

TOWN OF BOLTON  
TOWN BOARD MEETING

JULY 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 7:01 p.m.

Pledge: Councilmember Rehm

PUBLIC HEARING

Local Law #3 Article II General Provisions (Proposed amendments to Chapter 200 Zoning)

Supervisor Simmes read the proposed amendments as follows:

Definitions.

A.

**ACCESSORY STRUCTURE-** Any structure customarily incidental and subordinate to a principal land use or development.

**FENCE-** A barrier constructed to denote an area of enclosure, or to enclose, surround, mark or delineate a boundary of a plot or parcel of land.

**STRUCTURE-** Any object constructed, installed or placed on the land to facilitate land use and development or subdivision of land, such as buildings, sheds, single-family dwellings, mobile homes, signs, tanks, fences and poles, and any fixtures, additions and alterations thereto. Consideration in applying this code and the requirements imposed upon construction and placement of any structure shall be determined based upon area and dimension as hereinafter specified for Type I or Type II structures.

**STRUCTURE- TYPE I-** Type I structures shall be measured as being six (6) inches or greater above grade and greater than 100 square feet in area (length and width, including eaves). Before commencing construction of a Type I structure, a certificate of compliance must be obtained. Landscaping features, planters, ground-level walkways, ground-level driveways, ground-level patios, garden ponds and similar garden features shall not constitute a Type I structure. Handicapped ramps, staircases and similar devices attached or unattached to a principal or an accessory structure and either six (6) inches or greater above grade or greater than 100 square feet in area (length and width) shall be considered a Type I structure.

**STRUCTURE- TYPE II-** Type II structures shall be measured as being either less than six (6) inches above grade or 100 square feet or less in overall dimension (length and width, including eaves); such as small non-habitable buildings, garden sheds, gazebos, unattached decks, small fences, small retaining walls, etc. Type II structures shall not require a certificate of compliance so long as every Type II structure shall

provide for a minimum distance of separation of three (3) feet measured from any other principal or accessory structure (either Type I or Type II) on the same or any adjacent parcel. Type II structures shall be situated so as to provide a setback distance of no less than one-half (1/2) of the setback requirement specified in the zoning district. Type II structures, if connected by staircases, ramps or above-ground walkways six (6) inches or greater above grade, shall require an overall measurement of connected parts or units and be considered as a whole and functional equivalent of a Type I structure where the overall measurement of the connected parts or units is greater than 100 square feet in area and six (6) inches or greater above grade.

#### 200-52 Fences, Walls, Retaining Walls and Sea Walls.

Installation of fences and construction of all walls shall require a certificate of compliance. During Site Plan Review, if required, the Planning Board may modify the following standards. Other applicants who wish to modify these standards who are not subject to Site Plan Review must receive a variance from the Zoning Board of Appeals.

Fences shall be permitted without a principal use and may be located in front, side and rear yard setback areas.

The height of fences and walls shall not exceed four (4) feet in front yard setbacks, six (6) feet in side yard setbacks and six (6) feet in rear yards.

The height of the fences and walls within 10 feet of the mean high water mark shall be measured from the mean high water mark.

Fences in excess of 100 square feet on lake shore lots within the setback requirements from the lake shore shall require a variance from the Zoning Board of Appeals.

The finished side of the fence shall face neighboring properties or the street.

Fences and all walls shall not encroach on any public right-of-way.

The owner of the fence or wall must maintain both sides of the fence or wall in good condition.

In all other respects, Section 200-8 Definitions shall be confirmed without further amendment or modification.

Supervisor Simmes asked for some clarification of "c" under Fences. She stated that in her business a 4' fence would never keep a dog in the yard and asked if she would need a variance to get a 6' fence. Counsel asked that if her use would require a site plan review. Supervisor Simmes stated that she did not remember. Counsel stated that if it did require site plan review the PB would be in the position to allow for a 6' high fence.

Counsel stated that the language for Section 200-52 is exactly what the consultant has suggested which will be part of the new code.

Supervisor Simmes stated that she understands that some of these changes are the result of ZBA and PB comments. Counsel replied yes all Boards were involved in the development of the amendment. Supervisor Simmes stated that the APA had concerns regarding a potential conflict in the proposed amendment. Counsel stated that the APA has jurisdiction to review and he anticipates their advisory. He stated that he was not aware of any other issues that the APA had regarding the code revisions.

With regard to the amendment to the fencing amendment, Laura Saffer asked if this would be imposed on new fences and not existing fences. Counsel replied that was correct. Laura Saffer asked if she wanted to put a fence to divide a horse field would she have to seek a variance. Counsel asked if the fences would be moved around. Laura Saffer replied that some of them are. Counsel replied that it would be considered an agricultural use and the ZA does not have jurisdiction over agricultural fences. However, he is not sure how the ZA would deal with permanent agricultural fences. He suggested that she ask Pam Kenyon regarding this matter to clarify her interpretation.

Councilman Saris asked what the difference is in Supervisor Simmes' use and Laura Saffer's use and why one would need a variance but not the other. Mitzi Nittmann stated that Supervisor Simmes' is classified under the definition of kenneling rather than agricultural use. She stated that both have distinct definitions even though the fencing is the same and the difference is how they apply the use.

Counsel stated that the problem is that the current ordinance states that a fence is a structure which needs to meet setbacks. He stated that they also had an issue that a fence could not be placed on a property without a primary use on the property, which forces applicants to get a use variance which is almost impossible to get. The revisions committee has been working on these definitions and the ZA felt that it was what they wanted to use.

With regard to "C" under fences, Councilmember Rehm asked if a fence would need to meet these requirements if it was in the middle of the property and not within any of the setbacks. Counsel replied that it would have to meet the 6' maximum height.

Supervisor Simmes stated that the APA sent a letter regarding their concern over confusion with the new proposed amendment since they do not correspond with the drafted zoning law dated May 19, 2009. Mitzi Nittmann stated that she does not think that the APA took issue with fences but rather the definition for structure.

Robert Weisenfeld stated that he was concerned that the fence definition might be unintentionally over inclusive. He asked if landscaping and plantings would be included in the definition of a structure. Counsel stated that structures would include things that were constructed and assembled. Landscaping and plantings would not be included.

Supervisor Simmes kept the public hearing open.

## ANNOUNCEMENTS

### Resolution in honor of Kaila French

#### RESOLUTION #142:

Councilmember Rehm moved, seconded by Councilman Maranville the following:

WHEREAS, Kaila French was born and raised in Bolton and graduated from Bolton Central School in 2008; and

WHEREAS, Kaila chose to enter the military to serve and protect her country; and

WHEREAS, Kaila is about to serve a tour of duty in Iraq; and

WHEREAS, on July 14, 2009 is the day that Kaila ships out to her new duty station;

NOW, THEREFORE, LET IT BE RESOLVED, that we the Bolton Town Board pause in our deliberations to honor Kaila French by naming July 14, 2009 as Kaila French Day in honor of her service to our country.

All in Favor. Motion Carried.

Supervisor Simmes stated that she is also aware of another gentleman, Scott French, that is serving in Afghanistan and as soon as she finds out the date that he was shipped over she will do the same for him.

The new Chamber sign is in place. Supervisor Simmes stated that neither she nor Elaine Brown have received any complaints.

The newly designed street sign has been installed for Horicon Ave.

Supervisor Simmes stated that she has received positive comments about the sign. She stated that she has received permission from TD Banknorth to put up another sign and requested that they get another one. The Board agreed.

The sale of water district property has taken place. The property was purchased by Candida Smith.

Hamlet Sustainability Committee held a Public Presentation on the Bolton Landing Improvements. The meeting was well attended with many comments. All comments will be addressed in the final sustainability committee meeting scheduled for July 27<sup>th</sup> at 4:30 pm

Town Hall roof replacement is finished. Heating system for the Town Hall is in the process

There was a joint meeting at RPI concerning the dredging of the Finkle Brook and Hague Brook deltas. At our August 4<sup>th</sup> meeting Warren County Soil & Water will give a presentation regarding the proposed dredging.

Hudson Headwater Health Network has been granted \$2.2 million in stimulus funds to construct, repair & renovate health facilities

#### PUBLIC IN ATTENDANCE

Kevin Kershaw presentation for the new Conservation Park property. Richard Horsch, Architect fees for drawing up bid documents and 9 site visits during construction is \$17,200, and between \$4000 to \$5000 for soils testing

Kevin Kershaw stated that over the years they have renovated and repaired the existing Conservation Club building. However, they have reached the point where further repair/renovation is too costly and it does not meet the code and will never meet the code. The proposal is to build a new building that will accommodate 86 people. The proposed building will

remain in the exact footprint of the existing building with the exception of a covered porch on the front and a ground level patio on the south side which would increase the possible capacity to 150 people.

There will be 2 handicapped parking spaces in the front of the building. The bathrooms, walkways and entries will also all meet ADA standards.

Kevin Kershaw stated that they are hoping to re-use the existing cabinetry and appliances from the kitchen, since they are in great condition. However the amount re-used will depend on the configuration. Supervisor Simmes stated that they will also try to re-use the bathroom fixtures and stalls as well. Kevin Kershaw stated that they intend to save as much as they can from the existing building for the new building.

The patio will allow increased use to the outdoors and facility. The patio will be built up with 2 retaining walls to build it up to ground level. The doors leading out onto the patio will be double doors which will allow for open air but also provide for an additional fire exit.

Kevin Kershaw stated that they are estimating the total cost to build the building to be \$500,000. The architect fees are \$17,200 and engineering fees for soil analysis for about \$4-5,000. He stated that they also need to install a new well for the building since the existing one is not adequate. He feels that they will need to set aside approximately \$8,000. He stated that they can use the pump tank and pump from the old well for the new well.

Kevin Kershaw stated that they have not decided what siding they want to use for the building. However, they are trying to make this as maintenance free as much as possible.

Supervisor Simmes stated that this will go before the PB and ZBA and they have notified property owners within 500' of the Conservation Club.

Councilmember Rehm asked if they will re-use the existing septic. Kevin Kershaw replied that the current septic is designed for 86 people but they can add to that and increase it to 150 people. The tank and pump tank will handle that but the leach fields won't and they would have to be extended.

Kevin Kershaw stated that the Architect will oversee the construction of the project. In his proposal he has outlined that his fees would include drawing up the specs, blue prints, bid specifications and 9 visits to the site to verify what is being done.

Laura Saffer asked what happened to the plan for using Lincoln Logs for the exterior. Supervisor Simmes stated that they have a proposal for a larger building, which re-uses left over logs from Lincoln Logs. However, the Conservation Club group was not so sure they wanted to go with an all log building. Councilman MacEwan asked what that cost would be. Supervisor Simmes stated that it would be \$85,000 for the logs, roof system, interior and exterior walls system and roof trim. She stated that they would have to do all the wiring and plumbing. Councilman Saris stated that the important key here is maintenance and he feels that using logs would require much more maintenance. Kevin Kershaw stated that the logs are going to be more expensive, not as energy efficient and will definitely be a lot of maintenance. He stated that they make so many different types of vinyl siding that looks like wood or cedar shakes, but they have little or no maintenance and they are much more efficient. He stated that they intend to keep an Adirondack feel to the building.

Jane Gabriels asked what the total cost would be for the entire project. Kevin Kershaw replied \$530,000. Supervisor Simmes stated that they have a capital reserve fund that has \$329,000 in it already. Dennis Murphy asked if the total cost would include the demolition costs. Kevin Kershaw replied that they have discussed that the Town would cover the demolition costs. Jeff Tennent stated that the demo would probably cost \$10,000.

### **RESOLUTION #143**

Councilman Saris moved, seconded by Councilman MacEwan to authorize a contract with Richard Horsch, Architect for engineering fees in the amount of \$17,200 (drawing up bid documents and 9 site visits during construction) for the Conservation Park property from the Capital Reserve fund. All in Favor. Motion Carried.

Mr. Sinnott-Thunderbird Motel encroachment issue.

Supervisor Simmes stated that as of today she has not received any correspondence or communication from Mr. Chiraboga or his counsel. Counsel stated that he has not received any either.

Bob Sinnott stated that in the previous minutes Supervisor Simmes stated that if they had not received any communication from Mr. Chiraboga by this time they would be taking this issue to the Court. He stated that he is requesting that they proceed with legal action. He also stated that he would like to join in the fight. Counsel stated that he did not have a problem with Mr. Sinnott joining in the action but he would need to discuss that with the TB in Executive Session. Bob Sinnott thanked the TB for their hard work and patience in this matter.

Supervisor Simmes asked if Counsel has heard anything from the Smith family regarding their encroachment. Counsel stated that there was a proposal sent and they have communicated to sit down and have further discussions. He stated that he needs to set something up with them.

Chris Navitsky-Lake George Waterkeeper

Chris Navitsky stated that he wanted to commend the Town on their presentation for the Hamlet Sustainability. He was pleased to see that the committee has the goal to preserve and protect the water quality of Lake George and the use of trees for water quality treatment and enhancement of the community. The concepts were well presented with nice renderings and visions for the Town and hopes these concepts are implemented into the zoning code update. Especially since the one document guides the decisions on the protection of the community and water quality of Lake George. Unfortunately these concepts are not consistent with the current draft of the code. He encouraged the Town to look at the definition of disturbance which he feels should include the cutting and removal of trees, since they are nature's water treatment and supply devices. He also feels that the establishment of shoreline buffers should be required on all shorefront and stream corridor development. Lastly he suggested that the Town require the use and consideration of conservation subdivision which excludes unbuildable areas in present calculations and encourages the retention of natural hydrologic patterns in forested areas which would truly set the standard for sustainability. He feels that if the Sustainability plan and new code are not harmonious then all fine efforts that the Town has spent will be ineffective.

Motion to convene as the Board of Health

## **RESOLUTION #144**

Councilmember Rehm moved, seconded by Councilman MacEwan to convene as the Bolton Board of Health. All in Favor. Motion Carried.

### **BOARD OF HEALTH**

Jeff Tennent representing Rosamond Clarke septic variance.#185.15-1-26 63 Three Oaks Drive

A 50' separation between the holding tanks and the well is required. 43.4 is proposed.

The use of holding tanks is considered an unconventional system and requires a variance.

Jeff Tennent stated that he has recently been working with the Clarke family to resolve the issues. He stated that they are proposing to replace the existing system with 4 holding tanks 50' the lake and 43.4' from the well which is 7' short of what is required. The first holding tank holds most of the solids and the 3 remaining tanks would hold effluent. The last tank would have alarms set up to trigger at 50% and at 75% turn off the water to the house. He stated that the tanks are plastic and all one piece which prevents leaking which can sometimes happen with concrete.

Jeff Tennent stated that Tom Nace has reviewed the project and has made some revisions based on his comments.

Jay Verme, neighbor in Three Oaks Colony, asked what is unconventional about holding tanks. Jeff Tennent replied that both the State and Town have a septic code and any variation from a normal system is required to go before the local Board of Health. Jeff Tennent stated that this property cannot meet the requirements of a normal traditional system. He stated that the property is only used seasonally with limited use. He also designed a small treatment plant onsite that would be in the parking area, but they would lose parking and it would require more variances. Jeff Tennent stated that there are very few places in Three Oaks Colony that would be able to have a traditional system and most would need to have an unconventional system installed which would require approval from the TB. He stated that this system will contain everything and nothing will be discharged into the ground, which is better than what is there now.

Jay Verme, Jr. stated that he cannot see how this is a better system when they are only 43.4' from the well. Jeff Tennent replied that these are thick plastic tanks. If the tanks are operated and maintained properly then the system will function properly. Jay Verme, Jr. stated that all he does with his septic system is put in Rid-x once a month and he feels this is a lot of maintenance. Jeff Tennent stated that is part of the responsibility of the homeowner. He stated that this is what this system is and what it will be in the future, which is more than what he can tell him about his system. Jay Verme, Jr. stated that if this system fails it is within 50' of Trout Lake which is what he is opposed to. Jeff Tennent replied that it would take a lot to fail because it would have to pass a solenoid valve which would shut off the water and overflow the tank and travel 50' to the lake. He stated that they are deficient 7' from the well which is up-gradient and has casing which goes down further than where the locations of the tanks would be. Jeff Tennent stated that there are more issues with that well being contaminated by other septic systems from other properties than from this system. He stated that most of the other property owners do not know the size or condition of their systems. He stated that this well is shared by 5 property owners.

Supervisor Simmes asked what kind of system is there currently. Jeff Tennent explained that there was a septic system that was installed by another contractor. However, it was not installed with a permit and they are not even sure what was installed. So he did not even count on using it because it didn't meet the requirements. Jeff Tennent stated that the existing system will be pumped out and filled in, and new pipes will be installed to take the waste to the new location. He stated that although it was set back further from the lake it did not meet the sideline setbacks or setbacks from the house.

Councilman MacEwan asked if they will have routine maintenance. Jeff Tennent replied that they will have to because the alarms are set up to shut the water off to the house if the system is not pumped. He suggested that they include a required pump-out schedule. Supervisor Simmes asked what the size of the tanks were. Jeff Tennent replied that each tank was 1,000 gallons each with a total of 4,000 gallons.

Counsel explained that this started as an enforcement proceeding regarding an installation of a septic without a permit. He stated that the Town then tried to figure out what was installed and to see how it could be remedied. They found that this lot had a tremendous amount of constraints on it given its sub-standard size. He stated that holding tanks are permitted for seasonal residences or as an alternative for a conventional system that cannot fit.

Councilmember Rehm stated that she remembers discussing interim measures for the current system. Mitzi Nittmann stated that currently there is no one at the house. Jeff Tennent stated that there are some people using the house and they have permission to use this system until they resolved the issue. Mitzi Nittmann stated that they were supposed to take the existing tank and seal it up as a holding tank. Jeff Tennent stated that they have not set it up as a holding tank and he was under the impression that they could use the existing system until this issue was resolved. Counsel read the letter that was sent to Joyce Clarke after the May 2009 TB meeting which stated that they were not to occupy the house unless they used the septic tank as a holding system only. They were also told that this was only temporary until the new system could be installed. Jeff Tennent apologized for the misunderstanding and stated that it is a simple remedy that could be completed quickly. He stated that it would only take a few hours to pump it out, alarm it and plug it up which would stay in place until the new system would be installed.

Dennis Murphy stated that he is the one who reported this and that this has been going on for about 3 years. The pre-existing system was put in illegally. He stated that a lot of trees were cleared off of this property and the entire property was cleared out. He stated that a track hoe was taken through the common property along the shores of Trout Lake which created a lot of disturbance. He stated that since this installation there have been some serious downpours which created a lot of washout since then. He stated that Jeff Tennent reached out to him about this system. He understands that it is unconventional but if the TB feels that it is best remedy for this than he is okay with it. The only other remedy that he could see would be for the Clarke's to buy a vacant piece of property and pump everything up to that property but that would include a lot more expense, but maybe it is something that Three Oaks Colony should consider as a whole before all of these systems start failing. He stated that he would also like to see some remediation to the run-off and requested that there be some vegetative buffers planted along the shoreline. With regard to the system itself, the only concern he has is whether or not it can withstand the frost in the winter time.

Chris Navitsky, Lake George Waterkeeper, stated that holding tanks are a good solution for an alternative system. He asked if there has been any discussion about buoyancy with the tanks. Jeff Tennent stated that they can fasten them down. With regard to the use of Rid-X in conventional systems, Chris Navitsky stated that he does not recommend using it at all because it can create a bigger problem.

Jay Verme, Jr. asked if this system has met with DEC approval. Counsel stated that the DEC has nothing to do with this and that the approval is obtained at the local level of the Board of Health.

Supervisor Simmes asked how they should address the individuals staying in the house now. Counsel replied that Jeff Tennent has stated that he is ready and able to handle this task quickly. Jeff Tennent replied that he could have it done tomorrow. Counsel stated that if Jeff Tennent can't do it tomorrow then these individuals will need 10 day notice before having to vacate the property.

Supervisor Simmes asked if they can attach some language that would adhere the responsibility of the system on the homeowner which would carry on to any subsequent owner. Counsel replied yes it can be part of the covenants that will list the requirements for the system and will be recorded in the Warren County Clerk's office.

Councilman Saris stated that they have had some year round residences that needed to install similar unconventional systems which to his knowledge have had no problems. He stated that the applicant is here because the Dept of Health has a setback of 50' and the Town of Bolton has 100' which he is not really sure why. He stated that since he has been on the TB there hasn't been one problem with holding tanks and every problem has come from traditional septic systems which were not particularly old.

Councilman Maranville suggested to the BOH that since the Clarke's ignored their letter from May 2009 that they impose a civil penalty of \$150. Councilman Saris agreed. Jeff Tennent agreed. Councilman Maranville asked if they could come up with a pumping schedule. Counsel replied that it would depend upon the occupancy and tank size, which will dictate the pump-out schedule. However, he does feel that they could set an inspection schedule to insure proper function. The TB agreed.

Supervisor Simmes stated that they notified all of the neighbors within 500' that the setback was 50' but it was supposed to be 100'. She asked if that would cause a problem. Counsel replied that it would be a problem and that they would need to table it because the notices did not specify the separation from the lake. Jeff Tennent asked if there was any way to have a special meeting so that he can move forward with this project. The Board agreed that they would hold a special meeting to continue the public hearing with the proper notification. Councilmember Rehm stated that they would also require that they have the old system sealed and alarmed within 24 hours.

Jay Verme, Jr. stated that they all like to spend their summer season in the Town of Bolton. He stated that if the applicant had gone through the proper procedure in the first place then they wouldn't have to be there right now.

#### **RESOLUTION #145**

Councilmember Rehm moved, seconded by Councilman Maranville to table the septic variance application for Rosamond Clarke (Parcel #ID185.15-1-26, 63 Three Oaks Drive) to allow for proper notification of the neighbors within 500' and extend the public hearing until July 21, 2009 at 5:00pm, require that the current septic be brought into compliance within 24 hours and that a \$150 civil penalty be paid within 30 days. All in Favor. Motion Carried.

Councilmember Rehm pointed out that the short EAF #8 states that this proposed action will comply with existing zoning, it does not and that is why they are here. She asked if they will respond to the back part of the form once the issue is resolved or will it be the Supervisor. Counsel replied that the local Board of Health would reply.

Councilman Maranville requested that Jeff Tennent find out who the original contractor was for the septic so that they are sure to not use this individual in the future. Mitzi Nittmann stated that she has that information.

Ray & Rosalie Ciccarelli: Chic's Marina: #186.06-1-3 4782 Lakeshore Dr.

The following variances are being sought

A 10' separation between the holding tank and the building foundation is required 4' is proposed.

A 10' separation between the property line and the holding tank is required, 5' is proposed.

The use of the holding tank is considered an unconventional system and also requires a variance.

Kathy Suozzo, Delaware Engineering, stated that this is a proactive action and the system is not failing. She stated that the existing system is a cesspool. She reviewed the setbacks on the plans. She stated that they are approximately 110' from Lake George. The project has been reviewed and approved by the Town engineer.

Kathy Suozzo stated that this is a seasonal operation. They have 20 employees, both male and female. The DEC standards for a commercial facility are 15 gallons/day/person which equates to 300 gallons/day in a 1,500 gallon holding tank. She stated that it will be a single concrete holding tank with no discharge. There will be visible and audible alarm systems and a solenoid valve in the alarm box that will turn off the water. The females have been the only ones using the bathroom in the facility and the males have been using a port-o-potty.

Kathy Suozzo stated that the owners have been regularly pumping out the cesspool. They are above water level so buoyancy will not be an issue. This system will be an improvement over what is currently there. This project will not be completed until after Labor Day.

Kathy Suozzo stated that one issue that they thought they would need to deal with was setback from a State road. She stated that they did get a response from DOT stating that the State does not require the normal 25' off the centerline of the road setback, they only have 14' so that is not an issue.

Councilmember Rehm asked if they have heard anything from any of the neighbors. Supervisor Simmes replied no.

Kathy Suozzo commented on a suggestion that was made in the previous application regarding acquiring other land to pump up to. She stated that in this instance it would take a considerable amount of effort, time and money to do so considering that they would have to go under the State highway.

Councilmember Rehm stated that she does not remember receiving these EAF short forms before. Counsel stated that they should be receiving them in all of these applications.

### **RESOLUTION #146**

Councilman Maranville moved, seconded by Councilman MacEwan to the following:

WHEREAS, an application for a variance from the provisions of the New York State Department of Health rules and regulations pertaining to placement, situation and/or design of a private sanitary

sewage disposal system (and/or variance from requirements imposed by Ordinance 36 of the Town of Bolton entitled "Sanitary Sewage Disposal Ordinance") has been applied for the following reasons:

A 10' separation between the holding tank and the building foundation is required 4' is proposed.

A 10' separation between the property line and the holding tank is required, 5' is proposed.

The use of the holding tank is considered an unconventional system and also requires a variance.

WHEREAS the Town Clerk's office published notice of public hearing in the municipality's official newspaper and the local Board of Health conducted public hearings concerning the variance request, and

WHEREAS the local Board of Health has been assured that the municipality has duly notified all property owners within 500 feet of the subject property,

NOW, THEREFORE, BE IT RESOLVED, that

Due to the nature of the variance(s), it is determined that there requested variances(s) would not be materially detrimental to the purposes and objectives of the rule, regulation or ordinance nor to another adjoining property, and will not otherwise create conflict with the purpose and objectives of any town plan or policy; and

The local Board of Health finds that the granting of the variance(s) is necessary for the reasonable use of the land in the manner in which it is proposed to be improved and utilized, and the variance(s) granted is the minimum necessary to alleviate the specific unnecessary hardship found by the local Board of Health to affect the applicant's property; and

BE IT FURTHER RESOLVED, that the local Board of Health hereby specifically approved the application as follows:

Ray & Rosalie Ciccarelli: Chic's Marina: #186.06-1-3 4782 Lakeshore Dr.

All in Favor. Motion Carried.

Michael Dean, 455 East Schroon River Road, Parcel ID#198.04-1-2

Mitzi Nittmann stated that Mike Dean applied for a septic tank replacement on his parcel on East Schroon River Road. The Verizon truck had driven through the top of the existing tank. In replacing the tank and attaching to his leeching device, it was discovered that the line was blocked. She stated that she allowed him to install his new tank with the provision that he hire an engineer to get the proper alarm system to use as a holding tank until he could get a new system designed. He is aware that he possibly will need a variance for that. She stated that Mike Dean has contacted a neighbor to acquire more property because his tank barely meets the setback from the stream and he will probably not be able to install a new

leeching device due to the size of the property. Mitzi Nittmann stated that she is seeking some direction from the TB.

Supervisor Simmes asked if the alarms have been installed as of yet. Mitzi Nittmann replied that he was trying to get an engineer out there by the end of the week. Supervisor Simmes asked what he is using now for a system. Mitzi Nittmann replied that they are using a portable bathroom. He also has a tank without an outlet however; it does not have a shut-off, which she told him would need to be addressed as soon as possible. Supervisor Simmes stated that she is concerned that it is still not alarmed. Mitzi Nittmann stated that it is not fully covered so he can inspect the tank to see how much it has filled. Supervisor Simmes asked if Mike Dean has contacted the APA. Mitzi Nittmann replied that he has been talking to his neighbor about the additional property and rebuilding his camp. She knows that he has talked to the APA but she does not think he has filled out a jurisdictional inquiry. The APA has gotten information from him and have requested that he move the septic system anyway.

Supervisor Simmes suggested that they require the applicant to install all of the necessary safety precautions to this system within 24 hours like they applied in the Clarke situation. Councilmember Rehm stated that they did not issue a variance to the Clarke's to use the existing tank as a holding tank; it is just a temporary fix until the new system can be installed. Mitzi Nittmann stated that holding tanks do require variances and she was just trying to get some guidance. She is not sure how temporary this system will be. Councilman Saris suggested that they allow a certain time frame to propose a new system and if they do not have a new system then they will need to get a variance for the existing temporary system. There was discussion of what time frame should be allotted to the applicant.

#### **RESOLUTION #147**

#### **Michael Dean, 455 E. Schroon River Road, Parcel ID#198.04-1-2**

Councilman Saris moved, seconded by Councilmember Rehm to allow the temporary solution for the septic system for 60 days; this temporary solution will require that alarms are installed for the septic within two weeks or they will not be allowed to occupy the home and they will be assessed a civil penalty.

Motion to move back to regular session

#### **RESOLUTION #148**

Councilman Maranville moved, seconded by Councilman Saris to return to regular session. All in Favor. Motion Carried.

#### **ZONING ISSUES**

Raven: He has paid the civil penalty and the decks are in 100 sq foot sections or less.

Bell Pt. Shores Has until July 15<sup>th</sup> –

Supervisor Simmes read the report from Tom Jarrett.

Tom Damiani, President of Bell Point Shores HOA, stated that the check dams in the upper portion of the road do have recesses in them. They have done several corrections over the years to the lower pond, but it never gets water. They are working on the lower road for lake front access. He stated that Mitzi

Nittmann indicates that this area is supposed to be grass. However, it has always been gravel all along. Any other issues, Tom Jarrett is working on it with them.

Councilman Saris asked what the Site Plan Review called for the parking area surface. Mitzi Nittmann replied that the front lot was to be grass. Councilman Saris asked if it ever went before the PB to be changed to gravel. Mitzi Nittmann replied no and it has been in violation since the beginning. Tom Damiani stated that grass wouldn't really make sense in this area and that ever since he has been there it has been gravel. Councilman Saris stated that he understands his position but the problem is that it was a condition of approval and it was never brought before the PB for the change. Councilman MacEwan agreed. Mitzi Nittmann stated that Tom Jarrett is preparing a plan for any changes necessary.

Councilmember Rehm asked if Tom Nace has looked at the property since Tom Jarrett has been involved. Counsel replied yes. Mitzi Nittmann stated that Tom Nace was providing reports on the property prior to her coming on. She stated that more recently Tom Jarrett has been providing those reports. Councilmember Rehm asked if Tom Nace should visit the site once the HOA feels that they have brought the property into compliance. Mitzi Nittmann replied that either Tom Nace or Tom Jarrett could do that inspection.

Tom Damiani stated that they are hoping to fully resolve this matter instead of having to deal with it every 6 months. Mitzi Nittmann asked what they plan to do with the old Bell Point Road. Tom Damiani stated that it is passable.

Robert Weisenfeld, representing Madeline Weisenfeld, an adjacent homeowner, had the following comments: 1) He disagrees with the comment that the old Bell Point Road is passable. He feels that it is not passable by an ordinary passenger vehicle and it hasn't been since 2-3 years ago. Some work has been done at the upper and lower part of the roadway, but there are plenty of other areas that still need repair. He feels that if Tom Nace will be looking at the remediation of the stormwater systems on the waterfront, maybe he should also render an opinion of whether that road is considered passable. The PB interpreted that the HOA would be responsible for maintaining the upper part of the road in a passable condition including snow plowing. He stated that there has not been any snow plowing on that road for numerous years and in its present condition he would not expect it to be snow plowed because it is not passable. 2) With regard to the constant return of these issues back to the PB, he stated that Bell Point Shores, a major subdivision was approved pursuant to SEQR as an integrated 18 lot lake access subdivision with amenities at the waterfront and common roadways. Although these conditions can be modified by the PB, he feels that they would have to be modified pursuant to SEQR and not just by a submittal of a new plan. He feels that the other agencies involved back when it received its approval would once again need to be notified on these proposed changes. He stated that in that event, he requested that the PB open up a public hearing so interested parties could participate. Robert Weisenfeld stated that he has attended all public meetings involving Bell Point Shores since its inception and will continue to make himself available for any future meetings.

Tom Damiani stated that they maintained the snow removal one winter, but when it got really bad that is when issues occurred on old Bell Point Road and that is what caused the washout. They removed the snow cover and up until then they did not remove snow cover from old Bell Point Road. He stated that the Bell Point Shore HOA is paying for the snow plowing and not the pre-existing residents. He stated that no one else uses the road because the new road is for better travel and emergency vehicles. Supervisor Simmes stated that she thought a few lots used the upper portion of old Bell Point Road to access their lots. Robert Weisenfeld stated that there are a few lots that cross old Bell Point Road and the PB was very specific as to where driveways would be located. Tom Damiani stated that all of those lots have access from Norwood Drive. He stated that no lots need access from the old Bell Point Road. Robert Weisenfeld stated that he understands that the burden has fallen on only 4 active homeowners in an 18

lot subdivision but that does not excuse them from the responsibility of maintaining the road as required by the Site Plan Review.

Supervisor Simmes stated that she would like to have Mitzi Nittmann inspect the road areas especially after a rain storm to be sure that this remediation is working properly.

Lehman: Her deadline for removal was June 30<sup>th</sup>.

Counsel stated that he will present the second part of the application to the Court, which he is confident will be signed. He stated that they would then act under the emergency powers. They would describe the project in specificity to get requests/proposals and move forward from there. Counsel stated that this cost would then be passed onto Janet Lehman. Supervisor Simmes asked how much the demolition would cost. Counsel replied that it could be between \$12,000 and 15,000 because it is a fairly large project. Councilman Maranville asked if they can include Counsel's legal fees. Counsel replied that they have the right to re-coop all of their expenses. If Janet Lehman does not pay, then this would be levied onto the property taxes.

Clark: There is a sale pending. The ZEO has contacted the prospective buyer's attorney concerning zoning issues on the property that need to be corrected.

Harrington: We referred "no development zone" back to PB.

#### CORRESPONDENCE

Notification for Liquor License renewals for Michael Arthurs Steakhouse LLC and Palazzo's Pizzeria and Restaurant Inc.

Time Warner Cable notification of new interactive technology know as Switched Digital Video. You should have received a letter from Time Warner concerning this. Please contact Time Warner for further information

State DOT notification that they are replacing guide rails on the Northway between Exits 22 and 24 during the 2010 construction season.

Michelle Carpenter letter regarding the use lawn maintenance and harmful chemicals to the environment.

Letter from the Langan's concerning problems with children in Rogers Park.

We have received an A2 rating on the Town of Bolton's General Obligation bonds. This has not changed since 2002.

Notification from WC DPW that they will be replacing the existing fuel management systems at all the fuel sites. All users will be required to fill out information and get it back to WC

Letter from Harry Caldwell regarding light pollution

Time Warner Cable possible channel changes

John Gaddy letter concerning goose control

NYS DOT Designation of Restricted Highway for the 9N project until July 30, 2010.

Letter from Jane Gabriels re: grinder pumps.

Supervisor Simmes stated that the biggest difference is that the Gabriels' pump was the original system and the Brickners and Lambs had a system and the Town chose to change the system and by changing it they required grinder pumps.

Zandy Gabriels stated that Supervisor Simmes' predecessors in 1960 had an option of putting a sewer line in a different direction on Green Island which would have obviated the need for Buzz Lamb having a grinder pump. However, that particular system would have required the Town to pump up and the Town didn't want to do that, so they made 3 individuals incur the sole exclusive cost of a grinder pump for 45 years, the only ones in the Town of Bolton. He stated that these same individuals are the ones who put the supports in to hold the gravity line and force main. The supports went down 37', however they never bothered to check that the ground resistance was down at 58', it was installed to fail and it finally did, which only left one solution around it. Re-installing the stuff which would have precluded the use of grinder pumps at 2 locations would have been extremely costly to the Town of Bolton, so the alternative solution was selected. He stated that if they choose to put grinder pumps integral to the system he has no problem with it, but all they want is a little recognition since there are only 3 grinder pumps in the whole system. He stated that the cost over the past 45 years has been manageable, they have only had to replace their grinder pump twice and once at his uncles. He stated that not only is there the question of discrimination but it is also the fact that one set of grinder pumps seem to last a long time. He stated that they last if they are operated properly. He is not sure why the 2 new grinder pumps that the Town has are failing every few years. He suggested that if there is a question of discrimination and fairness in equity, he asked what constitutes integral parts of the system when they could have been designed around to the benefit of the private individuals. He stated that when some people get to become integral parts of the system because of another design failure of 45 years ago, just include them in as well. He stated that they are not that costly to repair or replace if they are treated correctly.

Supervisor Simmes stated that she feels that they made the distinction because these individuals were hooked up to the previous system and when the Town chose to change the system it required grinder pumps which would be an integral part of the system. Counsel stated that the TB did feel that it was an integral part of the system. With regard to whether the Town is discriminating against the owners of grinder pumps on Green Island, Counsel stated that perhaps they are.

Councilmember Rehm stated that recently the Town of Hague has spent a lot of money replacing their wastewater treatment and collection system. She believes that grinder pumps were commonly used and she suggested that they ask if they made any distinctions between privately owned and Town integrated. Chris Navitsky stated that grinder pumps are part of the integral system and the homeowners had the responsibility of linking up to the system.

NYS Industries for the Disabled Inc. offering a purchasing program

APA letter concerning our submission of the zoning amendment that was sent to them

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COMMITTEE REPORTS

## **Councilman Saris**

Wastewater Treatment- Took in 5,520,350 gallons of wastewater for an average of 184,012gallons/day. There were no violations. They replaced a float for the pump in the upper bed. They washed the sand in the filters. They responded to one sewer plug by the manhole by Brickners. They cleaned the Norowal station and got a ¾ full of a garbage can of grease. Grease is an ongoing problem. They hauled away 56,000 gallons of liquid sludge. There have been some issues with some of their pumps; pump 2 at the Norowal station had some water in the oil and the pump needs to be sealed. Unfortunately, these pumps are no longer manufactured anymore. However, they were just recently purchased. They are in the process of locating replacements so that they can have a back up if they have an issue.

Given the recent situation that occurred in Lake George over the weekend, Chet Dagles is working on an emergency response plan for the Town of Bolton. He met with the plant operator in Lake George to find out what he learned from going through this experience. He has also contacted the DEC and Board of Health about what would be required. Chet would like to develop a plan that would include procedures and emergency contacts for responders. He also feels that they own or have a source for the equipment that would be needed.

Town Clerk- Total Local Shares remitted- \$14,384.13 Total non-local revenue- \$164.67 Total State, County and Local Revenues \$14,548.80.

## **Councilmember Rehm**

Recreation Dept- The Director is thrilled with all of her staff. The summer season got off to a good start. She is extremely happy that the geese problem has been handled so that the children can better enjoy the park. Councilmember Rehm stated that the Director, Michelle Cushing, indicated that there were 2 mistakes in the newsletter; 1) tomorrow morning the horseback riding trip is \$20/person not \$18; and 2) In August, they will be taking a bus trip to Saratoga Race Course which would cost \$4. At that time they thought a school bus would be providing transportation but given the fact that individuals might be able to bring alcohol into Saratoga, the school has decided that there is no way that they would like a school bus to participate in any of that. They have a charter bus that will be providing transportation which will raise the fee to \$17/person.

Rescue Squad/Fire Depart- They will have paid staff in place effective Monday, July 13<sup>th</sup> for daytime coverage. She stated that the pay for this staff will be funded through the Town and therefore they will amend their contract to do that.

Seniors- There is a newsletter that she is hoping to post on the Town website.

Library- The Library had an open house. While she was there she was able to speak to a couple of trustees who indicated that the last Saturday of August the Library will be hosting a reception. Candida Smith and her sister are donating a David Smith sculpture, which is a key to the city or key to Bolton, to the Library and it will be on display there. She stated that the Library has asked that some parking be made available as they have done for the craft fair in the past years.

Councilmember Rehm stated that she wanted to commend Supervisor Simmes for her idea regarding the new signage at Horicon Avenue and she hopes that they do pursue adding additional signs.

## **Councilman Maranville**

Assessor- During the month of June the activity in the office usually lessens. The sales have been slow and Deb MacEwan is on a 2 day schedule of 4 hours each day and will fill in when he is absent due to vacation or training. In June, Dave Rosebrook began preparing for 2010 re-evaluation project. The first order of business has been completing the edits from the homeowner questionnaires sent out last year. Each year at this time the office receives 2 sets of tax maps; one large size and one small. This year he gave the old small set to the Planning Department which uses them in the field and in the past he asks that the TB determine that old tax maps are surplus and have offered them to local realtors to bid upon. They have new computer technology and the big set may be obsolete but he would still like their permission to try and sell them. At the WC Assessor's meeting in LG they had guest Tim Sheer, President of the NYS Assessor's Association, who expressed concern with the State's budget constraints being passed along to local governments. On June 30<sup>th</sup> and July 1<sup>st</sup>, Dave Rosebrook attended a computer refresher course in evaluation in Raybrook. He stated that he was not overly satisfied with the course content. Chris LaFountain will be setting up the new computer this week. The final assessment was filed with the Town Clerk on June 25<sup>th</sup> and the legal notice was posted on July 1<sup>st</sup> in the Post Star as well as on the Town sign board.

Police- Patrolled 3,119 miles and used 244.2 gallons of fuel. A detailed list of all the calls answered is available for review.

Justice- Hon. Harry Demarest took in \$7,445 and Hon. Ed Stewart took in \$7,080. Total monies forwarded to the Town of Bolton - \$14,525. Itemized lists are located in the Court.

### **Councilman MacEwan**

Water Department- 7,118,749 gallons of water filtered. John Perry is back to work. They repaired a few breaks. The monthly bacterial samples came back satisfactory. Supervisor Simmes stated that they made 4 repairs on one piece of property that was having a major issue. She stated that since they completed the repair there is hardly any water coming out. She stated that they are also fixing another leak by Sue Parker's business and then there is one more leak to fix but it is a little more difficult to fix. Councilmember Rehm asked if the Town would need to fix this leak. Supervisor Simmes stated that she feels that it has come to the point that Mr. O'Brien had indicated that he would fix it, but he hasn't and they are at the point where they need to put him on notice that it needs to be fixed. Counsel stated that he would prepare something.

### SUPERVISOR'S REPORT

Receipts \$671,093.30 Disbursements: \$368,605.16

On a County level the Board of Supervisors are still working on reducing expenses for the 2010 budget.

Occupancy tax for the County for the March to May period is down \$133,000.

Sewer line relocation. The bids are ready. Paperwork is waiting for EPA to approve the project and DEC also has the paperwork. As soon as they hear from EPA they will go out to bid to start work this fall.

NYS Encon & APA letter to advise shore owners to consult with State agencies before working on any shoreline projects. For our area you can contact DEC in Warrensburg at 623-1281

Time Warner is almost done with the survey for Federal Hill and they have completed the survey for Wall Street. She stated she has asked Counsel with regard to private road Pine Tree Lane, with only 8 houses, if they would have the right to extend cable up to these homeowners. Counsel stated that whoever has the right to grant access through an easement along the private right-of-way for all parties who represent ownership. If the HOA has ownership of that which supplied the right-of-way that is who would make the decision on that.

## OLD BUSINESS

Discussion of the Rogers Park pier and dock project. DOS grant contracts are backlogged. They advise that when we receive the 2008 contract we will be able to be reimbursed back to 4-1-08.

Algonquin water bill discussion- they have received an unusually large water bill of \$5,885 for 6 months. There was discussion of the recently installed bleeder and how the water lines get to the structure from the right-of-way. Councilman Maranville suggested that they investigate if there is a problem or not. Councilman Saris stated that they should not be concerning themselves with any issues that they may be having on the owner's part of the lines leading to the structure. He stated if it is freezing up in the winter, they have the options of digging up the lot and burying the line deeper or bleed the line and pay for it. Counsel read the ordinance to explain what the Town's responsibility is. Councilman Saris agreed with Councilman Maranville that he would like to hear from John Perry whether or not this is a town or private issue. Supervisor Simmes stated that she would have further discussions with them and report back.

Adoption of Local Law #3 of 2009

### **RESOLUTION #149**

Councilmember Rehm moved, seconded by Councilman Maranville to close the public hearing for the adoption of Local Law #3 of 2009. All in Favor. Motion Carried.

### **RESOLUTION #150**

Councilmember Rehm moved, seconded by Councilman MacEwan to declare the Town of Bolton as lead agency and to submit Local Law #3 Article II General (Proposed amendments to Chapter 200 Zoning) to the APA for their review and consideration. All in Favor. Motion Carried.

Councilmember Rehm asked if there was any way that the Zoning office adopt a new interpretation or refine their interpretation to define what constitutes jurisdictional until the APA can review this. Counsel replied that the ZA could have a new interpretation and it could be defended in court. Councilmember Rehm stated that this would protect the property owner by not putting them in jeopardy by having conflicting interpretations.

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## NEW BUSINESS

Declare the old tax maps as surplus and authorize the Assessor to offer them for sale

**RESOLUTION #151**

Councilman Maranville moved, seconded by Councilman MacEwan to declare the 2008 tax maps as surplus and authorize the Assessor to offer them for sale. All in Favor. Motion Carried.

Approve the contract with Glens Falls Animal Hospital for boarding and disposal of dogs. The boarding fee is \$13 per day. We are also responsible for euthanasia and cremation if the dog is not adopted or claimed.

**RESOLUTION #152**

Councilman Maranville moved, seconded by Councilman Saris to approve the contract with Glens Falls Animal Hospital for boarding and disposal of dogs. The boarding fee is \$13 per day. The Town of Bolton will be responsible for euthanasia and cremation if the dog is not adopted or claimed. All in Favor. Motion Carried.

Ed Corcoran sound permit for August 1<sup>st</sup> from 1 pm to midnight

**RESOLUTION #153**

Councilman Maranville moved, seconded by Councilman MacEwan to approve the sound permit for Ed Corcoran for August 1, 2009 from 1:00 pm to midnight. All in Favor. Motion Carried.

Request from Rensselaer Outing Club for use of Veterans Park on September 25<sup>th</sup> through the 27<sup>th</sup>. 175 people and 35 cars will be using the park to canoe & kayak to Turtle Island.

**RESOLUTION #154**

Councilmember Rehm moved, seconded by Councilman MacEwan to authorize the Rensselaer Outing Club for use of 35 parking spaces at Veterans Park from September 25<sup>th</sup> through the 27<sup>th</sup>. All in Favor. Motion Carried.

Kelly Bishop request to place a weight restriction of 6 tons on Church Hill Rd. Would need to go to Warren County if we adopt a resolution.

**RESOLUTION #155**

Councilmember Rehm moved, seconded by Councilman Maranville to refer the request of placing a weight restriction of 6 tons on Church Hill Road to Warren County DPW. Councilman Saris abstained. All others in Favor. Motion Carried.

Pastor Edd Blanchard request for a church parking sign on Horicon Ave. during the hours of

8:30 -11.30 a.m. on Sundays. There used to be a sign, which is now gone and they would like to replace the sign for those hours only. The Board agreed to allow this request.

Laura Saffer request to lower the speed limit on North Bolton Rd. where the residences are to 30 to 35 MPH. Would need to go to Warren County. The current speed limit is 45mph.

#### **RESOLUTION #156**

Councilmember Rehm moved, seconded by Councilman MacEwan to refer the request of reducing the speed limit on North Bolton Road to 30-35 mph in the residential area to Warren County DPW. All in Favor. Motion Carried.

Appoint Vincent Palazzo to the Recreation Commission Term to expire 12-31-2013

#### **RESOLUTION #157**

Councilman MacEwan moved, seconded by Councilmember Rehm to appoint Vincent Palazzo to the Recreation Commission Term to expire on 12-31-2013. All in Favor. Motion Carried.

Resolution to amend the Bolton Rescue Squad contract for 2009 from \$49,200 and increase to \$79,200. The \$30,000 increase will come from un-appropriated surplus and is for salaries

#### **RESOLUTION #158**

Councilmember Rehm moved, seconded by Councilman Maranville to amend the Bolton Rescue Squad contract for 2009 from \$49,200 and increase to \$79,200 for un-appropriated surplus and is for salaries. All in Favor. Motion Carried.

The interest for CD's is .30 percent and the interest rate to borrow is 1 year 2.50%, 3yrs 4% and 5 yrs 4.75 percent. We have a balance in the UDAG interest of approximately \$10,000. The remainder of the cost for the furnace to come from un-appropriated surplus rather than borrowing money. After further discussion of the cost of the furnace replacement, the Board decided not to borrow money for the replacement.

#### **PUBLIC IN ATTENDANCE**

Robert Wizeded stated that he found the minutes from the May 2001 PB meeting regarding Bell Point Shores. He stated that the adopted language was clarification of passable, which was interpreted to be passable by an ordinary passenger vehicle including the occurrence of vehicular snow plowing.

Zandy Gabriels commended the Town's efforts in removing the geese from Veterans Park. With regard to Time Warner Cable and providing service on private driveways, he stated that there is a survey of Padanarum Road and they were willing to do Indian Summit Drive with only 3-4 homes. However they are now served by satellite dish. Supervisor Simmes stated that she would discuss it further with them.

With regard to the DOT Route 9N project, Zandy Gabriels stated that there was a lot of parking south of the Town over the 4<sup>th</sup> of July weekend. He is concerned that with the sidewalks they will be losing valuable parking for visitors to the Town of Bolton. Councilman Maranville stated that he thought that

they may have the room for both. Supervisor Simmes and Councilmember Rehm stated that they were not sure if they will have the room for both. The Board stated that they would look into it.

Zandy Gabriels stated that the Town has encouraged the use of grease traps. These traps are supposed to be sized correctly and installed by the private individuals. They were sized to fit the accommodation but not necessarily the facilities because this was an add-on after the fact and they could not put the required size in. These grease traps are to be maintained by the private individual and are not integral parts of the sewer system. The Town changed their conditions at private expense. He commented that they seem to have one line that has quite a lot of grease in it and the Town is picking up the cost for the grease in the line.

PAY BILLS

**RESOLUTION #159:**

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

General \$56,187.58

Highway 32,819.71

Sewer 12,019.77

Water 5,928.34

Tourism 5,706.44

Light 3,262.99

Rogers Park Docks 11,637.50

All in Favor. Motion Carried.

**RESOLUTION #160:**

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

TRANSFERS

TO WATER DISTRICT

Un-appropriated surplus from Sale of Land \$219,811.00 " " " \$423,130.00

TO GENERAL FUND

Un-appropriated surplus from Water District \$160,000.00

Transfer to 10104 Town Board \$ 10,000.00

WATER DISTRICT

From 83404 Transmission To 83402 Equipment \$ 2,050.00

SEWER DISTRICT

\$20,000.00 Transfer from General Fund for month of July

June transfer From 81304 Treatment To 81302 Equipment \$ 270.00

All in Favor. Motion Carried.

Up for discussion FEMA Denied

\$134,035.61 Repairs to Waterline 2005 from General Fund To Water District

Councilmember Rehm stated they recently discovered payment in 2005 of \$134,035.61 for repairs to a water line paid from the General Fund. Zandy Gabriels stated that he does recall that and it should be paid back to the General Fund. Councilmember Rehm stated that funds were not transferred at that time but rather just paid from the General Fund and that they would need to transfer it back. Zandy Gabriels stated that this number has never been accurately reflected in the Town's books, it is just a number that he and Donna Boggs have retained in their heads. Councilmember Rehm stated that since the Water Dept is solvent due to its recent property sales, she suggested that they pay it back.

**RESOLUTION #161:**

Councilmember Rehm moved, seconded by Councilman Saris to approve re-payment of \$134,035.61 from the Water District to the General Fund. All in Favor. Motion Carried.

**EXECUTIVE SESSION**

There was no Executive Session

**ADJOURN**

**RESOLUTION #162:**

Councilman MacEwan moved, seconded by Councilman Maranville to adjourn the meeting at 10:38pm. All in Favor. Motion Carried.

Respectfully submitted by: Respectfully submitted by:

Patricia Steele Kristen MacEwan

Town Clerk Recording Secretary