

TOWN OF BOLTON
TOWN BOARD MEETING
May 5, 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 7:03 p.m.

PLEDGE: Counsel

PUBLIC IN ATTENDANCE

· Delaware Engineering presentation regarding the grant application for the wastewater treatment facility. Supervisor Simmes stated that Delaware Engineering is preparing a grant application for some major upgrades to the wastewater treatment plant under the Green Innovation Grant Program. Kathy Suozzo stated that the original plant dates back to the 1960's and a number of improvements, renovations and expansions have been done since that time. She stated that under the American Recovery and Reinvestment Act, money has been given to each state for upgrades to infrastructure and the Green Innovation Grant program is part of that funding. She stated that there is a lot of paperwork to fill out for the grant application and they will begin that tonight with the SEQR process.

Kathy Suozzo stated that the upgrades to the treatment plant include re-use of most of the existing structure that is there, but with upgraded technology. She explained that there would be increased treatment of the water through a filter. She stated that they have been running this type of filter at a number of different facilities and the nutrient removal far exceeds what is required. This means the water being discharged to the beds are of much greater clarity, which will have less of an impact on the Lake George Watershed.

Kathy Suozzo stated that they are not seeking a permit for flow increase at this time but the removal process is very much enhanced.

Tony Hall asked how much the project will cost. Kathy Suozzo replied that the total cost for the project is approximately \$6 million dollars. She stated that under the grant program the State will pay for up to 90% and a 10% match is needed from the communities.

Supervisor Simmes stated that Chris Navitsky and Chet Dagles have visited a plant. Kathy Suozzo stated that the plant that they visited is a pilot project in Wyndam, New York which has a greater need in the winter, but the system has proved to be very accommodating for fluctuations of flow.

Tony Hall asked when the plant would be operational. Kathy Suozzo replied that the application for the grant is May 29th, announcements from the State will be made in June and their construction contracts have to be completed by January 1st, 2010 and they have until 2013 to complete construction. However, once they receive the grant they hope to have the project completed between 6 and 9 months. They will be re-using most of the equipment and piping. She stated that when they are completed they will actually have less impervious surfaces. There will also be incorporating other green ideas such as a vegetative roof part and solar panels. She stated that not only will they be treating the water but they will have a reduction in overall operational costs.

Frank McDonald asked if the fluctuations in flow will be able to handle the added rooms at the Sagamore or additional homes being connected. Kathy Suozzo replied that if they add additional treatment to the current plant it is at the end of the treatment center so they still have the front end doing its thing. This technology addresses fine removal of the organic load and solids up front so that there is less organic matter that they would have to treat. She stated that if they remove a lot of the solid material out, the subsequent treatment will have less material to deal with. She further explained the filtration process. Kathy Suozzo stated that overall they will have additional tanks and a lower strength wastewater so it will operate more efficiently.

Tony Hall asked if this system will have less of an odor. Kathy Suozzo replied yes. They will still have solids but they will be stored in the tanks and there will be an odor control system in the tanks. Chris Navitsky visited the pilot plant at Wyndam and stated that he did not notice an odor.

Mitzi Nittmann asked what happens to the solids pulled out in the beginning process. Kathy Suozzo replied that it will go to the tank concentrated and will be trucked offsite for incineration.

With regard to the concern about capacity, Councilman Saris stated that this is not addressing an Inflow and Infiltration problem that they clearly have, it is a separate issue. Capacity has a lot to do with what you bring in total and clearly they have some issues when it rains with infiltration. However, the plant is presently in better shape than ever before due to the rehabilitation of the beds. He stated that even though they may have a heavy rainfall and experience big numbers they are never in danger of the plant overflowing as it once was. Councilman Saris explained that installation of their equalization tank has also helped them. Previously when flows went up, they had no way of handling them by metering them out to the plant. This equalization tank now handles those peak flows at an even rate.

Councilman Saris stated that this proposal is for state-of-the-art technology. Not only will they be making a better product, which is better for the environment, but it will be for better living conditions in town because it doesn't smell as much. Councilman Saris stated that is not mandated, but rather a leading edge project and they have an opportunity for 90% funding. In fifteen years this may be mandated technology and the funding may not be there. Such was the case with the water treatment plant; the State mandated the upgrades and left the town to pay for it in full.

Kathy Suozzo stated that there was a report last year that identified a \$36 billion need in wastewater infrastructure just in New York State in the next 10 years. She stated that the necessity is coming and they are fortunate to have the grant program.

Alexander Gabriels stated that the Town will still need to come up with the 10% and asked where they plan to come up with it. Supervisor Simmes replied that they could either bond it or use some of the UDAG funding. Councilmember Rehm stated that at first she had the very same concern with where the 10% would come from since she would not like to see another increase for those individuals in the sewer district. However, the projections for this operation expect to see a 15-20% reduction in their operation costs. That in and of itself probably helps to pay a good share of the local share should they bond it. With regard to Councilman Saris' discussion about spikes in flow during storm events, Councilmember Rehm stated that it is hopeful that this summer they will have a second application for 2010 to do a cost effectiveness study of the inflow and infiltration situation to see what makes sense to spend money on.

She stated that the Suozzos have a great deal of experience in other communities they have worked in and often there is a lot of money expended on those types of projects when there really isn't a sufficient cost savings justified for the expense. She stated that they do not want to take on another \$500,000 worth of fixing if it is not going to have a commensurate savings on the yearly operation. Councilmember Rehm stated that this is really a long term plan and they are trying to move ahead and do the right thing that will save them money along the way.

Supervisor Simmes stated that she wanted to acknowledge the fact that Jim and Kathy Suozzo, Delaware Engineering, are doing this grant application for the Town at no cost. Councilmember Rehm stated that it is the epitome of giving back to your community.

· Amendment to PUD for Lagoon Manor: Represented by Frank McDonald

Frank McDonald stated that he is representing three applicants who live in building 600 at Lagoon Manor, Joseph and Carole Abbatiello, Anne Swope and James Hiatriides in their application for an 8' extension of their decks. Their decks face toward the lake in an area that is not affecting anyone else's view. He stated that the applicants have already gone to the APA and received approval. He stated that he has already taken them through the local variance application and PB reviews both with favorable outcomes.

Councilmember Rehm asked if any of the neighbors had any objections to this application. Frank McDonald replied no because all of the other neighbors have extensions of their decks already.

RESOLUTION #87

Councilmember Rehm moved, seconded by Councilman MacEwan to approve the PUD amendment to the Lagoon Manor Brook Hill Development Planned Unit Development for building 600 at Lagoon Manor for Joseph and Carole Abbatiello, Anne Swope and James Hiatriides, in keeping with the original intent. All in Favor. Motion Carried.

· Thunderbird Motel

Dave Dougall, 16 Brereton Road, read a letter from Ray Oliver expressing his concern over the inaction of Town Board Resolutions #101 and #120 that were approved but not finalized. Dave Dougall stated that he agrees with Mr. Oliver and wants to know when action will be taking place.

Bob Sinnott stated that Resolution # 101 is dated June 3, 2008. He is concerned with the lack of action since the resolution a year ago. He stated the Resolution #101 followed on the heels of substantial factual investigation, many meetings and deliberations. Resolution #101 gave the Thunderbird 30 days to remove the dock on the south side of the boathouse because it sits completely in the Town's riparian rights. He stated that by the July 2008 meeting the dock had not been removed. Following all the deliberations and comments the TB passed 4 in favor and 1 abstention. Resolution #120 gave the authority to Counsel Muller to move forward and take this issue to the courts to let the courts decide. However, for the next 6 months nothing happened. Bob Sinnott stated that on January 2, 2009 he realized that there had been no action so he inquired once again. At the January meeting 2 issues were raised as primary concerns of why nothing had happened: 1) the TB wanted to have the area re-surveyed, and 2) the LG Camping Equipment on the north side of Town had a similar situation and the TB did not want to act until they figured out what they wanted to do with that situation.

With regard to the new survey, Bob Sinnott stated that it has been completed and he has had the opportunity to review it and found the important boundary lines that existed in 1949 from the Leslie Coulter Survey Map are still the same. This confirmed all the previous deliberations that the dock is completely in the riparian rights and that the boathouse is considerably inside the extended property lines. Therefore this reason for delay no longer exists.

With regard to the resolution with the LG Camping Equipment, Bob Sinnott stated that he understands that meetings have taken place and that there has been a resolution of this issue. Therefore this reason for delay should no longer hold the Town back from action. Supervisor Simmes replied that they have not come to an agreement yet with the LG Camping Equipment. Bob Sinnott stated that he still returns to the argument that he sees no reason to combine these issues; they are entirely separate parcels with separate issues and set of facts.

Supervisor Simmes stated that based on her previous conversation with Bob Sinnott she thought they were going to resolve this. She stated that she thought that he was going to speak to the residents in that area to prove to Mr. Chiraboga that if he took that south dock down that the residents would not come back at the Town and require him to take down the boathouse. Bob Sinnott replied that the problem with that is that they are under no obligation to concede any future rights without an affirmative action of good faith based on the law. He stated that the law is on their side which is reflected in the resolutions. He stated that there is no compelling reason for the residents to watch someone who has flaunted the law to not expect future actions which would cause them to regret making any concessions that they do not have to make. He stated that personally he does not see the need to agree beforehand to anything in the distant future when he has seen a year plus of inaction. He remembers clearly Mr. Chiraboga stating that he will stand his ground, in other words he will not budge. He stated that both the law of equity and the law of the letter show that the Town of Bolton should no longer be subsidizing the Thunderbird Motel. He stated that there is a value attached to someone using these rights that do not belong to them and that value is based on what the dock is worth. He feels that \$10,000-15,000 would not be unreasonable to attach to that. He stated that they have the right in their pleading to reach back 6 out of the 7 years that this has been an issue. Bob Sinnott stated that not only is he speaking up because he is a neighbor, but he is speaking on behalf of the Town to stop this flaunting of the law. He stated that he is asking the TB to move forward with the resolution that stands and give Counsel Muller the authority to move forward.

Mr. Chiraboga stated that standing his ground to him means being true to your own principals and standards to hold your ground when you believe that what you are doing is right. He calls that integrity which must be balanced by humility. He stated that he doesn't feel that the Town has failed and the Thunderbird certainly has not flaunted anything. He feels the Town has moved cautiously. He provided some case law to Counsel Muller which indicates years and dozens of attorneys, as experts, deciding something, changing their minds and then changing their minds again because it is not an easy issue.

When considering these docks and the rights of the Town, Mr. Chiraboga stated that everything has to be looked at in context. He feels that the Town has moved cautiously to make a decision based upon the facts. The survey was just completed and that is just the time it takes sometimes. He has just come across this case law and now he is looking to interpret it. He stated that Counsel Muller has reviewed the case law and has advised that he seek his own private Counsel. He stated that he feels the case law speaks in their favor in this context. He stated that if this does go to court it will be the Town's money

and his family's money paying for this. He feels that the Town is being pressured into spending its money to fight something that he feels could be resolved by the parties involved.

Mr. Chiraboga stated that he will be submitting a letter to the TB in response to Counsel Muller's response to the case law provided; he also plans to seek legal counsel to assist him in interpretation of the case law as it applies to this issue.

Shawn Thomson asked how long the docks have been in place on Town land. Mr. Chiraboga replied that the south dock has been there at least 25 years and the boathouse is approaching 100 years.

Robert Nemer, 36 Lower Brereton Rd., stated that he agrees with Bob Sinnott presentation of facts. He stated that this Board made a decision a long time ago. In his mind when a decision is made you are to stand by your decision. Not standing behind that decision can show a sign of weakness. Having lived here for 31 years, he has had to come before the Boards for one thing or another, everyone was very cooperative, a decision was made and everything moved forward. He stated that if something was not adhered to on his part as a result of that decision, and it is was brought to his attention he would have to make good on it. He is asking the TB to respect the decision that they made and follow through with it as they would normally.

Supervisor Simmes stated that they are in the midst of a solution for the LG Camping Equipment problem. She asked Counsel if it would be possible to propose something similar for the Thunderbird. Counsel replied yes. Supervisor Simmes stated that she would like to discuss that in Executive Session tonight if the Board would agree.

Councilmember Rehm asked if they were ready to litigate this matter. Counsel replied yes, but he would like to update the litigation papers. Counsel stated that he is concerned slightly with some of the discussion that has occurred. He felt they were in a different place. He felt that they could come to the solution that the dock would be removed but the boathouse would no longer be an issue with the neighboring residences and an agreement would be signed to that effect. Counsel explained some of the case law that Mr. Chiraboga provided to him. He stated that overall his interpretation is that it was decided that the adjoining property owner has the riparian rights of the water over that land, in this case, it would be the Town based on the facts and survey. He was hoping that all parties would come to an agreement and sign a stipulation which would include removal of the small dock and to leave the boat house alone. He stated that he has advised that Mr. Chiraboga obtain private counsel for an interpretation if it should be different than his.

Councilmember Rehm stated that she is not in favor of the Town spending dollars that are not necessary to spend. She stated that she was also under the impression that this was going to be resolved with the removal of the south dock and the Town would not take issue with the boathouse and that is what Resolution #101 says. She stated that if this cannot be resolved then she agrees with Mr. Sinnott that they should follow-through to the next step.

Supervisor Simmes asked Bob Sinnott if he was backing out of the position that was earlier stated that the boathouse would be left alone. Bob Sinnott replied no, but he stated that he would not agree to that until there was some action. He added that there was also a stipulation that as long as the boathouse was operated in a manner consistent with current permission. He stated that he asked for everything to

be removed, but Resolution #101 gave him everything that he was looking for. All he wanted was removal of the encroaching dock and Councilmember Rehm did a great job in slicing off the right amount to make it reasonable for him to accept. He stated that he has not asked for anything more since then. He stated that he has reviewed all the minutes since that resolution and he cannot find any record that included any request for the removal of the boathouse. He stated that the only time the boathouse was mentioned was the fact that it lies completely in the riparian area. However, he does request that the boathouse be operated in the manner in which it has a permit. Supervisor Simmes asked if he was saying that it is not being operated in that manner. Bob Sinnott replied that he has seen it not operated in that manner. The permit states that the boathouse is to be used by guests of the motel and the north side of the property is where the marina is. If the boathouse is operated in that manner then he would have no argument.

Councilman MacEwan asked Mr. Chiraboga if that is something that he could live with. Mr. Chiraboga replied that Counsel Muller was very accurate and humble in his proposal. He advised him to meet with his own counsel. He asked how many neighbors would need to sign the stipulation to make it valid and what would stop someone else from challenging him in the future. He stated he thought that since the Town owns the property it is their decision in how to proceed with the use of their space. He stated that he would like to have an opportunity to meet with his counsel before they come to a resolution on this. Counsel suggested that they allow Mr. Chiraboga to meet with the TB and his lawyer. Councilman MacEwan stated that he is not sure how much they will accomplish by going into Executive Session to talk about this. Supervisor Simmes asked if the Board would like to table it for a month. Councilman MacEwan stated that he is not going to change his vote and they did authorize Counsel to proceed. He stated that he doesn't like the idea of spending money by going to court, but he is not sure if they can even come to an agreement. He respects that Mr. Chiraboga needs to seek legal counsel with this new information but feels that it could be done in a certain time frame. Counsel asked if he could meet with his counsel, Supervisor Simmes and possibly other Board members to discuss this issue before the next TB meeting. Mr. Chiraboga replied yes. Councilman MacEwan asked if they even need a motion. Counsel stated that it was not necessary; they can meet before the next meeting and come back with a report of their next steps at the June TB meeting. He stated that all of the paperwork was litigation papers and were all set so that if necessary they can proceed to the next step.

Councilmember Rehm stated that she thought Councilman MacEwan was leading to a re-affirmation of their original motion. Counsel stated that they could do that. Councilmember Rehm stated that she would hold off to the June meeting for the authorization of proceeding forward to allow time for Mr. Chiraboga to meet with his lawyer and the Town to resolve this issue. Councilman MacEwan agreed. Councilmember Rehm stated that by the June meeting there shall be a resolution to the matter or they will be going to court.

RESOLUTION #88

Councilman MacEwan moved, seconded by Councilmember Rehm to re-affirm their original action taken by Resolutions #101 and 120. Supervisor Simmes opposed. Councilman Saris abstained. All others in Favor. Motion Carried.

· Pam Morin - North Warren Chamber of Commerce in Chestertown.

Pam Morin stated that in celebration of the 400th anniversary of the exploration of the Hudson River and Lake Champlain by Samuel B. Champlain and Henry Hudson, she has started a project under the North

Warren Chamber. She has contacted counties, towns and villages from Albany to Essex to create a sister piece. She stated that have a beautiful boaters' map which goes from Manhattan to Albany that is in its fourth publication. She stated that she knows that the river goes past Albany so the idea is to create a sister piece as a souvenir for schools, libraries and tourism teaching tool. She stated that a unique part of Warren County is that the Hudson goes thorough the middle of the County and touches all of the townships including Bolton Landing through the watersheds and a trickle down effect into their tributaries. She stated that this will eventually be a tourism piece and a supplier piece of the outfitters along the river. She stated that they are seeking to have publication by September 1st to go to the Legacy Event in Crown Point on September 19th and into the schools October 1st. She stated that she is requesting participation in becoming partners in this project. The donation made by partners is \$3,000 which would help in the printing. She stated that she spoke at the Quad Commission last week which stirred a lot of interest because their focus has been Albany down so it was a good shot at shining some attention to the north of Albany. She stated that this is also reaching towards the County Bi-centennial which is in 2013. She stated that their map will show all of the tributaries that feed into the Hudson River. She stated that Hague, Bolton and Lake George because of the Lake to Locks loop will have a separate insert in the map.

Supervisor Simmes asked if there was a deadline to sign on as a partner. Pam Morin replied for additional partners they are going up to August 15th. This will determine how many they can order from the printer.

ANNOUNCEMENTS

- Route 9N mill & fill is due to begin the end of June. DOT will be working at the north end of town. Project completion date is June of 2010.

- The UDAG committee has met twice. They are developing their mission statement and guidelines for potential applicants

- WC DPW will be paving North Bolton Rd .the week of June 15th

- The Water Department will be flushing hydrants the week of May 11th.

- We are obtaining a permit again to control the geese in Veterans Park

Supervisor Simmes stated that they have purchased 550' of green snow fence that will be along the beach before the summer gets going to try and keep the geese off the grass area and would also help to trap them.

- We have had the closing on one parcel of water district property and received a check in the amount of \$219,811 from Mr. Streigel. The other closing will take place shortly. Supervisor Simmes stated that she and Dave Rosebrook have talked to Mr. Streigel and she feels he now better understands his deed.

- Chips(Consolidated Local Street & Highway Improvement Program) funding from NYS DOT for this year is \$90,077

- There will be a seminar on compliance with the NYS Labor Law on May 14th at the Howard Johnson's in Lake George. Must RSVP by May 8th.

- LGA is looking for volunteers for monitoring turtles in Lake George. A training session will be held Friday, May 15th from 6 to 8 p.m. at the LGA building in LG.

ZONING MATTERS

- Timothy Harrington: Counsel has drawn up stipulation agreement

Supervisor Simmes stated that all TB members should have a copy of the draft stipulation agreement drawn up by Counsel. Counsel stated that the stipulation is based on the PB and ZBA requirements and goes back to the original resolution of the PB which dates back to 1993. He stated that the current TB seemed to be in agreement to not require more planting and to allow the current growth in the no-

development zone and scenic corridor to progress naturally. He continued that they also agreed that Mr. Harrington could cut but he would need to come to the PB with a cutting plan/re-planting plan. He stated that this stipulation would resolve this matter and currently this is in Mr. Harrington's hands. He stated that if Mr. Harrington agrees then he would record this stipulation in the WC Clerk's Office so that subsequent owners would be bound by this.

· Harold Raven: As of April 7th he is preparing drawings for review
Counsel stated that he has not seen any drawings but he was advised by Mr. Raven's Counsel, Ben Pratt that they were proposing to reduce the decking to non-jurisdictional size. Councilmember Rehm stated that in February 2008 the TB decided that the decks would have to be removed and it has been 13 months since that time for Mr. Raven to submit remediation plans. She feels that they have been more than reasonable. Counsel agreed.

RESOLUTION #90

Zoning Violation – Harold Raven

Motion by Councilmember Rehm, seconded by Councilman Maranville that in keeping with the February 6, 2008 Resolution #31 the Town Board moved that the decks were to be removed. We need to reaffirm if he hasn't submitted an approvable plan for remediation by June 2, 2009 that we will proceed for immediate removal. All in Favor. Motion Carried.

- APA project order and permit for NYS DOT and 9N mill & fill
- Elmer Clark: moving forward
- Janet Lehman: She has until June 30th to remediate the situation.
- Bell Pt. Shores: They have until May 30th for remediation.
- Rosamond Clarke septic (Board of Health issue)

RESOLUTION #91

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

Mitzi Nittmann stated that Rosamond Clarke had a notice of violation in 2007 for expanding a non-conforming structure and re-furbish their septic system with no permits. She stated that the septic did not meet any of their criteria for separation distances. She stated that they noticed Ms Clarke and had a meeting with Mike Stafford and things were supposed to be moving along. However, this has sat in Mr. Stafford's office for a year with nothing happening. Mitzi Nittmann stated that Rosamond Clarke is deceased and she has been talking with the daughters. They are aware that they have been using an illegal system for 2 summers and if they do not move along she was going to have to go to the TB for further action. She stated that this has gone to Jeff Tennent who has hired Engineer Tom Jarrett and they have submitted a proposal to Engineer Tom Nace. However, there were 12 issues with the most important issue being dealing with the separation from a well. The other issues were engineering details that needed to be addressed. She asked if they want to allow the Clarkes to use it again for the summer or would they like to proceed with a different action? She suggested that they could remove the baffle and turn it into a holding tank with regularly scheduled pump-outs. She stated that both Tom Nace and Tom Jarrett did not feel that this would be unreasonable to ask the Clarkes until they could get approvals for an alternative system, which might not be installed until late summer or fall.

Councilman Saris stated that this is a potential health issue and he feels that it should be addressed

quickly. He stated that they have an obligation to protect the health and welfare of the surrounding property owners and users of this common well.

Supervisor Simmes stated that if they approve the request to convert it to a holding tank how can they be sure that they are complying. Mitzi Nittmann stated that they would have to set up an alarm system that would let them know that they were getting near full capacity and to have it pumped. It also has an emergency shut-off, so if it is not pumped the water turns off so that no more water can enter into the tank.

Councilman Maranville asked if they knew how often it would need to get pumped out. Mitzi Nittmann stated that it is based upon the capacity of the tank itself. They are aware that this could be a permanent system if an alternative system cannot be approved. They have also been made aware to conserve water where and when they can. Supervisor Simmes asked if they should give them a timeline for the application. Counsel stated that they could do that. Councilman Saris stated that the expense and inconvenience of having this constantly pumped out would motivate them to get this done and does not feel they need to set a time limit for an alternative system. However he would like a timeline for the implementation of the holding tank to be before the residence gets used this season.

RESOLUTION #92

Notice of Violation – Rosamond Clarke

Motion made by Councilman Saris, seconded by Councilmember Rehm that they should follow the advice of the two engineers and require the existing septic tank be plugged and converted into a septic holding tank with the proper safeguards installed prior to any 2009 summer occupancy and remain that way until a proposal is submitted and approved. All in Favor. Motion Carried.

RESOLUTION #93

Councilmember Rehm moved, seconded by Councilman Maranville to close their meeting as the Board of Health and reconvene in the regular session. All in Favor. Motion Carried.

CORRESPONDENCE

- Trident Insurance letter to Linda Baker. Insurance does not cover the damage to her car.
- WC DPW increased maintenance fee for County fuel system users. Raised from 6 cents to 16 cents per gallon. This raise is for maintenance and upgrade of the fuel systems.
- 2010 Census will be conducted between April and July of this year.
- Sally Defty letter: She feels we should use the UDAG funds to bury the electric lines in the hamlet.
- Willie Bea McDonald letter with concerns about Bixby Beach. Supervisor Simmes stated that she has been talking with the Parks Department about some of those improvements.
- Time Warner notification of possible changes
- Lake George Watershed Conference is set for May 26th at Roaring Brook Resort. If interested there is a packet in each Board members' box.
- APA project notice for 7 lot subdivision on S. Trout Lake Road for Saverio Ruffolo.
- Kelly Bishop letter concerning weight restrictions for N. Bolton Road & Church Hill Road. The County DPW has replied to her request.
- Art Baker is applying for renewal of his Liquor License for Michael Arthur's.

COMMITTEE REPORTS

Councilman Saris

Town Clerk- Total Local Shares remitted- \$14,005.20 Total non-local revenue- \$232.21 Total State, County and Local Revenues \$14,237.41.

Councilmember Rehm

Library- There has been an extremely high use of video and DVD's with over 4,000 in the month of March. This is a great amenity to have in the community.

Recreation Dept- The schedule for the month of May is out. They will be closing by early June in preparation for the summer. The summer program sign-ups are under way. The summer calendar of events will be out by the second week of June.

Rescue Squad- They are moving ahead to cover the 6 am to 6pm weekdays with paid staff starting in June and they do expect to have all their ducks in a row and be back here with a budget request from the Town for approximately \$25,000. The Fire Company banquet is this Saturday which they do for all of the volunteers.

Maranville

Assessor- they have been busy with valuing properties that were inspected during January and February. Based on the assessment change notices, they inspected and revalued 235 properties in that time period. The tentative roll was delivered on April 22nd to the County for processing. As reported in February and March the State needs a resolution of support from the Town Board that the Towns of Bolton and Lake George wish to move ahead with the re-valuation project for the 2010 assessment roll. The Town of Lake George passed a resolution of support last month. He feels that to best maintain the assessment equity in the Towns of Bolton and Lake George was to move forward with it. During April representatives from the Office of Real Property Services came to Bolton and installed 2009 software on his computer. He has not heard from the State with regard to portion of taxes they owe for Norowal Marina. He will continue to press the State for the untimely handling of this matter. On April 28th he attended the monthly meeting of the WC Assessors.

Police- Patrolled 3,306 miles and used 253 gallons of fuel. A detailed list of all the calls answered is available for review.

Justice- Hon. Harry Demarest took in \$4,625 and Hon. Ed Stewart took in \$2,705. Total monies forwarded to the Town of Bolton - \$7,330. Itemized lists are located in the Court.

Councilman Maranville asked for a moment of silence for a former Lake Luzerne student who was critically injured after being hit by a car.

MacEwan

Water Department- 4,654,000 gallons of water filtered. The pond level is over the spillway. It has been a busy month since John Perry is still recovering from back surgery and is currently undergoing physical therapy. The monthly bacterial samples came back satisfactory. There was a leak in the service line going down to Mike Elliot's house and two other homes but it was repaired by Scott Ford. The emergency generator was serviced this month and Tom Torebka turned on numerous service lines that were shut off for the winter. With the help of Luke Dague he read water meters this month. Hydrants are scheduled to

be flushed the week of May 11th.

SUPERVISOR'S REPORT

Receipts: \$363,218.30 Disbursements \$547,285.63

The Brook Hill Development escrow account has finally been closed out. \$300 to Muller & Mannix and \$13,454.10 to Brook Hill Development.

Sales Tax check this quarter is \$476,084.63. This is down \$39,021.78 from last year. Even though the figure is down the total amount collected so far is higher than for the same period for the years '05, '06 and '07.

OLD BUSINESS

· Open bids for Town Hall shingle replacement

Pat Steele opened the following bids:

- 1) Adirondack Roofing, LLC for \$45,000 and
- 2) David Jablonski Construction Corp for \$56,565.00.

· Lake George Association request for contribution toward the floating classroom vessel

Councilmember Rehm stated that this is a great program that will benefit local community as well as students throughout the North Country. The LGA is a great not-for-profit partner of the Town of Bolton.

RESOLUTION #94

Supervisor Simmes moved, seconded by Councilmember Rehm to contribute \$10,000 to the LGA for their floating classroom. All in Favor. Motion Carried.

NEW BUSINESS

· Go out to bid for new boilers for the Town Hall.

Supervisor Simmes stated that Counsel has looked over the booklet of specifications to be sure that everything is in order. She stated that she would like a motion to go out to bid. She stated that bids would need to be back by May 26th.

RESOLUTION #95

Councilmember Rehm moved, seconded by Councilman Saris to go out to public bid to replace the boilers in the Town Hall, with the bids to be returned by May 26th before noon. All in Favor. Motion Carried.

· Discuss new sign for the Chamber. It is on Town property at Rogers Park.

Supervisor Simmes stated that the sign is being put in the same place as the current sign. Councilman Maranville asked if there were any issues with the sign going in here. Counsel stated that the PB did approve the sign with conditions. Supervisor Simmes read the conditions of approval granted by the PB. Councilman Maranville asked what colors they would use for the LED portion of the sign. Sue Wilson stated that they did not specify which colors they just stated that they would not use red. Supervisor Simmes stated that their sign will only be stationary letters. Sue Wilson stated that the sign has the potential to scroll if there is more information than what can fit on that screen.

Councilman Saris stated that since this is on Town property we could be receiving a lot of complaints and asked if they could ask the Chamber not to use the LED portion of the sign. Counsel stated that according to the approval the applicant has a year to try out the LED portion of the sign. He stated that some commercial applicants have asked for this type of sign and it has been denied. However in this case this is more of a public event/notice. Counsel explained what the applicant presented at the PB meeting. He stated that originally the design was different than the rendering but what was approved was to be exact to the rendering with dimensions.

Councilman Saris stated that he understands the difference between the private and public use of such a sign but an eyesore is an eyesore if it were to be one. Counsel stated that the Town is the owner of that property and they can decide if this is not where they want the sign to go. Councilmember Rehm stated that the PB granted permission but feels that a year may be too long to wait until it is reviewed especially if it is not well received. She asked if the TB could rescind the permission in the middle of July if they are receiving a ton of complaints. Counsel replied yes. Supervisor Simmes stated they are spending a fortune on this sign and does not feel that it would be fair to ask them to take it down in the middle of the summer. Councilmember Rehm asked if Pam Kenyon and Mitzi Nittmann were satisfied especially since the new zoning ordinance will address signage in greater detail and asked if this proposed sign will meet any of the proposed criteria. Mitzi Nittmann stated that this sign will not meet any of the criteria and they are hoping for more exterior lit signs for businesses and public use. Councilman Saris asked if the School went through site plan review for its sign. Counsel replied no, the Commissioner of Education signed off on that.

Councilman Maranville asked if any neighboring property owners had any response to this. Counsel replied that the PB meeting was not a public hearing. Councilman Maranville stated that he felt that it would be nice to have a public hearing because it would be nice to hear about concerns before this sign is put in place. He asked if there were any complaints. Counsel stated that this was not a public hearing but if the TB feels that they want to give notice they could do that. Councilman Maranville stated that the first people that he thinks of are the Neuffers and he would like to see what they have to say. Counsel stated that this is an \$11,000 investment and he does not want to mislead them. He stated that if they would like to notice the neighbors within 500' they should do so quickly. Councilman Saris stated that he agreed with Councilman Maranville but would take it one step further because this is public property and it matters what it looks like to everyone.

RESOLUTION #96

Councilman Maranville moved, seconded by Councilman MacEwan to hold a public informational meeting regarding the new Chamber sign at the June 2, 2009 TB meeting. All in Favor. Motion Carried.

- Discuss if we want to change the name of Bixby Beach Rd. to Bixby Road

Supervisor Simmes stated that these areas really do not have beaches and if you call it a beach it should have lifeguards, bathrooms, etc. She feels that they need to change their ordinance to reflect this.

Councilmember Rehm stated that they are really just extensions of a public road. Supervisor Simmes asked what it takes to change the name from Bixby Beach Road to just Bixby Road. She stated that no one lives on it and uses it as an address. Counsel stated that he would draft something.

- Amend by Resolution Ordinance #38 "Regulation of Parks and Beaches in the Town of Bolton. That SMOKING OF CIGARETTES, CIGARS AND PIPES OR CHEWING OF TOBACCO PRODUCTS IS NOT ALLOWED IN VETERANS OR ROGERS PARK BEACHES.

Counsel asked what kind of enforcement or consequence will follow if this is violated. Councilmember Rehm stated that if there are other violations of park rules they are asked to leave. Supervisor Simmes stated that every violation of this ordinance shall constitute an offense as defined by section 10.00 the penal law fine of not more than \$50. Counsel asked who enforces this. Councilmember Rehm stated the lifeguard.

Mitzi Nittmann stated that she feels that the enforcement could be tricky especially when dealing with a young lifeguard handling such a matter. She stated that she would like to propose that instead of making a law that is hard to enforce that they designate a smoking area. Supervisor Simmes stated that they can smoke anywhere else in the park. Mitzi Nittmann stated that they could post signs that would indicate a particular area. Councilmember Rehm stated that she appreciates the idea but she feels that they are still going to be dealing with the lifeguards having to enforce the issue. Councilman Saris suggested that they not use lifeguards for enforcement. They certainly could indicate that there is no smoking but feels that, if necessary, the enforcement should be done by the police department. With regard to a designated smoking area, Councilman Saris stated that would only be important if they were trying to make the entire park smoke-free.

Counsel stated that he would draft something for the next meeting.

- Resolution to designate the Town of Bolton as lead agency for the upgrades to the existing municipal wastewater treatment plant.

RESOLUTION #97

Councilmember Rehm offered the following resolution seconded by Councilman Maranville.

WHEREAS, the Town of Bolton proposes to upgrade the existing municipal wastewater treatment plant (WWTP) under the NYS Green Innovation Grant Program (GIGP), and as detailed in the April, 2009 "Town of Bolton, Warren County, Wastewater Treatment Plant Improvements – Green Innovation Grant Program" plans, copy of which is held in the Town Clerk's office, and

WHEREAS, the State of New York requires an environmental review of such projects;

THEREFORE, BE IT RESOLVED, that the Town of Bolton does hereby designated itself as lead agency as required by the State Environmental Quality Review Act and shall by this act commence the required review. All in Favor. Motion Carried.

- Resolution to recommend to the Warren County Planning Board of Supervisor's the appointment of Paul Gollhofer to the Warren County Planning Board.

RESOLUTION #98

Councilman Maranville moved, seconded by Councilman MacEwan to recommend to the Warren County Planning Board of Supervisors the appointment of Paul Gollhofer to the Warren County Planning Board. All in Favor. Motion Carried.

- Resolution that the Town Board of the Town of Bolton supports the efforts of Assessor, David L. Rosebrook in updating the 2010 assessment roll and to maintain said roll at full market value; and that the board will allocate sufficient resources for staff and services to complete the project. The Board

further requests that the State Office of Real Property Services and the County Office of Real Property Services provide the assistance that is normally afforded to projects of this nature.

RESOLUTION #99

Councilmember Rehm moved, seconded by Councilman Maranville to support the efforts of Assessor, David L. Rosebrook in updating the 2010 assessment roll and to maintain said roll at full market value; and that the board will allocate sufficient resources for staff and services to complete the project. The Board further requests that the State Office of Real Property Services and the County Office of Real Property Services provide the assistance that is normally afforded to projects of this nature. All in Favor. Motion Carried.

- Audit performed by Deanne Rehm for Supervisor's office.

Councilmember Rehm stated that she would like to propose to set aside some funds in 2010 to have some audit control personnel to review their accounts as a cross check. She stated that New York State no longer does any auditing and she feels that they need to do a better job to make sure that everything is in check.

Councilmember Rehm stated that she found the Supervisor's records to be in order and had a few recommendations:

- 1) That the quarterly water and sewer billing statements be included so the TB can be kept up to date. She stated that surprisingly the amounts are down this year and she would like to know what is being billed.

- 2) That Donna Boggs be given some additional help in the late summer to get the inventory records up to date. There is supposed to be a physical record of all of the Town's assets on file every year and their insurance company needs that as well.

Councilmember Rehm stated that otherwise she found the records to be in order and recommended approval of the Supervisor's books for 2008.

Councilman Maranville asked when the last audit was done. Councilmember Rehm stated that she could not recall. She stated that there needs to be a requirement. An audit used to be required if the Town got more than \$25,000 grant money in a year. That amount has been increased to \$500,000 for Federal money. She asked if they get a certain amount of money set aside in a State grant to engage an auditor to examine the books. She stated that is fine that they do it each year but feels that it really should be looked at by a professional auditor.

- Street sign replacement

Supervisor Simmes stated that she does not like the brown and yellow street signs in downtown and looked at the street signs that are in Lake George. She contacted the individual who created those signs and he stated that he installed those about 7 years ago at a cost of \$700/sign. She stated that she contacted a sign maker in Bolton but it was not any cheaper. She stated that she wanted to have authorization to move forward with this proposal to get permission to even put these signs up. She stated that she has already talked to Jim Palazzo and he has no problem with something like this going in but she is not sure about Goodman Avenue, Stewart Avenue or Sagamore Road. Councilman MacEwan stated that he felt it was a good idea for directory purposes. Supervisor Simmes agreed. She stated that they could also put private businesses on the signs as well, but they would ask for a contribution towards the sign. Councilmember Rehm stated that her only concern would be that they have adequate space to put the signs and they don't interfere with lines of sight or pedestrian traffic. Supervisor Simmes agreed. The TB agreed to allow Supervisor Simmes to move forward with this proposal.

- Discuss Tim Coon's rental of an excavator. We have three prices. He will need the excavator for 4 to 5 months. When finished with Wall St. he will move to New Vermont Rd. and culvert work on Hendricks Road.

Supervisor Simmes stated that one of the bids includes oil which Tim says is a big deal with regard to price. Councilman Saris stated that sometimes this equipment sits longer in certain places and feels that they could be more efficient with their use of the equipment if they could get it moved quickly.

Councilmember Rehm agreed.

Councilman Saris asked if they need to rent it for such a long period of time. He asked if they could rent it for that particular area, then when the work is done send it back until they are ready to start the next project. Councilmember Rehm stated that the money needs to be properly used and that could be a solution to cut cost even though it may not be as practical in the day to day operation. Councilman Saris stated that it is \$4,000/month to rent this equipment. Supervisor Simmes stated that they really need to get going on the work and asked if they would be willing to allow rental for one month. She stated that Mr. Coon would not be able to rent it until they are ready to start the project and he would have only one month and they could see how much work he can get done in that time frame. There was further discussion of the options. Supervisor Simmes stated that she would contact the three vendors and ask more questions. She asked if they would authorize her to make a decision to rent the equipment for one month if she can find the right price. The TB agreed.

· Middleton Bridge options.

Supervisor Simmes stated that there were 3 options 1) remove and do not replace, which would cost the County \$110,000, 2) remove and replace the bridge in the existing place, which would have cost the County \$84,500 out of their \$1,695,000 project and 3) remove and replace in a new location which is 2.5 miles north of County Route 11 which will cost the County \$157,000 out of their \$3,140,000. The County decided to go with option 3 because of the Town of Horicon. They will benefit greatly by cutting down on their time with school bus, emergencies and plowing. She stated that they have some hoops to jump through because part of the project is on State land and they will need to change legislation to do this.

Councilmember Rehm asked if the Rock Body truck was done yet. Donna Boggs stated that they have not seen a bill yet and knows that it is still being built.

PUBLIC IN ATTENDANCE OR BOARD MEMBERS

Zandy Gabriels stated that he would like to suggest that the Town spend the \$3000 to become a partner for the North Warren Chamber of Commerce project for the Hudson River. Supervisor Simmes stated that she didn't know that they were affected by the Hudson River until she heard that they were linked through the tributaries. Zandy Gabriels stated that this could be a perfect use of bed tax money to continue to promote upstate New York, Warren County and Bolton Landing. Supervisor Simmes stated that they would make a decision on this next month.

Zandy Gabriels asked how many Bolton students participated in the LGA floating classroom last year. Supervisor Simmes replied that Bolton students for the past few years have participated in the RPI program. Zandy Gabriels asked if the floating classroom will be meeting the students here in Town or will the students have to go to the boat. Councilman Maranville stated that the students meet the boat. Zandy Gabriels stated that there is no cost savings to the LGA program. He stated that he loves the LGA, it is a great not-for-profit, but he asked if they have looked at their balance sheet. The only reason they are doing this is because they bought a \$200,000 boat. The Town is spending taxpayer dollars and asked where it will stop with not-for-profit organizations coming in for money. Mr. Gabriels added "The camel's nose is under the tent".

PAY BILLS

RESOLUTION #100

Councilmember Rehm moved, seconded by Councilman Maranville to approve payment of the following

bills:

General \$42,377.43

Light 4,079.33

Highway 20,120.25

Water 18,499.74

Sewer 8,356.69

Tourism 4,999.12

Rogers Park Docks 8,750.00

All in Favor. Motion Carried.

TRANSFERS

RESOLUTION #101

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

FROM TO AMOUNT

General Fund:

14104 Town Clerk Contractual 14102 Town Clerk Equipment \$400.00

19904 Contingency 86874 Hamlet Sustainability 9,100.00

Sewer

81304 Treatment 81302 Treatment 300.00

Transfer from General for May \$15,000.00

All in Favor. Motion Carried.

EXECUTIVE SESSION

RESOLUTION #102

Councilman Maranville moved, seconded by Councilman MacEwan to enter into Executive Session at 9:40 PM. All in Favor. Motion Carried.

Supervisor Simmes adjourned to regular session at 10:10pm.

Supervisor Simmes stated that since John Perry has been out and intends to be out a quite a bit longer they feel that there is a need to get someone on board in the Water Department because Tom Torebka is within a few years of retiring. The TB has decided that Justin Harvanek from the Parks Department has shown an interest that he would like to better himself and decided to move him up to the Water Department. Supervisor Simmes stated that Justin Harvanek will need to take a civil service exam. He will also have to get certified and take courses to become certified, but will have to work there for a year before he can become certified. The position is only open to Bolton residents since they need to be able to respond quickly in emergencies.

The TB has also decided to make Ray Chamberlain from the Parks Department a full-time employee.

Councilman Saris suggested that they attach the normal probationary period to Justin Harvanek.

Supervisor Simmes agreed.

RESOLUTION #103

Councilman MacEwan moved, seconded by Councilman Saris to promote Justin Harvanek to the Water Department at an hourly rate of \$13.00/hour, with probation period of 6 months effective Monday, May 11, 2009 and to make Ray Chamberlain a full-time employee for the Parks Department, effective Monday May, 11, 2009. All in Favor. Motion Carried.

ADJOURN
RESOLUTION #104

Councilman MacEwan moved, seconded by Councilman Maranville to adjourn at 10:13 p.m. All in Favor.
Motion Carried.

Respectfully submitted by: Respectfully submitted by: Patricia Steele Kristen MacEwan Town Clerk
Recording Secretary