this is in their future but they still have a fair amount of work to do in preparing themselves to be able to do that.

#### RESOLUTION#21

Councilman Saris moved, seconded by Councilman MacEwan that they are in favor of the Town taking over roads in the future but feel that there is still a lot of work to be done in preparing themselves to be able to do so, therefore they are rescinding their prior decision (Resolution #241) and are no longer favorable to the Town taking over Saddlebrook road. All in Favor. Motion Carried.

#### Announcements

The Zoning Board of Appeals has changed their meetings to the third Tuesday of the month. The schedule will be available in the Zoning office.

#### PUBLIC IN ATTENDANCE

Ron Conover stated that he wanted to plant a seed with the TB. Looking at this year he thinks that it would be good to establish some sort of process on the UDAG funds and how they are going to be handled. Supervisor Simmes stated that they intend on doing that. Ron Conover stated that he has some experience in dealing with these matters. They have the Bolton LDC, which in many communities makes for an excellent vehicle for initiating certain programs, economic development, small business and perhaps even housing. This may require an expanded Board in terms of the character of the Board, but he feels that some dialogue would be worthwhile to have with the BLDC about other community development needs beyond Norowal, such as would be the goals of a CDBG program for example. He stated that if they look around the State in many communities they will see that many of those programs are handled by not-for-profits, like they have in Bolton, or perhaps one with an expanded mission and Board like the BLDC. He stated that he would be available if they were to need any assistance in this regard.

Bob Sinnott stated that he wanted to speak with regard to 2008 Resolution #120. He stated that Resolution #120 relies on Resolution #101 which was passed on June 3, 2008 which directed the Thunderbird Motel to remove, within 30 days, their dock which encroaches on the Lower Brereton Road riparian waters. He stated that the dock should have been out of the water by July 3rd. On July 1st the TB passed Resolution #120, which stated that if the dock was not removed by midnight on July 3rd the Town would file an RJI (Request for Judicial Intervention). He stated that the dock was not removed on July 3rd and now 6 months later the Town has still not filed for an RJI. Bob Sinnott stated that the Thunderbird is in violation of the resolution and so is the Town.

Supervisor Simmes stated that she has not signed the RJI and was not willing to sign it until they decide what they intend to do with the LG Camping Equipment encroachment. Bob Sinnott asked what the connection was between the two. Supervisor Simmes stated that LG Camping Equipment has far more of an issue with the Town than the Thunderbird. She stated that they haven't dealt with them yet and would like to resolve that matter to see what they should do with the Thunderbird. Supervisor Simmes stated that the Board will need to have further discussion as to what they intend on doing with the LG Camping Equipment issue. Bob Sinnott asked how long these discussions will take before they materialize. Counsel stated that discussion will materialize based on data. He stated the TB requested Counsel to secure a survey of the property for the Thunderbird and that has not been completed. Once it has been submitted he will receive further instructions from the TB. Bob Sinnott stated that in order to get the most accurate information the surveyor should go back to the 1870 deed because Brereton Road is identified by exclusion. Counsel agreed but stated that Dennis Dickinson the surveyor should already know that and have the information from the previous meetings.

Bob Sinnott stated that he does not see the similarities in this issue and the one with the LG Camping Equipment and requested that they authorize Supervisor Simmes to sign the Verified Complaint and let this process go forward. Otherwise they are indicating that the TB, at large, has recanted the vote. Councilman Maranville stated that they are still awaiting information from the surveyor before moving ahead. Bob Sinnott asked if they will be prepared to make a re-evaluation on its position once they receive the new survey. Counsel stated that the vote stands and he acted in the manner in which he was told. He then was told to stop pending further information. Councilmember Rehm stated that they have only put the progress in temporary abeyance awaiting the results of the survey. Counsel agreed and stated that it has not relinquished any right that the Town claims.

#### Zoning matters

- Timothy Harrington: We have received an answer to amended verified complaint. Counsel stated that he is in the process of negotiating with Timothy Harrington's attorney.
- Bernard & Trish Marki use variance status- they have until January 19th to respond.
- Janet Lehman barn status- Counsel stated that he is still trying to serve her in 2 different states.
- Harold Raven: Status- Counsel stated Mr. Raven is presenting a plan to the Planning Office that supposedly alleviates all needs for all variances and brings it into conformity which should be submitted within the next 2 weeks. Councilmember Rehm stated that if nothing is submitted by next month, then she would suggest moving forward.
- Elmer Clark- Counsel stated that Elmer Clark is deceased, which left the property to his wife who is now deceased, which now leaves the property with heirs. The heirs seem to be battling with one another and a Court in Massachusetts is in charge of the estate currently. He stated that one of the heirs wanted to bring the property into compliance and he suggested that they accept his application but since then they have been told that he is not in charge of the estate.

#### Correspondence

- APA Minor project public notice for Kristine Wood and Frank Stewart for construction of a single family dwelling in Recreational Rivers area of Schroon River.
- Adirondack Regional Chamber of Commerce: Regional forum to help "Jump Start" local economy in 2009 at Rainer's Gourmet on Tuesday, January 13th at 3:00 p.m.
- Thank you note from Marina Korovina to Police Officer Galante for helping to search and find Pavel Shamara.

- Copy of letter sent to Tim Coon regarding violations of our mining permit for the East Schroon River Rd. sand pit.
- Unified Court System to Judge Stewart: They have received a grant for two new judicial robes and funds for security related construction for their office. Grant total is \$2328.50
- FUND News release that they are opposed to cap on Forest Preserve Tax Payments
- Time Warner Cable notice of change of channel changes.
- Request from the MacEwan's for UDAG funding for their townhouse project.
- BCS Thank you note to Tim Coon for helping them during a snow storm
- Letter from Bob Sinnott- RE: Thunderbird Motel and the Town's riparian rights

#### Committee Reports

##### Councilman Saris-

Sewer- He stated that they took in 4,039,080 gallons of wastewater for an average of 130,293 gallons/day. They replaced the heater in the north station and finished hauling grit out of the south station. They had some damage to the chimney in the main building from ice and snow. It will be repaired by the Fireplace Company in Lake George. Chet Dagles stated that in cleaning out the pump station he has noticed that they are still having a problem with grease. Councilman Maranville asked if they know where the problem is coming from. Councilman Saris replied no. He stated that the problem is that the businesses are required to have certain traps to prevent this from happening but his feeling is that it is not regularly done or done properly. Councilmember Rehm asked if they could train Mr. Dagles and Mr. French to become inspectors. Councilman Saris stated that he has discussed this with Chet Dagles who has suggested that this would be in the realm of authority of the Code Enforcement Officer. Councilmember Rehm stated that the CEO is only for Zoning and this isn't a zoning issue and she feels that this responsibility would fall under the Sewer Department. Councilman Saris stated that Chet Dagles would be interested in getting some direction from the TB. He stated that he does have some sample letters for notification of problems with this issue as well as for sump pumps which he can provide to the TB for their review.

Town Clerk- Total local shares remitted- \$14,361.88. Total non-local revenue- \$91.07. Total State, County and Local Revenues \$14,452.95.

##### Councilmember Rehm-

Recreation- She provided the Recreation Director's report and calendar for the month of January. Unfortunately, the Sagamore's closure will halt the swimming program. However, the Gore Mountain program is something they are really looking forward to. She extended their appreciation to the Buildings and Grounds Department for doing a fine job in extending the roof line over the sidewalk to the Rec Center entrance.

Fire Department/Rescue Squad- She stated that the Rescue Squad is in desperate need of assistance and is looking for anyone that might be interested in helping. Currently they are looking for someone in Town who would be willing to answer calls to assist in driving vehicles. They are not looking for qualifications necessarily but if someone would be interested they could put them through the training.

Councilmember Rehm stated that the local radio has been running a nice public service announcement on behalf of an initiative called "Live United" for this winter which originated at the tri-county United Way. This focuses on neighbor to neighbor helping and helping people that may not have enough food, heat or medicine, especially those who may not go out and ask for help. She stated that there is a 24-hour help

line available at Warren County 761-6300. This will put someone in touch with someone from the United Way that will direct them to help. Senior Center- is supposed to have its breakfast tomorrow morning but may be cancelled due to the snowstorm. She stated that they are also going to have information on the Live United available as well as information from the various pharmacies that now have the thirty day prescription plans that is very inexpensive for generic brand drugs.

Councilman Maranville-

Justice Court- Hon. Harry Demarest took in \$10,160.00 and Hon. Ed Stewart took in \$11,315.00. Total monies forwarded to the Town of Bolton - \$21,475.00. Itemized lists are located in the Court. It should be noted that this is the most money that the Court has taken in during a single month.

Assessor- During December daily work and deed map maintenance was kept timely. The number of property sales continues to decline in comparison with last year. The bulk of the time in December was spent reviewing the homeowner questionnaires and correcting the files when necessary. He used his vacation and personal time.

Police- They patrolled 3,145 miles and used 253.1 gallons of gas. There are itemized lists of all the calls they answered during the month of December. He noted that they did perform 29 property checks which is something that the TB asked them to do.

Councilman MacEwan-

Zoning- Code Enforcement Officer's report was 6 pages, 13 sites visited, 162 miles logged, 1 application request from Daniger and 1 inquiry for a violation.

Water- 5,362,961 gallons of water filtered with an average of 173,000 gallons/day. December was a busy month. They had a few freeze-ups and a couple of breaks in the lines but all has been taken care of.

Supervisor's Report

Receipts- \$591,808.49 Disbursements- \$913,524.48

Old business

· We have received two signed contracts and \$10,000 down payments on the Water District properties from Candida Smith and Ron Stregel. Counsel stated that they will need to confirm this action. Supervisor Simmes stated that they have one addition. When Candida Smith came in the Town put a stipulation on the property that she not do anything with the property to take it off the tax roll for 10 years. Candida Smith is also requesting the Town Board agree to not change the zoning district for that same period of time.

RESOLUTION #22

Councilmember Rehm moved, seconded by Councilman Saris to accept the following contracts for the water district properties: 1) from Candida Smith for Tax Map #155-1-44 with a contract deposit of \$10,000 and 2) from Ron Stregel for Tax map # 156.00-1-33 with a deposit of \$10,000, and to authorize Supervisor Simmes to sign said contracts. All in Favor. Motion Carried.

Counsel stated that this will now go to public referendum. Supervisor Simmes stated that she has a list of all of the individuals in the water district and she has the paperwork as to who the electors are. She stated that Counsel was going to come up with a decision on who could actually vote. Counsel stated that he will now do the research and proceed. He stated that they will do a paper ballot.

- Dickinson Associates is working on the Brereton Rd. survey
- Alternates for the PB & ZBA boards. Planning Board is okay with one alternate

New business

- We are required under NY State Law 27-b that we develop and implement programs intended to prevent workplace violence. For Public Sector to implement the program the cost is \$4000.

RESOLUTION #23

Councilmember Rehm moved, seconded by Councilman Maranville to enter in contract with Public Sector to provide the required development and implementation of a prevention of violence in the workplace program at a cost of \$4,000. All in Favor. Motion Carried.

- Convenient Medical Care renewal contract for Drug & Alcohol Testing for 2009. Urine Drug Screening is \$55 per employee, Alcohol Breath testing \$21 per employee & DOT Physical Exam \$100 per employee and \$100 for updating & maintaining employee data. Authorize the Supervisor to sign.

RESOLUTION #24

Councilman Maranville moved, seconded by Councilman MacEwan to authorize Supervisor Kathleen Simmes to renew and sign the contract with Convenient Medical Services for drug and alcohol testing for 2009 with the following rates: Urine Drug Screening is \$55 per employee, Alcohol Breath testing \$21 per employee & DOT Physical Exam \$100 per employee and \$100 for updating & maintaining employee data. All in Favor. Motion Carried.

- We need to set a public hearing to discuss the renewal of the Cable Television Franchise for our February 3rd meeting.

RESOLUTION #25

- Councilman MacEwan moved, seconded by Councilman Maranville to set a public hearing to discuss the renewal of the Cable Television Franchise with Time Warner at the February 3, 2009 Town Board meeting at 7:00pm. All in Favor. Motion Carried.

- Resolution to appoint Patricia Steele as the Registrar of Vital Statistics and Wanda Cleavland as Deputy Registrar effective 1-1-2009 to 12-31-2009.

RESOLUTION #26

- Councilmember Rehm moved, seconded by Councilman Saris to appoint Patricia Steele as the Registrar of Vital Statistics and Wanda Cleavland as Deputy Registrar effective 1-1-2009 to 12-31-2009. All in Favor. Motion Carried.

- Release and Indemnification for release of the balance in the escrow account to Brook Hill Development Inc. Supervisor Simmes stated that she needs authorization to release this fund. Counsel stated that they are doing this because Brookhill Development Inc. is a responsible party in this transaction but not a cooperative party. The HOA has signed off that everything that needed to be done has been done.

RESOLUTION #27

Councilmember Rehm moved, seconded by Councilman MacEwan to release the balance in the escrow account to Brook Hill Development Inc. All in Favor. Motion Carried.

RESOLUTION #28

Councilman Maranville moved, seconded by Councilman MacEwan to close the public hearing for Ordinance #10 entitled "Removal of Assessment Restrictions on Converted Residential Condominiums" as specified in Real property Law §339y and §581. All in Favor. Motion Carried.

#### RESOLUTION #29

Councilmember Rehm moved, seconded by Councilman Saris to enact Ordinance #10 entitled "Removal of Assessment Restrictions on Converted Residential condominiums" as specified in Real Property Law §339y and §581 and effective 10 days after publication. All in Favor. Motion Carried.

· Alternates for the PB & ZBA Boards. Planning Board is okay with one alternate. The ZBA wasn't interested. Counsel has drawn up two local laws. Local Law #1 of 2009 for a Local Law providing for Alternate Membership on the Planning Board of the Town of Bolton and Local Law #2 of 2009 for a Local Law Providing for Alternate Membership on the Zoning Board of Appeals of the Town of Bolton.

Counsel stated that if they want to enact these laws they would go to a public hearing but more importantly they would be available to those Boards. He is not certain that they would want to mandate that they must use the alternates because the ZBA was not interested at this time.

Supervisor Simmes stated that she talked to the Town of Queensbury because they do have alternates. They informed her that the alternates do not sit on the panel, but rather in the audience and are allowed to ask questions with the condition that they let the applicant know that they are an alternate.

Supervisor Simmes stated that Queensbury requires all alternates to attend all of the meetings. Councilmember Rehm stated that she sees this more beneficial to the PB due to it often complicated and long application process. However, the ZBA typically would not need alternates because they usually only see an applicant one time. Counsel stated that they never know when they will be needed because of recusals or absence. He stated that alternates would go through the same training and although the proposal shows a term of 7 years, that is the maximum limited by statute, they could choose the term they wish. Councilman Saris stated that he does not see any down side to this because there are cases when they need a majority and there are absences which puts applicants at an unfair disadvantage. Councilmember Rehm agreed that she does not see a down side to this proposal.

Pam Kenyon stated that if this had been explained better to the ZBA they may have had a different reaction.

#### RESOLUTION #30

Councilmember Rehm moved, seconded by Councilman MacEwan to set a public hearing on February 3, 2009 Town Board Meeting for the following: Local Law #1 of 2009 for a Local Law providing for Alternate Membership on the Planning Board of the Town of Bolton and Local Law #2 of 2009 for a Local Law Providing for Alternate Membership on the Zoning Board of Appeals of the Town of Bolton. All in Favor. Motion Carried.

· Changes to policies & Procedures for the Zoning Administrator & Zoning Enforcement Officer's job descriptions.

Supervisor Simmes stated that this has been changed so much that she would like the TB to review the latest version before deciding. Counsel stated that he would rather that they defer it as well but suggested that they could still talk about it. He stated that both Pam Kenyon and Mitzi Nittmann made the changes and are in complete agreement about the changes. Councilmember Rehm asked if they could operate under the guidelines on their own until they sanction them next month. Counsel agreed

that would be just fine and they have been acting formally like this since their meeting in trying to implement the changes.

Pay the bills

RESOLUTION #31

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

General: \$47,132.96

Highway: \$ 4,312.47

Water: \$ 718.60

Sewer: \$ 724.60

Street Lighting \$ 2,750.42

All in Favor. Motion Carried.

Councilman MacEwan stated that he has spoken to George Mumblow recently. He stated that George told him that Ray Chamberlain was no longer working for him because he is a seasonal employee. He stated that George has indicated that there is still much work to be done in both the Health Center as well as at the Town Hall. He is requesting that the TB consider bringing Ray Chamberlain back on more of a full-time basis. George Mumblow has indicated that Ray Chamberlain is a great worker and he feels like he could use him.

Supervisor Simmes stated that she was not aware that George was looking to bring Ray back on a full-time basis because she thought he would just be needed to handle some of this additional work. Councilman Maranville agreed. Councilman MacEwan stated that George didn't say that, they were his words, and he took back the full-time aspect of the request.

Councilman Saris asked Counsel if there was a point at which a seasonal employee spends a certain number of weeks working here that they become full-time. Counsel replied that he was correct but he was not sure as to the exact time frame but thinks it is a rather low threshold. Supervisor Simmes stated that he has worked 40-hour weeks from April until the end of the year. Councilman Saris stated that at some point they can no longer consider him seasonal. He stated that he is neither for or against it but that regulation may make their ultimate decision on what type of employee he is. Counsel stated that if he has been working 40-hour weeks up to the end of the year he cannot be considered a seasonal employee. Councilman Maranville asked Counsel to look into the matter further with Civil Service. Counsel stated that he would.

Councilman Saris asked if George could give them a list of all the work that needs to be done to show that keeping Ray Chamberlain on would be necessary. Councilmember Rehm stated that she is not sure that they have all that many duties to attend to over the winter months. She stated that they used to use the winters to assemble picnic tables but doesn't think they need that. Supervisor Simmes stated that they have ordered 10-15 picnic tables that will need to be put together and they are time consuming. Councilman Saris that there are plenty of things that need to be done in the Town buildings for upkeep and maintenance. Councilman MacEwan agreed and stated that this could save them time and money. Councilman Maranville stated that the work that they have done has been great. He agreed with Councilman Saris that they should ask George for a list of duties they need to attend to. Councilman

MacEwan stated that he would ask George for a list for the TB to review.

Public in attendance

Meredith McComb asked when the zoning re-write would be posted on the website. Pam Kenyon stated that they had some technical difficulty with the website, but it is now up and running and this should be posted.

Chris Gabriels asked if there were any changes in the direction the Town was heading in with regard to their conversations with the School Board about land for athletic fields. Supervisor Simmes stated that she asked Jeff Anthony to look into the property opposite the water plant. She stated that Jeff Anthony indicated that given the 5-15% grades it should not be a problem. She stated that he was going to look into it further and provide additional information to her. Chris Gabriels asked about the complexities in using the landfill property. Councilman MacEwan stated that he thought given the complexities that it would not be suitable for the athletic fields. Counsel stated that he and Monica Duffy discussed how to figure out whether or not the Town landfill is a no go situation. Monica Duffy had suggested that they simply write a letter to the Department of Education. If the Department of Education comes back with the answer, never, then it is all done. However, they could come back with the answer that it could be if they did a Level 1 Environmental Assessment, and then they have some instructions and could start to act.

Zandy Gabriels asked if the UDAG funds still carry the CDBG restrictions or are they now considered miscellaneous funds. Counsel replied that they are not miscellaneous and they are earmarked for the broadest possible application of community development and business growth. The money is to be a revolving fund that would be available to businesses in form of loans and grants to return back to and do more for other businesses. Zandy Gabriels asked if anyone was monitoring their use of these funds. Counsel replied no they are self-guided.

Ike Wolgin stated that there are a bunch of NYS opinions that state that this money is still characterized as federal money and is subject to the HUD. He agreed that no one is watching them and even though it has a very broad description of application it definitely has caps on things that they cannot do. He stated that there is constant reference to being in compliance with the original Title 1 of the 1974 Housing and Community Development Act which includes a bunch of sub-parts. Counsel asked if he could provide that to him. Ike Wolgin replied yes. He stated that generally they are the custodians of federal funds and they generally want them used in compliance with their desires at HUD. He stated that there is a list of included and excluded uses that are specific.

Supervisor Simmes stated that she wanted to make a clarification on record with regard to an email that was sent by Meredith McComb. She stated that one of her statements that she made in the email was incorrect. She stated that when the PB met last night and she realized there was a problem with Rolf Ronning, Councilmen MacEwan and Maranville went outside and she came back in so that it did not constitute a quorum. Meredith McComb apologized for the mistake.

Executive session

RESOLUTION #32

Councilman Maranville moved, seconded by Councilman MacEwan to enter into Executive Session at 10:55pm. All in Favor. Motion Carried.

RESOLUTION #33

Motion by Councilman Saris seconded by Councilman Maranville to return to regular session at 11:56 PM. All in Favor. Motion Carried.

Supervisor Simmes questioned whether the Board had the right to make motions. Counsel advised that when the Board went into Executive Session that we did not state no further action would be taken. The Board can make motions.

RESOLUTION #34

Motion by Councilman Saris seconded by Councilman Maranville to rescind Resolution #14 of the Organizational Minutes – BOARD APPOINTMENTS. Supervisor Simmes Abstained, Councilman MacEwan Aye, Councilman Maranville Aye, Councilmember Rehm Abstained, Councilman Saris Aye. Motion Carried.

RESOLUTION #35

Motion by Councilman Saris seconded by Councilman Maranville to amend Resolution #14 of the Organizational Minutes to the following Board appointments:

Recreation: Cheryl Snyder term expires 12/31/2013

Planning Board: Sandi Aldrich term expires 12/31/2013

Zoning Board of Appeals: William Pfau term expires 12/31/2013

BLDC: Alexander Gabriels term expires 12/31/2011

Supervisor Simmes Abstained, Councilman MacEwan Aye, Councilman Maranville Aye, Councilmember Rehm Abstained, Councilman Saris Aye. Motion Carried.

Discussion took place of an application on file from David Ray. Further discussion took place regarding his application.

RESOLUTION #36

Motion by Councilman Saris seconded by Councilman Maranville to appoint David Ray to the Zoning Board of Appeals, term expires 12/31/2013. All Favorable. Motion Carried.

RESOLUTION #37

Motion by Councilman Maranville seconded by Councilman MacEwan to adjourn at 12:06 AM. All Favorable. Motion Carried.

Respectfully submitted by: Respectfully submitted by:

Patricia Steele Kristen MacEwan

Town Clerk Recording Secretary