

BOLTON TOWN BOARD MINUTES  
MARCH 3, 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: Councilman MacEwan

Supervisor Simmes stated that she had a correction to the February 3, 2009 TB meeting. With regard to the discussion on the State Police, under Committee Reports, it should read: "Supervisor Simmes stated that they will not be pursuing it further."

Public Hearing on Water District Property Sales

· Input from the public for the purposes of considering all aspects of the sale of surplus real property owned by the Town of Bolton Water District. The Town Board shall give further consideration to a resolution in conformity with the requirements of Town Law Section 198 (12) of the State of New York approving such sales. Specifically, the Water District for the Town of Bolton has accepted two different contracts for the sale of the two different parcels of land generally stated as follows:

Contract: Tax Map Parcel 155.00-1-44 (part of parcel) consisting of approximately 56 acres of land to Candida Smith for the sum of \$425,137.

Contract: Tax Map Parcel 156.00-1-33 consisting of approximately 60.2 acres of land to Ronald Striegel and Marie Striegel for the sum of \$221,000.

· Open hearing

Ron Perry asked what will become of the money once these properties are sold. Supervisor Simmes replied that since 2004 the Water District has been borrowing money from the General Fund, they have been able to pay it back with the exception of the 2007 and 2008. In 2007, they owed the General Fund \$100,000 and in 2008 they owed \$70,000. The proceeds would first go to paying back the General Fund for 2007 and 2008. She continued that in October 2009 they will have another payment due on the Filtration Plant for \$170,000 and she feels that it would be smart to make that payment out of the proceeds of the sale. The remaining money will be invested for any emergencies. All of this would help the Water District be solvent for this year.

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

Public in Attendance

· Sagbolt LLC : Section 171.16-1-16 Zone PUD

They are proposing to modify the PUD to remodel the veranda and expand the Sagamore Dining area onto the existing terrace. WCPB recommended approval, the ZBA held a public hearing and both the ZBA & PB have recommended approval, the APA has issued a draft permit and the NYS Office of Parks, Recreation and Historic Preservation has no concerns.

We have a draft resolution for the board's consideration.

Ben Pratt stated that currently the Veranda is glass enclosed but it was not that way historically. He provided an old photograph of the Veranda which shows that it was open with columns and a second story within it. They are proposing to remove the glass on the Veranda and bring back a more historical look. The Veranda is currently used as a bar/lounge for the hotel and the intent is to convert the use internally as an extension of the lobby and externally as a covered deck. He stated that this will not change the footprint of the hotel. He stated that on the first floor the wall will be moved out towards the

lake to accommodate more space for the lobby. The new owners wanted to bring back that commanding view and to bring the check-in desk back into the lobby area. They also feel that people may spend more time in the lobby with more seating to enjoy the fireplaces and setting.

Ben Pratt stated that currently on the second floor there are 2 rooms that exist but they have been used for storage or as a concierge area. They are proposing to extend this over the first floor and to convert the existing rooms and add 2 additional rooms to create either 4 rooms or 2 suites. Each room/suite will have access to a balcony or deck area over the Veranda as well. He stated that the exterior of the hotel will match the existing siding of the hotel. Ben Pratt stated that Tom Walsh has pointed out that the Veranda will look a lot like the veranda on the White House.

With regard to the Sagamore Dining Room, Ben Pratt stated that the Trillium Room is no longer functioning and has been converted into guest rooms. They wanted to make the Sagamore Dining Room more multipurpose, one purpose being to continue serving Sunday Brunch. They have created a buffet dining area, storage/freezer and work space to support that buffet dining area. He stated that this space will require them to move the wall out, but again will not affect the overall footprint of the hotel. He indicated on the plan, they initially were approved to move the wall outward to accommodate more rooms for the bathrooms, but since they are under tight time constraints to have the work completed and ready for the season they have opted not to do that at this time.

Ben Pratt stated that they already have positive recommendations from the ZBA and PB and approvals from the Office of Parks, Recreation and Historical Preservation, WC PB and a draft permit from the APA with no unusual conditions.

Councilman Saris asked Counsel why this issue was before them since Sagbolt, LLC is not proposing any change in operation or footprint. Counsel replied that he encouraged Pam Kenyon to make an interpretation and he stands by that interpretation. He stated that currently the Town of Bolton has 7 ½ pages of how to create a PUD and 3 sentences on how to amend a PUD. He stated that there was not a lot of authority for why they are here or how they go about it. He stated that Pam Kenyon recommended that in the first amendment, the applicant should go first to the ZBA, then to the PB and lastly to the TB. He stated that there was a lot of discussion that since there is no change in use or footprint, how it constitutes a change. The interpretation became that they would treat this as an amendment to the existing PUD because they have done that previously. Now with the newest change they decided to follow the same protocol. Counsel stated that hopefully the new code will address the issue so that they have a better understanding of what the procedure is.

Ben Pratt stated that he has been looking at the Bolton Code and thinking of a better way to word this so that they can create some sort of threshold in which the ZA or the Zoning Office can have some authority in dealing with this type of change without the necessity of going through all of the Boards or maybe just going to the PB for Site Plan Review.

Counsel stated that the ZBA was unsure of what they were granting a variance for. Councilman Saris stated that he could see it going before the PB for Site Plan Review but as far as the PUD there really is no change. Councilmember Rehm stated that if this is still in the zoning code revisions that are in progress, would it entail amending the current ordinance to put something in place today and not something they could just change as a matter of direction in policy. Counsel replied that it would entail an amendment and a change in policy would not be acceptable.

#### RESOLUTION #61

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

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 (1) to remodel the Veranda to (a) remove the exterior glass wall, recess the wall approximately 14 feet to create outdoor veranda seating, (b) install a new wall of clapboard, windows and doors consistent with the traditional exterior of the hotel, and (c) lower the existing ceiling to create two guest suites (4 rooms) on the second floor of the hotel where smaller rooms exist now; and (2) to expand the Sagamore dining area to create buffet service, storage and related dining room support space by bumping out the wall of the hotel onto the existing terrace; and

WHEREAS, pursuant to Article 15 of the Town Zoning Code, the proposed PUD amendment was reviewed by the Zoning Board of Appeals on February 24, 2009 and the Planning Board on February 26, 2009, both Boards recommending approval, the Zoning Board holding a public hearing 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 of 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, February 11, 2009, 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 PUA 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 a draft permit; and

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 amended (1) to permit the remodeling of the Veranda to (a) remove the exterior glass wall, recess the wall approximately 14 feet to create outdoor veranda seating, (b) install a new wall of clapboard, windows and doors consistent with the traditional exterior of the hotel, and (c) lower the existing ceiling to create two guest suites (4 rooms) on the second floor of the hotel where smaller rooms exist now; and (2) to expand the Sagamore dining area to create buffet service, storage and related dining room support space by bumping out the wall of the hotel onto the existing terrace.

All in Favor. Motion Carried.

· John Gaddy stated that he wanted to provide some information with regard to the Lake George Park Commission Stream Corridor meetings.

He stated that he was unable to attend the meetings and wanted to make a few comments. He started to pick up some information awhile back in response to some previous issues with tree removal and disturbance. He feels that Bolton is all about environmental quality and as far as he can see the regulations being proposed by the LGPC didn't seem to limit development. Sitting on the implementation committee it seems that Bolton has agreed to consider wetlands as available acreage. So within the acreage nothing seems to be limiting the number of lots a person could have, however if there were wetlands on the property it would dictate where a house could go. He stated that in checking with the Zoning Office, Bolton already has a 35 foot setback, so as far as he can see they just want to get the separation distance agreed upon.

John Gaddy stated that he agreed with Bolton in its position that they should be at the table for these types of regulation discussions. However, he does not agree that Bolton should not act until there is a direct connection between the degradation of Lake George and hillside development. He provided a publication from the Wisconsin Lakes Organization, who he assumes is similar to the LGA or Fund for Lake George, which discusses watershed protection techniques. He stated that there are many studies that have linked water quality to the development in different watersheds. They also take a look at deforestation, urbanization and filling of wetlands and stream channelization and he doesn't feel that they have to make the same mistakes that others have.

John Gaddy stated that this publication provides some of the points that environmental groups would look at and they provide references of scientific articles. Generally this provided a short summary of what is good for the environment is good for the economy, which he feels Bolton has always acted in. He hopes that Bolton is at a point where they can participate in this discussion with the LGPC about these regulations and have this issue settled.

· Zandy Gabriels- LGPC new rules and regulations

With regard to the LGPC regulations, Zandy Gabriels stated that the LGPC proposed a Code Enforcement concept which is new and different approach to administration of whatever rules that might come in. He feels that this will be problematic for communities such as Bolton that have Zoning Codes, Zoning Administrators, Zoning Enforcement Officers and Planning and Zoning Boards from an administrative point of view.

Zandy Gabriels stated that these new LGPC rules and regulations also provide for variances. Their variance provision cites a particular rule and regulation which is different than the Town variance criteria. The Town Law has a particular citation that was established about 3-4 years ago. When it was enacted the LGPC went through the process of changing their variance criteria identical to Town Law. He stated that it went to the Governor's office but never left the Governor's office therefore the criteria is still different. If the LGPC does decide to implement some new rule and regulation it would be strongly advisable that they amend their proposed rules and regulations so the variance criteria is identical to what the other Towns have.

· Zandy Gabriels- Federal Stimulus Package Projects

He stated that the government is looking for shovel ready projects within 120 days. There is Middleton Bridge which has been the topic of discussion for many years and is shovel ready, but it is a County Bridge. He stated that Bolton currently does not have any shovel ready projects and he would suggest considering hiring an engineering service to look at replacement of 1 or 2 culverts on Padanarum Road. These are both owned by the Town and several years ago they were both weight limited. He stated that if they had the engineering plans on file and if there is a 2nd round of Federal Stimulus they will at least have an option to suggest. Having the project made does not compel the Town to proceed with replacement and he is not encouraging replacement of the culverts until absolutely necessary given the amount of traffic over those roads, but they will need to in the future.

Supervisor Simmes stated that the minutes have been posted on the website on Friday, but as of today

they are still not there along with some other things that are missing that they will have to check into.

#### Announcements

- 2nd Annual "Jack Wax" party is scheduled for the Conservation Park building on April 11th, starting at 5:30pm. Bring a dish to share. Enjoy maple syrup on snow.
- Bolton Landing Hamlet Sustainability Plan public open house is scheduled for Thursday March 5th from 5 to 7. The open house will present new downtown projects.
- Zoning Revisions meeting is scheduled for March 10th at the Town Hall at 4 pm
- In conjunction with the LGA, Cornell Cooperative Extension and Barry Kincaid there will be a seminar on Healthy Trees and Healthy Views here at the Bolton Town Hall on March 11th at 7:00 p.m.
- Lake George Park Commission meeting on their stream corridor regulations held February 24th was well attended. Supervisor Simmes believes that the Commission should have gotten a message loud and clear that communities are not in favor of these regulations. Comments are being accepted by the Commission until March 16th.
- The Town Board sent a letter regarding these regulations and as a result Supervisor Simmes received at least 30 or more phone calls or emails regarding this topic. Two letters for and the rest against.
- Time Warner: We are waiting for snow melt to conduct another road survey to be sure that we are all on the same page as far as how many homes and the distance involved.
- The Town Board has met and will shortly set up a committee to administer the UDAG funds. We have received an additional request for funding from Doug Wholey.
- Heat has been installed in the Judge's chambers and the Police Office and is working fine.
- Roof line has been extended over the two sets of stairs at Town Hall. Low bid in the amount of \$6850 was awarded to Adirondack Roofing.

#### Zoning Matters

- Timothy Harrington-

Supervisor Simmes stated that she spoke with Pam Kenyon, who indicated that she wanted to send this issue back to the PB to determine their definition of no Development Zone on this project. Councilman Saris stated that the PB has already done this. Counsel agreed. He stated that there is an older map that is the end product of Site Plan Review that was problem solving when Rolf Ronning owned the property. One of the critical determinations was that there was a line drawn on the map which became public record and is defined as the No Development Zone. They first determined that No development means no construction or structures of any kind. However, Code Enforcement Officer Mitzi Nittmann indicated that Bolton's Code states that development means any change in the character of the land. So then the discussion focused on whether cutting trees down constituted changing the character of the land and the answer handed down was yes.

Counsel stated that they started litigation against Mr. Harrington and since he has sought the counsel of Mike Stafford there has been some discussion of plantings. The TB then made the determination to let the scenic corridor grow back naturally because it was already growing back. The no development zone issue is still being argued. He stated that they have explained what the no development zone means to Mr. Harrington and have provided photographic proof of the violation. He has asked Mr. Stafford if they can reach some sort of resolution that Mr. Harrington would obey the requirements of the Site Plan Review first resolved by the PB about 12 years ago and the second Site Plan Review, which was lot specific for Mr. Harrington. Counsel stated that Mr. Stafford replied that if the Town proposes it and if it looks reasonable he will recommend it to Mr. Harrington, but steer clear of any of the discussions within the minutes of the PB because if it is not in the resolution it is not considered a restriction. He stated that he has provided the long history of this property and they are trying to come up with the proper restrictions according to the Site Plan Reviews for the stipulation. If they can get Mr. Harrington to sign that stipulation then it will resolve the issue.

Councilman Saris stated that he recalls looking at the maps and minutes for the past 12 years and asking the PB to look at this again to develop an alternative remedy. He stated that the PB returned a

recommendation for the highest civil penalty that they could apply which he feels is their answer that the no development zone had been violated. Counsel agreed but stated that if Pam Kenyon wants this to go back to the PB, it will.

Councilmember Rehm stated that when this was discussed at the July 2008 TB meeting, she clearly left with the expectation of taking Mr. Harrington to Court and that a Judge was going to decide what no development meant. Counsel agreed. He stated that if an agreement can be reached prior to that decision then the issue would be resolved. Councilmember Rehm stated that they have a letter from Mr. Stafford, dated January 29th, that indicates that Mr. Harrington has the "intention to continue to mow his lawn and maintain the scenic vista which existed at the time of his purchase." She stated that Mr. Stafford also indicated at that meeting in July that Mr. Harrington believes that what they got when they bought it, they have every right to maintain, which is different than what the Town believes. She doesn't feel that Mr. Harrington has come any closer to resolving this issue. Counsel stated that Mr. Stafford gave him the impression that Mr. Harrington would give serious consideration to signing the stipulation if it were agreeable. He stated that he would like the opportunity to proceed with the stipulation and if it is to fail then the question will be well presented in Court.

Councilman Saris asked if Pam Kenyon was not aware of the PB determination or definition. Counsel replied that she is very aware of it, but feels maybe there is a possibility of back-tracking, but he knows the PB is not interested in changing its definitions. Councilman Saris replied that he is very uncomfortable with it because he feels the TB was pretty clear as well.

Supervisor Simmes read the following from Mike Stafford's letter dated January 29th: "I agree that the settlement should not expand in any way the original conditions of approval. Mr. Harrington is willing to confirm that he is subject to the no development restriction contained in the original 1993 approval. It is his intention to continue to mow his lawn and maintain the scenic vista which existed at the time of purchase. If that is the intent of the stipulation binding on Mr. Harrington and all subsequent owners of the premises I will actively solicit his agreement. Perhaps you can draft proposed language which would be acceptable to the Town." Counsel stated that the main issue is whether or not Mr. Harrington maintains his right to the scenic vista as when he purchased. Supervisor Simmes asked what it looked like when he purchased. Mitzi Nittmann replied that she has an affidavit that states that the view was "unimpeded", which means that the tree growth had not grown up high enough to block his view. Councilman Saris stated that this all stems back to when Rolf Ronning created, in violation, these scenic vistas where there were none. He stated that 12 years ago the PB created this no development zone and restrictions to allow it to grow back to the way it was.

Counsel stated that he would like to proceed with creating a stipulation, accepting that it may be rejected and possibly present this case to the Court. Mitzi Nittmann stated that she has provided information to Counsel which is a compromise. She stated that when Rolf Ronning wanted to put in a driveway and cul-de-sac to those upper lots there was a cutting plan submitted and approved favorable to an applicant. This cutting plan provided for a clearing and planting plan to retain a vista. She has provided this to Counsel so that he can present it to Mike Stafford and Mr. Harrington to see if it is agreeable. Counsel agreed and stated that if they were to accept this then they would have to come back to the PB with a plan.

· Bernard & Trish Marki

Supervisor Simmes stated that currently there are no violations or action at this time.

· Harold Raven

Counsel stated that Mr. Raven did present a plan to Pam Kenyon and he was to come back with some minor adjustments to come fully into compliance. He stated that Mr. Raven contacted him directly and stated that he needs some more time because he doesn't know where everything is with all of the snow on the ground. He stated that tonight Ben Pratt approached him and stated that he believes Harold

Raven will be in with a plan and as the snow allows him, he will remove all of what constitutes code violations. He stated that this issue sounds like it is on the right track and they will have to wait and see what happens.

- Elmer Clark

Supervisor Simmes stated that they are working towards compliance.

- Janet Lehman: A court date has been set for March 6th at 9:00 a.m. in Warren County.

- Reminder for May: Bell Pt. Shores

#### Correspondence

- Liquor License renewal from Melody Manor and for Lily's owned by VonTek (Valiliki Tekmitchov), Frederick's and the Algonquin.

- NYS Real Property Services has determined the tentative special franchise full value for franchises in Bolton.

- Letter from James Wolitarsky concerning updates to the Zoning Ordinance. Supervisor Simmes has referred the letter to the Zoning Revisions Committee.

- Time Warner with possible channel changes

- Copy of our agreement with Niagara Mohawk for street lights from 1964. Any new contract for lights is for 15 years.

- Copy of a letter from The Fund for Lake George regarding appointments to the LGPC

- CT Male Assoc. has sent the landfill post-closure monitoring report to NYSDEC.

- C T Male Assoc. has sent progress prints for the sewer force main drawings to NYS DOT for their review

- NYS DOH letter with dates that test samples need to be taken at the water plant.

- Letters have been sent by Counsel to applicants that have not paid their Engineering bills

#### Committee Reports

##### Councilman Saris

Sewer Department- Took in 2,573,950 gallons of waste water for an average of 91,927 gallons/day. There are no violations. They cleaned the grease out of the Norowal Station, which ended up being a garbage can full, so they still have grease issues. They also had to get a new battery for the generator at the Norowal Station. They hauled 5,500 gallons of liquid sludge. The register on the Alum meter is broken again so they have been running on manual. They are looking into the warranty on the one that broke because it is only 7 months old. Luke Dague has passed his certification, so now they have 3 licensed operators.

Town Clerk- Total Local Shares remitted- \$5,203.51 Total non-local revenue- \$115.94 Total State, County and Local Revenues \$5,319.45.

##### Councilmember Rehm

Recreation Dept.- Provided the Rec. Depart report to all TB members. She stated that they have had a marked increase in attendance at the Rec Center in February, which they feel is attributed to the fact that they now own Guitar Hero. She stated that the sign-up for summer camp will be on March 24th. She stated that the rates for summer camp have gone up substantially but it is a popular and well priced program so they feel that there will be very little resistance to the increase.

Fire and Emergency Squad- A meeting was held on February 11, 2009 to discuss the need for volunteers for the Emergency Squad. She stated that the call volume is up and their volunteer numbers are down which creates an imbalance. Currently they are actively pursuing other options. However, they were very pleased with the outcome of the meeting because they now have 3 people that have been added to their roster as drivers and the police officers will be working with them whenever they are available. She stated that the TB will need to discuss how to handle the Police Officers volunteering with regard to workman's compensation if they were to be injured while driving for the Squad. She stated that the Rescue Squad and the Fire Commissioners will be meeting on Thursday, March 5th to discuss the next steps and they will report back to the TB by the first of April. She stated that they are anticipating

needing to hire some paid EMS over the summer to cover weekday activity. She stated that this will be on a trial basis this summer and will report back in the fall. She stated that the EMS will probably approach the TB about financial assistance to pay the staff until they can get up to speed with some billing programs.

Seniors Center- Councilmember Rehm stated that she spoke with the VP of the Seniors Group who indicated how proud he was of the community for coming together for one of their community members. This individual has been diagnosed with cancer and is currently receiving treatment. The Seniors and the community as a whole have risen up to help this person during her time of need. It has made a tremendous difference in her and she is so appreciative. Councilmember Rehm stated that she is very proud of all of the individuals who have donated their time and care to this individual.

#### Councilman Maranville

Assessor- The Assessor's office was busy inspecting properties with open building permits; there were over 250 properties that required a visit and they completed them all by March 2nd. During January and February all renewable exemptions were due with the last day to file as March 2nd. As in the past the office went to great lengths to contact, re-contact and in some cases make site visits so that they wouldn't lose their savings from property tax and not filing for their exemption. On January 24th and 27th Dave Rosebrook attended meetings in Lake George with the WC Assessors Association and the guest speaker was Molly Gallagher from the LGPC who gave insight on what the LGPC does in the rules and regulations for dock and wharf permits. He commends the TB for adopting ordinance removing the assessment restrictions on any condo conversions from dwelling units in the Town of Bolton. As of the recent passing of Albert Riccardi, they now have a vacancy on the Assessment Review Board. Andy Roden's term has also expired; Andy has been a long standing member of the bar and this morning he has offered to serve for another 5 year term and asked that the TB consider him for re-appointment. Supervisor Simmes stated that there has been a change and Andy Roden's term does not expire until September of 2009. In Dave Rosebrook's opinion, in order to best maintain assessment equity in the Town of Bolton and Lake George, that they now have to move forward with his plans to do an in-house re-evaluation project for 2010 Assessment Rules. To this end, each TB needs to prepare a resolution supporting such a move by their Assessor and request whatever assistance deemed necessary by the State Office of Real Property Services and the WC Real Property Services to help accomplish the same to be provided in a timely fashion.

Police- Patrolled 2,804 miles and used 222 gallons of gas. There is a list of calls answered and tickets issued that is available for review. Chief Neumann represented the Bolton Police Department at Blue Friday, an event held in Wilton, in honor of Police Officers killed in the line of duty. Participating agencies included WC Sheriffs Office, Essex County Sheriffs Office, Saratoga County Sheriffs, Washington County Sheriffs, Glens Falls PD, NYS Police, NYS Environmental Conservation Police, Saratoga Springs PD to name a few.

Justice- Hon. Harry Demarest took in \$2,240 and Hon. Ed Stewart took in \$8,890. Total monies forwarded to the Town of Bolton - \$11,130 Itemized lists are located in the Court.

#### Councilman MacEwan

Water Dept.- 4,200,000 gallons of water filtered. Chief Operator, John Perry has been out of work for about a month due to a back injury that will require surgery. Water samples for bacteria came back satisfactory. They had a water leak at Chuck McNulty's house, on Horicon Avenue; it was isolated and repairs were done. They had a power outage on February 16th at 8:15am. The emergency generator ran until 3pm when power was restored.

#### Supervisor's Report

Receipts: \$636,600.90 Disbursements: \$407,884.70

· The Parks Dept. has been working at the Health Center installing cabinets that were given to them.

They have also re-painted the 3 exam rooms and put down new tile in each of the rooms as well.

- Decision needs to be made when to start the Rogers Park Pier project. If all goes well we could begin construction in mid May and if all goes well finish in mid July or wait until September to start and finish the project. She stated that if they choose to start in May and there are problems then the area will be torn apart and no one will be able to use any of the docks. She suggested waiting until September to start this project. Councilman Saris agreed because this whole area is too important to recreation in the summer months. He stated that not only will they not be able to use the docks, but heavy equipment will be used which will not provide a very relaxing place. Councilmember Rehm stated that she would agree to start in September if they think they will be able to finish on time. Supervisor Simmes replied that they have indicated that they will have no problem finishing it before winter. She stated that the Department of Army Corp of Engineers did consider this to be a Nationwide General Permit which is the easiest to get and is in place right now. She stated that she would tell them to begin the project in September. All Board members agreed.

- We have switched 22 of the 32 employees over to a less expensive Health Insurance. This should be a savings of no less than \$20,000 this year.

- Update for Middleton Bridge and Sewer line relocation.

With regard to the Middleton Bridge, Supervisor Simmes stated that there are 3 options available as follows: 1) to do nothing and take the bridge out, 2) to replace the bridge or 3) the Town of Horicon wants to move the bridge to be almost opposite the driveway for Ryding Hy Ranch. If they were to try and move the bridge it would be much more costly, but between the Horicon Highway Dept that has to go down and back along the river road to plow and the school district that it might be worth their while to do it this way. The big draw back is that on both sides of the river it is State land that may have fishing rights, so they will need to find out what it will entail to get permission from the State.

With regard to the Sewer line relocation, Supervisor Simmes stated that they are going out to bid at the end of March and plan to open the bids in April with a potential start date in May.

Councilmember Rehm asked if the 9N project doesn't go, will this project still happen this summer.

Supervisor Simmes replied yes. With regard to the Route 9N project, Supervisor Simmes stated that even though there is a stimulus plan and people are getting money the State doesn't know if they will have any money to work on 9N. Even if they do it, with stimulus money, it will be broken down into 2 years.

#### Old Business

- Close public hearing for the Water District properties.

#### RESOLUTION #62

Councilmember Rehm moved, seconded by Councilman MacEwan to close the public hearing for Water District properties, Tax Map Parcel 155.00-1-44 (part of parcel) consisting of approximately 56 acres and Tax Map Parcel 156.00-1-33 consisting of approximately 60.2 acres of land. All in Favor. Motion Carried.

Supervisor Simmes stated that the Town did send letters out to everyone in the water district and there were no adverse comments returned.

#### RESOLUTION #63

Councilman Saris moved, seconded by Councilman MacEwan to resolve that they are confirming the following sales contracts and will directly proceed to closing:

1) Tax Map Parcel 155.00-1-44 (part of parcel) consisting of approximately 56 acres of land to Candida Smith for the sum of \$425,137.

2) Tax Map Parcel 156.00-1-33 consisting of approximately 60.2 acres of land to Ronald Striegel and Marie Striegel for the sum of \$221,000.

All in Favor. Motion Carried.

- Open bids for 93 F350 one ton dump with plow  
Pat Steele stated that there were 7 bids, as follows:  
Martin Cooper \$1,207.00  
Gus Myhrberg 1,050.00  
Anthony Marro \$501.50  
James Flanburg \$1090.00  
Joseph Denton \$505.00  
Victor Myhrberg \$1,106.00  
Michael Parillo \$727.57

#### RESOLUTION #63A

Councilman Maranville moved, seconded by Councilmember Rehm to accept the bid from Martin Cooper in the amount of \$1,207.00 for the 93 F350 one ton dump with plow. All in Favor. Motion Carried.

- Employee Handbook needs to be put in place  
Supervisor Simmes stated that all TB members need to read the entire Handbook by the April meeting so that they can adopt it.
- Thunderbird and LG Camping issues: Discussion in Executive Session.
- Changes to Rules & Regulations of Water Dept. Are we ready to hold a public hearing.

#### RESOLUTION #63B

Councilmember Rehm moved, seconded by Councilman Saris to hold a public hearing at the April 7, 2009 Town Board meeting to amend Ordinance #39 Rules and Regulations of the Bolton Water District. All in Favor. Motion Carried.

- National Grid contract for lights

John Gaddy stated that after they received the 120 page contract for the new lights, he would suggest that they have a meeting to discuss the contract with Deborah Graff. Supervisor Simmes asked if there is any negotiation with the 15 years the contract requires. John Gaddy replied that he was led to believe that this was just their standard contract that everyone has with National Grid but feels that it is something that they can discuss at a meeting with Deb Graff.

- Resolution to authorize Resolution #40 that was in opposition to the Lake George Park Commission regulations be sent to our representatives, including the Governor, Senator Little and Assemblywoman Sayward.

#### RESOLUTION #64

Councilman MacEwan moved, seconded by Councilmember Rehm to authorize Resolution #40 that was in opposition to the Lake George Park Commission regulations be sent to our representatives, including the Governor, Senator Little and Assemblywoman Sayward. All in Favor. Motion Carried.

#### New Business

- We received a letter of resignation from Cheryl Snyder who served on our Recreation Commission.

#### RESOLUTION #65

Councilmember Rehm moved, seconded by Councilman MacEwan to accept Cheryl Snyder's letter of resignation from the Recreation Commission and send her a letter of appreciation for the time she has served. All in Favor. Motion Carried.

- Advertise for members to serve on the Recreation Commission as well as interested parties to serve on the ZBA or PB as alternates and to fill an unexpired term on the Board of Assessment Review due to the death of Albert Riccardi.

- Luke Dague has passed his certification test for the Sewer Dept. Resolution to grant him a .50 cent an hour raise for passing.

#### RESOLUTION #66

Councilman Saris moved, seconded by Councilman MacEwan to grant Luke Dague a .50 cent an hour raise for passing his certification test for the Sewer Department. All in Favor. Motion Carried.

Councilman Maranville asked if they have anyone else certified at the Water Plant besides John and Tom. Supervisor Simmes replied no.

· Town of Johnsbury is requesting our Town to support their request to the Olympic Regional Development Authority to fund operations of the interconnect between Gore Mt. and the North Creek Ski Bowl.

RESOLUTION #67

· Councilmember Rehm moved, seconded by Councilman Saris to support the Town of Johnsbury request to the Olympic Regional Development Authority to fund operations of the interconnect between Gore Mt. and the North Creek Ski Bowl. All in Favor. Motion Carried.

· Resolution to refund \$45 to Raymond Hippele for an application fee that was not required and \$65 to Baron Davis for a variance application that was not required.

RESOLUTION #68

Councilman Maranville moved, seconded by Councilman MacEwan to refund \$45 to Raymond Hippele for an application fee that was not required and \$65 to Baron Davis for a variance application that was not required. All in Favor. Motion Carried.

· Request from Rolf Ronning regarding an Engineering bill he owes. Supervisor Simmes stated that Rolf Ronning requested 60-90 days to pay his bill.

Supervisor Simmes asked if there were any problems with this. Councilmember Rehm asked how long Rolf Ronning has owed this bill. Counsel stated that it is a combination of bills and the oldest of 4 years and the most recent is 7 months. Councilmember Rehm stated that if he does not pay it within 60-90 days they should re-visit it and possibly start charging him fees.

Mr. Braniecki will be paying \$50 on his engineering bill on or about the 15th of each month as he has been laid off from the Sagamore.

· Resolution to authorize a BAN in the amount of \$229,866 for one (1) Beau-Roc Dump body; one (1) 2009 Sterling Tandem with plow and one (1) 2009 Ford F 350 with plow. Supervisor Simmes stated that the interest rate will be 3.5% for 5 years.

RESOLUTION #69

Councilman Saris moved, seconded by Councilmember Rehm to authorize a BAN in the amount of \$229,866 for one (1) Beau-Roc Dump body; one (1) 2009 Sterling Tandem with plow and one (1) 2009 Ford F 350 with plow. The interest rate will be 3.5% for 5 years. All in Favor. Motion Carried.

Councilman Saris stated that he had the opportunity to talk to the gentleman that operates TV Channel 8. They discussed how the Town of Queensbury airs their TB meetings and he asked if the Town of Bolton would be interested in televising their TB meetings. He stated that he was willing to suggest it to the Board because the advantages are obvious; it would greatly expand their audience. He explained that it would be a simple process of bringing in a couple of cameras to tape the meeting and they don't edit or cut anything. He stated that if the Board was interested then he would go back and get more specifics.

Councilman Maranville asked if there would be a cost associated with this. Councilman Saris replied yes, but in other Towns they have found businesses to sponsor the meetings. He stated that the gentleman also told him that Channel 8 will be building a new broadcast tower which will considerably expand their viewing audience. Councilman Saris stated that the minutes are good, but they are not the same as watching it; this would show what actually goes on at meetings and may put to rest a lot of speculation

of what they do.

Councilmember Rehm stated that at one point they had talked to Mr. Ciccarelli about getting the students to televise these meetings and asked if that ever was discussed further. Chris Gabriels replied no. John Gaddy stated that he believes that it could be done with some of the students as part of the community service component. Councilmember Rehm stated that if they don't find a sponsor right away that this could be an alternative.

Councilman Saris stated that he does not think that the cost is all that expensive and he believes the Town of Queensbury who meets twice a month pays \$1,600/month. A sponsor would be buying commercial time and getting their name on TV many times in a month, which would not be considered a lot of money in advertising. Councilman MacEwan stated that it could provide some good exposure to some of the local businesses. Supervisor Simmes stated that it would be worth looking into.

#### Public in attendance comments

John Gaddy stated that he wanted to follow up on a letter that he sent to the TB requesting them to take a drive on Valley Woods Road and other roads in Town before they got to the road maintenance season. He stated if they have not done that, he would ask that they do that so that they can maintain the roads in the excellent state that they do without having to have as much clearing on the sides of the roads. He stated that Valley Woods Road has been very passable throughout the year and thinks they could use this as a model for some of the other work they hope to be doing on the maintenance of the roads in the Town.

Zandy Gabriels stated that Supervisor Simmes had mentioned that Time Warner would not be completing a new survey until the snow had cleared. However, the new survey and new franchise agreement are 2 different issues that Time Warner may want to consider as one, but it is not necessary. He feels that there are some issues with the windshield drive-by evaluations: 1) Time Warner has stated that Lamb Hill is a necessary road to wire in order to wire East Schroon River Road. However, Lamb Hill has 6 homes with their measurement of 1.5 miles long. He stated that their odometer reading is a lot different than his because he had only .7 or .8 miles which would change their math considerably. He feels that if they have more accurate information it would be best to provide it to Time Warner. On East Schroon River Road, Time Warner wanted to go all the way down to Lake George Escape. Supervisor Simmes stated that they do not intend to go that far. 2) In a drive-by a few years ago, they went out Padanarum Road and up Indian Summit, approximately .5-.75 of a mile, to get 4 homes at the top of Indian Summit Road. This is a private subdivision and Time Warner did not continue to go further out Padanarum Road. If you were to travel more than .5 mile and find 4 homes, the math for build-out, they would lose money. They would need to find at least 8 homes within .5 mile in order to come up with the density or 15 homes/mile. They did not do that in this case. 3) Finding an access to Jeff Tennent's 4 properties on North Bolton Road which Eugene St. John never figured out.

Zandy Gabriels stated that the franchise agreement is trying to encourage the Town to take an increased density from 15 to 20 homes/mile and increase the contract term from 10 to 15 years and negotiate 3% payment. He suggests that they should not extend the term to 15 years, 10 years is long enough and given the change in technology that they have seen in the past 5-7 years with Time Warner and 30 years in the industry, 15 years is too long to not be able to get back to discussions with Time Warner and upgrading standards. He also feels it is too long to depend on reliance of the Federal and State Public Service Commissions in order to provide modern service to the North Country when their industry wants to look at Wall Street and major urban areas. With regard to density on the remaining roads, Zandy Gabriels feels that they will never get the density necessary to get wired. He stated that the Town has it within their authority to get the approximate 10 miles of road wired completely for about \$100,000, according to Time Warner. He feels that they should give them the 20 homes/mile provided that they do a mandatory build out of all 10 miles of roads and the Town picks up the cost. He stated that they can set a up a policy to do this and set aside at least 1-1.5 years of revenues dedicated for this purpose since

the revenue stream for watching television is rather consistent, they would have at least \$25,000/year. Within 5 years they could have enough money to wire those 10 miles of roads.

Zandy Gabriels stated that if the Town were to accept the 20 homes/mile and require the mandatory build-out, they would then have to decide what to do with the subdivision roads. Would the Town pick up the tab for wiring the subdivision road and if so, they may open themselves up to other wirings to subdivisions which have not been done because the subdivision does not want to get to it since it is so costly.

Zandy Gabriels suggested that they return to contract negotiations with Time Warner with the proposition of accepting the 20 homes/mile, not bother with the drive-by survey, and just take the action of wiring the roads.

· Councilmember Rehm-Recycling of cardboard, newspaper, magazines, etc.

Councilmember Rehm stated that the Town of Lake Luzerne has had an Amsterdam based company come in to recycle newspapers, cardboard, magazines and other paper products. They provide the containers and transport from the Transfer Station and possibly even pay the Town from the proceeds they get from making it into insulation. She stated that right now it is costing them \$90-120 to dispose of this and suggested that they contact this company. Councilmember Rehm stated that another benefit would be that we will not have to sort these items anymore.

With regard to the scrap metal and their contract with Mr. Bradway, Councilmember Rehm stated that she was up there the other day and found it strewn all over the ground. She stated that East Side Auto works with the Town of Lake Luzerne and they supply containers for all metal and tin cans. She stated that East Side Auto pays the Town of Lake Luzerne for the tin cans and she wonders why they are paying someone to haul them away when they could have someone provide containers, haul them away and get paid for it.

Councilmember Rehm asked where the batteries are going once they are brought to the Transfer Station. John Gaddy replied that they are supposed to be taken to Warrensburg. Councilmember Rehm asked what happens from there. John Gaddy replied that he was not sure what happens to them after that.

John Gaddy asked if the Town had given any thought to a hazardous waste clean-up/collection day. He understands that it is very costly but wondered if they have ever had one. Councilmember Rehm replied no. John Gaddy asked if they could find out where it could be properly disposed of. Councilmember Rehm stated that Lisa attended a seminar in the Fall for electronics in Rensselaer and the people there indicated that if you can transport it down to them, they would take it. She stated that in the spring they were talking about a multi-town collection. Supervisor Simmes stated that Walmart had done this in the past.

Pay the bills

RESOLUTION #70

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

General Fund \$58,251.48

Highway 52,821.90

Street Lights 2,519.73

Water 4,181.39

Sewer 4,093.59

Tourism 9,841.01

Historical Prop 10.69

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

Transfers

There were no transfers for the month of March.

Executive session

RESOLUTION #71

Councilman Maranville moved, seconded by Councilman MacEwan to enter into Executive Session at 8:34pm for contract negotiations and personnel, with no further action to be taken after Executive Session. All in Favor. Motion Carried.

Adjourn

RESOLUTION #72:

Councilman moved, seconded by Councilman to adjourn the meeting at 10:00 pm. All in Favor. Motion Carried.

Respectfully submitted by: Respectfully submitted by:

Patricia Steele Kristen MacEwan

Town Clerk Recording SecretaryTown Clerk Recording Secretary