

Town Board- Minutes April 1, 2008

State of New York

Warren County

Town of Bolton

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

ABSENT: None

Meeting called to order 7:02 p.m.

PLEDGE: Councilman Maranville

Welcome everyone to the meeting

Announcements:

Notification from NYS DEC that we are recipients of a \$50,000 Smart Growth Grant. It will be used for a Sustainability Plan for the Hamlet of Bolton.

April 5th there will be a jack wax party at the Conservation Park Building. Bring a dish at 5:30 and we will serve at 6:00 pm. There will be music provided. A small donation will be requested to cover expenses. \$200 of bed tax funding would be appreciated to cover the expenses and we will return all donations that we receive.

There will be a meeting April 8th at 7:00 pm at Bolton Town Hall to discuss with constituents what roads will be on the agenda this year for road work

Bolton United/Bolton Cares Committee is hosting an Open Forum on Substance abuse at the Town Hall on April 2nd at 7:00 p.m.

PUBLIC HEARING:

1. To amend Ordinance #36 "Sanitary Sewage Disposal Ordinance of the Town of Bolton

Under Article II General Provision Section 2.010 Prohibited Acts.

Subsection B. Amend as follows:

It shall be unlawful for any person to cause to be discharged, within the Town, any sewage except by systems designed, installed, and approved in accordance with the requirements of this Ordinance. "The change is due because our ordinance states you can take it to the landfill."

Hearing open to public for comment. Close or leave open.

RESOLUTION #61

Councilmember Rehm moved, seconded by Councilman Saris to close the public hearing to amend Ordinance #36 "Sanitary Sewage Disposal Ordinance of the Town of Bolton under Article II General Provision Section 2.010 Prohibited Acts. Subsection B. All in Favor. Motion Carried.

RESOLUTION #62

Councilmember Rehm moved, seconded by Councilman Saris to amend Ordinance #36 "Sanitary Sewage Disposal Ordinance of the Town of Bolton

Under Article II General Provision Section 2.010 Prohibited Acts.

Subsection B. Amend as follows:

It shall be unlawful for any person to cause to be discharged, within the Town, any sewage except by systems designed, installed, and approved in accordance with the requirements of this Ordinance. "The change is due because our ordinance states you can take it to the landfill."

All in Favor. Motion Carried.

The next Public Hearing was left open for comments from the PB & ZBA on amendments to Chapter 125-5D "Stormwater and Erosion Control" Section 150-3C:"Subdivision of Land"; and Section 200-8C Zoning .Definitions provided within the NYS Uniform Fire Prevention and Building Code and the Energy Conservation Construction Code shall be available to supplement and assist in the application of the provisions of this Chapter wherever this Chapter shall fail to provide its own definition or meaning. In the event that local law, town code, town ordinance or zoning board of appeals interpretation defines, authorizes or provides a clear definition, stricter requirement, interpretation or specification, such town code, town ordinance or zoning board of appeals interpretation shall prevail. The ZBA has already commented. Both boards are in agreement that the Planning Office will use the latest edition of "Illustrated Book of Development Definitions: rather than the NYS Uniform Fire Prevention and Building Code and the Energy Conservation Construction Code.

Councilman Saris clarified to the public that if the Town is lacking a clear definition of something they will have another resource to fall back on to help them in finding a definition. He feels that it will not only be an asset to both the Zoning Office and Boards but will also be an asset to the general public because these are well accepted definitions.

Supervisor Simmes asked what our next steps should be to enact this amendment. Counsel replied that he will need to provide an updated version of the amendment to the APA because we are dealing with their approved land use ordinance. He would like the APA to review it and comment on it before we move

forward. If he can get the APA to comment on it before the next meeting the TB could be in a position to consider enacting it.

RESOLUTION #63:

Councilman MacEwan moved, seconded by Councilman Maranville to close the public hearing and take no action since the Planning Office will be using the latest edition of "Illustrated Book of Development Definitions". All in Favor. Motion Carried.

The public hearing on an amendment to Ordinance #36 "Sanitary Sewage Disposal Ordinance" under Article IV Pre-Existing Systems under Section 4.020 Major Repairs was also left open.

Counsel explained that this has been left open due to the new DOH requirements. He stated that he has been working on getting Bolton into compliance and has shared the information with P. Kenyon, M. Nittmann and Board members for their input. He can then take their input and comments and work on putting together a resolution. He stated that there isn't a lot of discussion on new construction because it requires a path of an engineered designed system and DOH is involved. However with replacement systems the Town will need to come up with a policy as to what constitutes a major repair and what doesn't. He stated that there is no change of how you handle variances on septic systems because before we can even grant a variance the policy emphasizes that the Town Engineer and DOH engineers need to look at it. He stated that DOH will then provide a waiver stating that the design passes their criteria. He stated that some areas are well defined but you have some policy decisions that we need to discuss. P. Kenyon stated she is hoping to have a meeting set up with Mike Shaw from the DOH next week to discuss some of these items and to assist us in a direction. Supervisor Simmes asked if you should close the public hearing and take no action. Counsel replied that they should wait to have the meeting with Mike Shaw to get him on board with what the Town plans on doing.

RESOLUTION #64:

Councilman Saris moved, seconded by Councilmember Rehm to close the public hearing and take no action on the amendments to the Sanitary Sewage Disposal Ordinance regarding Section 4.020. All in Favor. Motion Carried.

PUBLIC IN ATTENDANCE

Bolton Landing Marina presentation for the board's consideration.

Bob Sweeney representing Bolton Landing Marina stated that they are requesting a letter from the TB for an application that they have pending before the LGPC. He stated that over the summer the PB amended the site plan conditions for the Bolton Landing Marina to reflect operational conditions as they have evolved over the last 20 years. While modernizing their operational conditions they notified the LGPC that they needed to amend their permit conditions to be consistent with the Town. In doing so, the issue of parking was raised. The LGPC has requested that they obtain a letter from the Town that confirms that there are public municipal parking lots available and that they could be used if there were overflow from the site.

Supervisor Simmes asked if they could speak about the conditions for parking with regard to the LGPC permit. Dan Behan stated that they have 124 parking spots on site at the marina and one of the permit stipulations is that they not allow more than 100 boats in the water at one time, which is something they have always done. The LGPC guidelines state that they should provide one parking spot for every boat that is on site. He stated that this is tricky because they are allowed to have 191 boats in their facility and

only have 100 boats out at one time, but their guidelines still require 191 parking spots. He stated in the 22 years that they have been operational they have not had any problems with parking. Councilman MacEwan asked if we were just making a statement that public parking was available. Bob Sweeney replied yes and that the LGPC is not looking for it to be exclusive parking for marina users. Councilman Maranville asked if there would be boat trailers parked in the public lots. Dan Behan replied no. Councilmember Rehm asked if they were changing something or if this is always how they have operated. Bob Sweeney replied that there has been no physical change in the site. Councilman Saris recused himself since he is a neighboring property owner and he has already spoken to the LGPC in support of their application.

Counsel read the proper language for the letter to the LGPC. Counsel also indicated that when Bolton Landing Marina came before the PB both recently and in 1986 the minutes reflect that the Town parking lots are available for the marina's overflow use.

Ron Conover, 4323 Lake Shore Drive, commented that the Bolton Landing Marina keeps their property meticulous and much of what they clean up probably is not generated on their site. He continued that the marina allows their adjacent property owners to utilize their parking during the week when they don't have as much traffic. They also allow adjacent property owners to utilize their land areas for off-site truck unloading. He feels that they have been good stewards and neighbors in that area.

Councilmember Rehm stated that she noticed in correspondence that there was a letter from the marina about a quieter forklift and asked if that was part of the PB requirements or just a notice that they were doing it anyway. Dan Behan replied that it was a notice and a follow-up from their PB meeting. If they intended to get a quieter forklift the PB asked to be informed.

RESOLUTION #65:

Councilman Maranville moved, seconded by Councilman MacEwan to authorize the Supervisor to send a letter to the LGPC notifying them that public parking is available and can be utilized by Bolton Landing Marina. Councilman Saris abstained. All others in Favor. Motion Carried.

ZONING ISSUES

Ray Hensler: He is here for an Alternative Remedy for not having obtained a storm water permit. Property located on 1792 E. Schroon River Rd. Tax Map # 139.00-1-77. Discuss if a civil penalty is appropriate.

Counsel gave an overview of what has occurred and what is currently being done. He stated Mr. Hensler owns a 94.22 acre parcel of land which is situated in zoning districts, RIL3 and LC45. The property was inspected by the Code Enforcement Officer and she found that there was an excavation of an area that had a footprint of approximately 8,500 sq. ft. The excavation was undertaken by Mr. Hensler and Anton Cooper in an effort to clear a flat spot which would ultimately be an excellent place to put a large building. This has resulted not only in extraction of soil materials but it left slopes and grades that are not satisfactory. The violation falls under the stormwater and erosion control regulations, specifically that they did not obtain a permit for a minor stormwater project. He stated that the solution to the problem in terms of compliance is that they will need to review a major stormwater measurement presentation because in order to remedy the slopes and grades that were created it will require further land disturbance totaling over 15,000 sq. ft. He stated that although he, P. Kenyon and M. Nittmann have found resolution to the physical problem they make no recommendations as to the civil penalty and leave that to the TB's discretion. They have worked out a comprehensive agreement and the applicant and his expert are here to discuss how they plan to remediate this problem.

John Peck of JTP Environmental Consulting Inc., representing Ray Hensler gave a brief background on his work and experience. He stated that he came on board with Mr. Hensler when he and Mr. Cooper had excavated material to be used on another site. He had estimated that 3800 cubic yards had been removed and operation was shut down pending the development of a plan with a pre-development map and pre and post-development topographic map. He gave an overview of the map and plan for remediation. He stated that his plan has been submitted to the APA and will be submitted to the DEC once the TB and PB take action. He stated that they have already had Tom Nace review the plan and have modified their plan based on his suggestions and concerns and re-submitted the new plan for his review. He indicated that Mr. Hensler has already laid out a considerable amount of money to do this type of planning and to retain an engineer. He stated that he has assisted Mr. Hensler with obtaining a permit from the APA and he has submitted the reclamation plans to them as well. They developed a settlement agreement, which Mr. Hensler has signed. He stated that both DEC and APA will issue permits after they receive final approved copies from the Bolton PB. He offered that he could provide project oversight when the remediation begins to be sure that they are complying with the Town.

Councilman Saris asked if Mr. Hensler had gotten their minor stormwater permit for what was done, would any variances been required. P. Kenyon and Counsel replied no. Councilmember Rehm asked if it was on track to go before the PB after the TB acts. P. Kenyon replied that they will not go before the PB until T. Nace reviews it and signs off on it. Councilmember Rehm asked if the site was secure. M. Nittmann replied yes, the water does not run-off anywhere. John Peck stated that was his clients issue because although it technically meets the definition of minor stormwater project there is no significant environmental impact. Councilmember Rehm agreed that upon reading the APA after the fact enforcement action that they make no reference to there being any environmental damage.

Supervisor Simmes stated that the TB needs to discuss a civil penalty for not getting a stormwater permit. Counsel also indicated that they will need to allow Mr. Hensler to get into conformity with the code requirements. Supervisor Simmes stated that she feels that since Mr. Hensler has already been penalized he should not be penalized anymore. Mr. Hensler indicated that he has already paid approximately \$2,000 and he still owes more money. He stated all of this started because Anton Cooper asked him if he had some fill for another property, which he received no money for and now it has cost him a small fortune. Councilmember Rehm stated that it might seem reasonable to charge \$150.00 for failure to obtain a permit. She stated that the TB in past practice have applied this penalty to most individuals who have failed to receive a permit who would otherwise not need any variances. Councilman MacEwan asked if this fit into that category of civil penalty. Councilmember Rehm replied yes as best as it could. Councilman Saris agreed that it does fit in the regard that the project would not have required any further variances and usually they would impose a larger civil penalty if it required variances.

Supervisor Simmes commented that she disagrees with the assessment of a civil penalty. She feels that this is not the same situation of someone building a structure without a permit and not needing any variances. Councilmember Rehm agreed in part with the Supervisor, but stated that she is trying to be consistent with their assessing of civil penalties and feels that this best fits the situation.

RESOLUTION #66:

Councilman Saris moved, seconded by Councilman MacEwan to assess a \$150 civil penalty on Ray Hensler of 1792 E. Schroon Rive Rd. Tax Map # 139.00-1-77 to be paid to the Town Clerk within 30 days and require that said property be brought into compliance with the code based upon their presentation for remediation and the Planning Board's recommendation. Supervisor Simmes opposed. All others in Favor. Motion Carried.

Lehman barn removal: Has been sent to Supreme Court. We have not located Janet Lehman to serve the papers as of today.

Counsel stated that he has been in contact with individuals assisting in locating Mrs. Lehman. All of the papers are still at the Court but they are not able to perpetuate service. He stated that he would prefer personal service as opposed to a nail and mail and he is still working on it.

Smith encroachment on Town ROW: The Town of Bolton has been removed from the Nolan/Smith lawsuit. We still need to take action.

Rolf Ronning request for a zoning change at Westwood Forest West has been referred to the PB.

P. Kenyon stated that this will be on the PB agenda for May since R. Ronning failed to submit any information to her for the April deadline.

Harrington violation Town Counsel has started court proceedings ready for May's meeting.

Counsel indicated that they are in the process of having Mr. Harrington served.

Raven removal of decks: He has until April 6th. Nothing has taken place as of today regarding removal.

Counsel indicated that he has spoken with Ben Pratt, Mr. Raven's attorney, and he believes that they are not accepting the required removal of the decks to come into compliance. However, he has encouraged Ben Pratt to meet with P. Kenyon and M. Nittmann as to what they suggest as an alternative proposal with the Town.

Bob Sinnott regarding encroachment of Thunderbird on Town's riparian rights. Waiting for meeting with the owners of Thunderbird which will take place in April. Supervisor Simmes called again today and am waiting for a return call.

Bob Sinnott asked two questions, 1) has it been clearly established by law, of the magnitude of this encroachment and 2) having established the magnitude, would it be advisable to establish a remedy. Supervisor Simmes stated that once they have a meeting with Mr. Chiriboga they will be discussing these questions. Counsel stated that after Mr. Sinnott has described what he believes the encroachment is and using Mr. Chiriboga's map he wrote a letter to Mr. Chiriboga indicating the encroachment on municipal property. Since then Mr. Chiriboga has agreed to have a meeting which would indicate an acknowledgement. Mr. Sinnott stated that the reason he raised these questions is because of the magnitude. He stated that if the survey and what little he knows about the law are correct this is a substantial encroachment. Counsel stated that in terms of area he would agree with him. He continued that Mr. Chiriboga now knows the magnitude of the Town's concern and they need to get him to a meeting.

Crandall demolition has begun.

Counsel stated that Jeff Tennent began demolition. While getting into the demolition he discovered debris of garbage and household refuse that should not be covered over with soil. He indicated that he wanted to do the right thing and needed instructions from Counsel. Counsel stated that he recommended to Councilman Saris as Deputy Supervisor that the right thing was to authorize J. Tennent to remove and properly dispose of the debris in a lawful landfill and that they would deal with it as an extra and as a requirement of the Town's obligation. He stated that he is unaware of the additional cost, but indicated that this can be charged back to the land owner.

RESOLUTION #67:

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

BOARD OF HEALTH

Septic variance request:

Thomas & Doris Schweickert Parcel #156.00-2-11 Federal Hill Road

A 10' setback from the property line is required for the leach field: 2.9' is proposed from the edge of the Federal Hill Road ROW and 0' is proposed from the east property line.

Supervisor Simmes indicated that they are not present tonight because this will have to go before the Board of Health and Department of Health and it was on the agenda before they realized that there were new requirements. She indicated that there are letters in opposition but they will wait to read those until this comes before them again. Counsel explained that it will need to go through DOH first before they can review the variance request. P. Kenyon stated that the plan has been submitted to the DOH but has not been reviewed as of yet. Counsel stated that if after it is favorably reviewed by the DOH it will receive a waiver which will be submitted to P. Kenyon and then it will be appropriate for the TB to review it as the Town of Bolton Board of Health.

Candy Fischer septic violation. Present situation has been rectified, but a new system has apparently been installed without permits, that must be addressed.

Code Enforcement Officer M. Nittmann stated that this came about because a neighbor complained that there was septic effluent surfacing to the top and upon her investigation found that it was a steady flow. A notice of violation went out to Candy Fischer indicating that she needed to have the system repaired and to file the proper permits to do it. She indicated that since it was flowing that there may be a problem such as a toilet leaking or they were bleeding water into their septic from somewhere. She indicated that Candy Fischer repaired the toilet. She requested that she or P. Kenyon be present when the tank was pumped so that they could inspect the tank but the haulers never showed up. Candy Fischer indicated to P. Kenyon that there had been a new concrete tank installed and new laterals but they did not find any permits in the file for that work. She stated that although they have remedied the effluent surfacing, they are still dealing with the lack of permits for a major repair or new installation. Supervisor Simmes asked if she was ready for the TB to take action. M. Nittmann replied no not until she has the opportunity to meet with Candy Fischer to get more information about who did the work and what work was done. Councilman MacEwan asked if this was done as an emergency repair. M. Nittmann indicated that the effluent problem had been remedied with the repair of the toilet. P. Kenyon stated that Candy Fischer indicated that the system repair or replacement was completed about 4-5 years ago and was not done under emergency repair.

Rosamond Butler septic: Mrs. Butler has contacted the Planning office with notification that C. Gabriels will handle the remediation. A new plan will have to be submitted to TB for variance re-approval. They have until May 15th to submit.

RESOLUTION #68:

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

Correspondence

Encon letter congratulating the Town on receiving the Smart Growth grant and allowing us to move forward with our project without delay.

Tony Hall asked what the Smart Growth grant involved. Supervisor Simmes stated that it was for a sustainability program for the hamlet. She stated that she has a copy of the grant in her office if he wished to see the details.

RESOLUTION #69:

Councilmember Rehm moved, seconded by Councilman MacEwan to hire LA Group to administer the Smart Growth Grant in the amount of \$50,000 based on Counsel's approval of the contract. All in Favor. Motion Carried.

Time Warner notification of possible program changes.

Request for use of Dula Place parking lot for Block party fund raiser.

New letters regarding the condition of Wall St. from Richard Putnam, Dan Janssen, Mason Hamilton and the McNeill family.

DOT notification for transportation funding under SAFTEA-LU program.

APA project notice for construction of a single family dwelling in recreational river area for J. Trapp located on E. Schroon River Rd.

APA renewal permit for Wm. & Kira Greer for a single family dwelling located on E. Schroon River Rd.

Letter from Attorney for LG-POG requesting that the Zoning Revisions Committee prepare a "side by side" draft of the revisions making it easier for people to understand the changes.

Assembly letter requesting a resolution from the Town of Bolton endorsing the NYS Property Taxpayers Protection Act.

Public Sector Consultants LLC proposal for employee handbook \$5000 plus mileage expenses.

Bolton Landing Marina letter to PB regarding a quieter forklift that has been ordered.

Encon letter regarding a Woody Biomass Conference Tuesday May 13th at Tupper Lake.

DOT letter from the new Regional Director Brian Rowback. He is holding an open house on May 21st from 4 to 6 at Lake George Town Hall.

WC DPW letter to all Town Supervisors regarding recycling.

Villa Napoli and Ryefield Liquor license renewals.

Environmental Finance Center: Planning for the Long-Term Viability of our Community Systems seminar April 15th & 16th & 17th in Blue Mt. Lake.

Lake Champlain/LG Regional Planning Board: Economic Development Administration Performance Evaluation Results.

Dennis Murphy letter submitting his name to serve on the BLDC. BLDC will make a recommendation to the board.

Counsel correspondence to Thunderbird regarding a meeting

Counsel correspondence regarding new regs for DOH that pertain to Bolton

Letter from Judy Budner concerning Saddlebrook Subdivision

Proposal from Excel Engineering for three possible proposals for the Town Hall heating system.

Letters of complaint from T. Davis, and A. Davis and D. Railling concerning E. Schroon River Rd.

Letters concerning Finch Pruyn lands.

Supervisor Simmes explained that Dirk Bryant from the Nature Conservancy and Tom Martin from Encon came to see her about the lands they have purchased from Finch Pruyn. She gave an overview of the land using the map provided. She stated that NYS has acquired these tracts of land as forest preserve to provide additional public hunting and recreational opportunities and to help protect the Lake George Watershed. She stated that they are seeking a conservation easement which they intend to sell to NYS. She stated that they will come to the meeting next month and talk more about it. She stated that she understands that the money that NYS is going to use to buy this is from the Environmental Protection Fund and for that reason they are coming before the TB because the Town Board has the right to veto or accept it.

Old Business

The Conservation Park committee held their first meeting. They should have something to bring to the board at the May meeting.

Water District Appraisal still pending

Algonquin update

Councilman Saris stated that a meeting has been planned between Chet Dagles, Keith Scott and himself.

Town Hall heating system action.

Councilmember Rehm suggested that they send C.T. Male's proposal to Excel and Excel's proposal to C.T. Male to see what they think of each other's ideas and to see if anything is missing. Supervisor Simmes stated that she was not pleased with C.T. Male because upon their site visit they were not as thorough as Excel. Councilmember Rehm stated that she requested that Excel provide estimates for their three options from an operational standpoint and they provided that to Supervisor Simmes. She stated that

options 1 and 2 would be about the same in operating costs and option 3 would have a higher operating cost. Supervisor Simmes asked the TB members to provide any further questions to her so that she may have them answered for the next meeting.

Horicon Ave. site for water storage: Waiting to be able to walk on the property.

Schupp request for review of water district boundaries: Still needs to be researched.

New business

Possible Resolution to accept proposal from Public Sector for an Employee handbook
Cost \$5000.

Councilman Saris stated that this is to protect the Town employees and themselves and is the first step of many that they are going to be recommended to take. Supervisor Simmes requested that all Board members review this proposal so that we may make a decision next month.

Highland & Co.: The new heating system for the Health Center has been installed. The final step is to replace the air conditioning units on the outside of the building. Cost \$6745.

Supervisor Simmes gave a brief overview of the work that will be done. Councilman MacEwan asked if we have a maintenance program with Highland & Co. Supervisor Simmes replied yes.

RESOLUTION #70:

Councilman Maranville moved, seconded by Councilman MacEwan to replace the air conditioning units on the outside of the Health Center building for \$6745.00 to be paid from the Health Center Contractual .4 account. All in Favor. Motion Carried.

Due to a glitch in the tax collection program a bill sent to a customer did not contain all the correct info regarding penalties. Supervisor Simmes is requesting for the board's consideration that we dispense with the \$28.77 March penalty figure, since the customer sent what we said he owed. Customer's name is Michael Barbieri; property location is 7 Hondah Loop. Tax Map #171.15-3-10.

RESOLUTION #71:

Councilmember Rehm moved, seconded by Councilman Maranville to relieve Michael Barbieri of 7 Hondah Loop, tax map # 171.15-3-10 of the \$28.77 tax penalty since it was the Town's error. All in Favor. Motion Carried.

Committee Reports

Councilman Saris-

Town Clerk- Total local shares- \$9,185.05, non-local revenue- \$34.20, Total State, County and Local revenue- \$9,219.25.

Sewer Dept- Took in 8,228,780 gallons of waste water for an average of 265,445 gallons per day. The new generator for the plant is on line. There was 23,000 gallons of liquid sludge hauled away. They are

re-doing their clarifier, one side is almost done and they are using a lot of composite material so that rust will not be a big issue. Chet Dagles took a leak detection class which goes towards the renewal of his license. They repaired a back-flow preventer. They had an alarm at the Norowal station for a low temperature and they installed a new heater. Supervisor Simmes indicated that she received a call from Chet Dagles who had been down at Veterans Park where the boys work and there is a lot of water there on one side of the building. He also indicated that there is a pipe that is draining water and flowing right into the man hole. He stated that thousands of gallons of water is coming through there. He is also concerned because there is an electric wire running through that pipe going over to the Park Attendant's ticket booth building. Supervisor Simmes stated that we have to do something to get the boys out of that building and work on a stormwater plan for that area. Councilmember Rehm suggested that we may want to consider using some of the grant money and set it aside for when the DOT project occurs.

Councilmember Rehm

Fire Dept.- They have elections on Wednesday April 2nd. Ross French has submitted his resignation as Commissioner and an election for a new Commissioner will be held on April 15th.

Recreation- The new assistant Director Ms. O'Donnell's resume is attached to her report for the Board to review. Michelle Cushing has indicated that since Ms. O'Donnell's arrival and participation in the program the students have been very pleased and attendance is up. They have decided to go back to their original schedule of Tuesday through Sunday and close on Mondays due to the students' input and concern. Summer camp was booked on the first sign-up date and there is a waiting list.

Health Center- Councilmember Rehm commended Supervisor Simmes' effort to remedy/replace the heating and air conditioning systems for the Center. She also commended her on her effort to repair the handicap access door in the building.

Councilman Maranville

Assessor- Most of his time was spent in the office reviewing all of the field work from January and February. There are still a lot of properties that need to be evaluated and re-assessed. Most of the new subdivisions have been created for the 2008 assessment role. However, map changes and subdivision work is still coming in from the County. Next Warren County meeting will be held in April. All exemptions have been reviewed for eligibility and entered on the computer. The enhanced star automated income verification site opened for input on March 17th and during that week they updated their exemptions there too. Due to the work at hand he has not had the opportunity to prepare market value appraisals on sites that Town may consider for sale or purchase. Collaboration with the State of New York in regard to their level of assessment for 2008 and eventually the equalization rate ran very late this year based on the latest figures received and maintaining an allowable tolerance he anticipates a 60% level. There has been much interest from the State legislature in keeping real property taxes down to a minimum. This is something that he agrees with and to this end the State has proposed a number of grants that deal with who, when and how assessments should be prepared. However he feels they seem to miss the point that taxes are controlled by spending and to accomplish a reduction in taxes spending must be brought under control, he suggested that they be vigilant to what is actually being proposed and remember that money is always best spent closest to home.

Police Dept.- Patrolled 3,461 miles, used 251.2 gallons of fuel, 1 aggravated harassment, 1 disorderly conduct, 1 911 hang-up, 1 work place accident, 3 alarms, 2 lost or found properties, 1 missing person, 2 animals, 1 property check, 3 property damage or auto accidents, 5 suspicious vehicles, 12 traffic violations, 1 parking ticket, 1 warning notice, 3 assists NYS Police, 3 assists WC Sheriff, 4 assists rescue squad, 1 assist motorist, 2 misc. complaints, 2 court securities. Training- Sgt. Neumann and Officer Galante attended training presented by NYS Division of Criminal Justice Services and the NYS Dept of

Health, Bureau of Narcotic Enforcement for a Prescription Drug Abuse Investigation Seminar. The 2008 Chevrolet Trailblazer has been received and all of the equipment, lights, and siren had been installed. Upon being placed in service the police radio experienced electrical problems and had to be removed from the vehicle. The radio has been sent out for repair. As soon as it is repaired and installed the new car will begin to be used for patrol with the 2004 Yukon. The 1995 Chevrolet Caprice has been removed from service and all equipment, lights and siren have been removed. This vehicle may now be surplus. Sgt. Neumann sent a letter to the TB with regard to the Caprice being taken out of service. He stated that he did not know the legal process or what the Town wanted to do with the car but Rick Eastman offered \$2,000.00 for the car.

Justice- Judge Harry Demarest- \$3,910.00, Judge Ed Stewart- \$5,985.00, Total- \$9,895.00. Itemized lists are located in the Court.

Councilman MacEwan

Transfer Station- Total revenue \$3,739.00 Lisa has set senior pick-up for the 19th and 20th of May. At a later date they will need to discuss the metal plates underneath the unit, whether they need to be welded or replaced completely. Councilman MacEwan stated that he did look at a shed at Garden Time. The shed he looked at was approximately 14-16' long and 4.5-5' wide with no doors so that it would be easy to get in and out. The cost was \$1,400.

Water Dept- 5,479,731 gallons made. April 4th installation of the new pump will begin.

Zoning- Code Enforcement Officer Report- 325 miles logged, 15 sites visited, 1 amended construction drawing, 2 TB resolutions, 2 zoning inquiries, 1 alternative remedy.

Supervisor's report

Receipts: \$204,874.63 Disbursements: \$421,455.99

Park Dept- She discussed that they plan to put black cut-outs of dogs that will be placed on swivel boards and placed in the parks to help keep the geese away. They also plan to put the wire up and hang surveyors tape off of that.

Supervisor Simmes stated that there is another resolution from the State Assembly from James Tedesco. Councilmember Rehm explained that the State Assembly has come up with the New York State Property Taxpayers Protection Act. She stated that she has looked at and is sure that probably all would agree with the premises of capping schooling spending at 4% for the rate of inflation, whichever is less. They are looking to relieve municipalities and school districts of unfunded mandates, reduce county Medicaid cost, look at financial accountability for School Taxes, to promote local government efficiency, etc. However, she feels awkward about approving this because she wonders how she would feel if the School Board adopted a resolution telling the TB to do things differently. She thinks it is still a good idea but feels that it is common courtesy to at least let the School Board review this proposal before we adopt it. She stated that if the TB wishes to adopt it tonight, she will abstain from the vote for the reason previously mentioned. Councilman MacEwan agreed with Councilmember Rehm. Supervisor Simmes

stated that she will provide the proposal to the School Board and ask for any input before voting on it next month.

Supervisor Simmes revisited the Jack Wax Party request of using Bolton Bed Tax money which would be replaced with the donations received at the function.

RESOLUTION #72:

Councilmember Rehm moved, seconded by Councilman MacEwan to approve the use of \$200 of Bolton Bed Tax money, if approved by Bolton Bed Tax Committee, to cover expenses of the Jack Wax Party on April 5th, 2008. All donations received at the function will be returned to the Bolton Bed Tax fund. All in Favor. Motion Carried.

Supervisor Simmes stated that she has spoken to Mike from DOT and he would like to schedule a meeting on April 8th, 2008 with the TB members. He indicated that he did not want this advertised as a public hearing yet and is looking to provide the information just to the TB members. Counsel suggested that he only discuss the project with less than a quorum of the TB. Supervisor Simmes asked for one other TB member to attend the meeting with her. Councilman Saris stated that he would attend. Supervisor Simmes stated that once DOT presents the project to them, then there will be an open meeting for all to attend.

Police Department 1995 Chevrolet Caprice Surplus?

RESOLUTION #73:

Councilman Maranville moved, seconded by Councilman MacEwan to declare the Police Department's 1995 Chevrolet Caprice as surplus. All in Favor. Motion Carried.

Supervisor Simmes stated that they will advertise in the paper that it is in "as is" condition and will request sealed bids.

Pay the bills

RESOLUTION #74:

Councilman Saris moved, seconded by Councilman Maranville to pay the bills. All in Favor. Motion Carried.

Public in Attendance or Board Members- no comments

Executive Session- none

RESOLUTION #75:

Councilmember Rehm moved, seconded by Councilman Saris to adjourn 8:43 p.m. All in Favor. Motion Carried.

Respectfully submitted by: Respectfully submitted by:

Patricia Steele Kristen MacEwan

Town Clerk Recording Secretary