

STATE OF NEW YORK
COUNTY OF WARREN
TOWN OF BOLTON

Present: Supervisor Alexander G. Gabriels III, Councilmen Scott Andersen, Robert MacEwan, Jason Saris, Edward White, Town Counsel Michael Muller, Town Clerk Kathleen Simmes

PUBLIC HEARING:

At 6:30 pm, Supervisor Gabriels opened the public hearing regarding proposed amendments to Ordinance #39 entitled: “Rules and Regulations of the Water Department of the Town of Bolton, Warren County, New York

(1) In any case where a dwelling, business and /or improved facility shall in addition to acquiring Town of Bolton treated water utilize the benefits of untreated water sources from private wells, open water sources including streams, ponds or lakes, in accordance with all applicable federal regulations and New York State Department of Health Rules and Regulations cross connection protection compliance shall be required. The Town of Bolton, its agents or employees shall be entitled to inspect such cross connection application at any reasonable time and from time to time so as to insure the integrity and potable quality of all treated water within the Town of Bolton water system and so as to prevent contamination of the municipal water source from private sources.

(2) In any case where a dwelling, business and /or improved facility shall in addition to acquiring Town of Bolton treated water utilize the benefits of untreated water sources from private wells, open water sources including streams, ponds or lakes, in accordance with all applicable federal regulations and New York State Department of Health Rules and Regulations cross connection protection compliance shall be required. The Town of Bolton, its agents or employees shall be entitled to inspect such cross connection application at any reasonable time and from time to time so as to insure the integrity and potable quality of all treated water within the Town of Bolton water system and so as to prevent contamination of the municipal water source from private sources.

(3) In any case where a dwelling, business and /or improved facility shall in addition to acquiring Town of Bolton treated water utilize the benefits of untreated water sources from private wells, open water sources including streams, ponds or lakes, in accordance with all applicable federal regulations and New York State Department of Health Rules and Regulations cross connection protection compliance shall be required. The Town of Bolton, its agents or employees shall be entitled to inspect such cross connection application at any reasonable time and from time to time so as to insure the integrity and potable quality of all treated water within the Town of Bolton water system and so as to prevent contamination of the municipal water source from private sources.

(4) In any case where a dwelling, business and /or improved facility shall in addition to acquiring Town of Bolton treated water utilize the benefits of untreated water sources from private wells, open water sources including streams, ponds or lakes, in accordance with all applicable federal regulations and New York State Department of Health Rules and Regulations

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This was discussed months ago and never acted upon. The hearing was opened to the public in attendance.

No public comments.

REGULAR MEETING:

Supervisor Gabriels called the regular meeting to order at 7:01 pm.

Pledge of Allegiance – Councilman Saris

Announcements:

- The Bolton Rec. Commission is holding a Bolton Youth Talent Show at Rogers Park on Thursday, August 4th and they are still taking applications. All applications should be given to Steve Preuss.
- On Thursday, August 11th the movie in Rogers Park will be Black Velvet, which is rated G.
- The 2nd Bolton Folk Fest will be in Rogers Park on Sunday, September 4, 2005.
- Bolton United/Bolton Cares have scheduled a second Bolton Pride Day for Sunday, October 2, 2005 in Veterans Park.
- There will be no Bolton LDC meeting this Thursday, August 4th, because the Bolton LDC does not anticipate any new information from the NYSDEC to report. The Bolton LDC will be meeting on Thursday, August 11th at 4:30 pm at the Bolton Town Hall.
- The August Meal Site Menu is available in the Town Hall.
- There are now 2 Town of Bolton website addresses: town.bolton.ny.us and townofboltonlanding.com

Public in Attendance: No comments

Correspondence:

- Letter from Schoder River Associates regarding the Rogers Park retaining wall. A copy will be submitted to the SEMA and FEMA groups for possible funding.
- Correspondence back and forth from Jarrett & Martin Engineering and Tom Nace Engineering regarding the Lichenstein septic variance application.
- E-mail from Sally Miller encouraging the Town to get a projector for Town meetings, particularly for the Planning and Zoning Departments so the plans can be shown on the wall.
- E-mail from Ina Monroe regarding suitable for attire that Town employees, suggesting all Town employees wear shirts while working.
- Letter from Steve Breault requesting two weeks paid vacation.
- E-mail from Chuck Klass, resident of the Trout Lake area, regarding his disappointment concerning the conditions at Veteran's Park.
- Letter from Chris Krayling of the LGLC detailing damage to culverts and roads at the Cat Mountain and Thomas Mountain areas. The LGLC is estimating damage worth \$134,000 and hoping they may be able to apply to FEMA for some federal reimbursement.

- Letter from Deborah and Daniel Nyhuis regarding Lot 3 Mohican Heights, now known as 20 Sunrise Lane, requesting some background on water run-off issues in the Potter Hill/Mohican Heights area. A copy of the letter was sent to Tim Coon for his consideration.
- E-mail from Lori Jordan indicating the Bolton Yankees clinched the Adirondack Little League World Series and that gives them the first opportunity to have next year's playoffs at the Bolton Little League field. Supervisor Gabriels said a concession stand and bathroom facilities need to be installed.
- Letter from Ray Oliver regarding the people at Thunderbird Motel encroaching on Town property at Lower Brereton Road and suggested the Town take action.
- Xerox copy of a Certificate of Appreciation the Warren County Water Supervisors handed out to a considerable number of local agencies in recognition of their work to resolve the damage to County Route 11 and various Bolton roads and our water system.
- Letter from Robin Campbell of Hudson Headwaters regarding the improved cleanliness at the Health Center.
- E-mail from Bill Morehouse on some of the history of the Town's operation or ownership of what is now known as Huddle Beach, including the problems the Board of Supervisors had years ago regarding liabilities, insurance, facilities, etc.
- Letter from Lake George Waterkeeper commending the Town of Bolton Planning Board, Zoning Board of Appeals and the Bolton Zoning Office regarding a Timber Harvesting Workshop.
- Letter from Woodshire Estates Corporation regarding their installation of a master water meter and questions concerning requirements that the Bolton Water Department is asking for.
- Letter from John Lemke of Rensselaer Outing Club requesting the use of Veterans Beach parking lot on September 23rd through September 25th for 35 cars.
- Letter from Kathy Radner of Miller Mannix to Judge Aulisi regarding the outstanding case of Greenmeir/Hubbell.
- Letter from LGA to the ZBA regarding the Robert Parotta compliance extension. They are in support of the Bolton ZBA's firm actions in this matter.
- Letter from LGA regarding the Mayfair Resort subdivision, specifically regarding Lot 5 and if it should be created.
- Letter from the Home Place Corporation (Bixby Estate) signed by Edgar Caldwell discussing the conditions of Bixby Beach and the Bixby Beach Road, asking the Town to address five issues.
- Copy of a letter from NYSDOT regarding the new traffic signals to be proposed at the intersections of Horicon Avenue and Sagamore Road.
- Letter from Robin Smith in opposition to a proposed overnight parking ban on Sagamore Road.
- Several e-mails and correspondence on the Urtz/Casaccio situation.
- NYSDOT designation of restricted highway on Route 9N for bridge replacement work by Northwest Bay Brook. It will expire at the end of November 2005.
- Correspondence from CT Male regarding the Bolton Landfill Monitoring compliance, which is currently done on a bi-annual basis.
- Indications from the APA that Melanie Masters and John Santo have applied for a permit to have a four-lot subdivision, which includes some wetlands.
- Indication from the Warren County Soil and Water Conservation District that they received funding for a mini-grant on highway maintenance and water quality.

- Board Members received a copy of the Inter-municipal Cooperation for Shared Highway services.
- E-mail from the APA Local Government Review Board concerning the proposed campground regulations, with an overview of the pros and cons.
- A suggested letter from the APA encouraging all Town Boards and the general community to write a letter to Gov. Pataki regarding the Gore Mountain area to encourage the State to spend money in that area, since it is beneficial to the entire region.

Reports:

Councilman White:

ASSESSOR:

- As a result of the violent storms in June, a correction to the tax roll authorized by the State and County legislation was made to a parcel on 664 New Vermont Road.

On July 1, 2005 the Final Assessment Roll was filed with the Town Clerk and published a notice of the same in The Post-Star. During July the daily maintenance of deeds transfers was kept up-to-date. A clerical error was found, the change made and authorized by the Board of Assessment Review. During July, on-going property and sales inspections were made. On-going litigation between Rainbow Beach and Martinese continues. The Killeens and the Town has settled. He believes that Mancini dropped their case after meeting with their attorney and they have not filed a grievance for 2005.

WATER DEPT:

- Water made: 11,014,055 gals Daily average: 355,292 gals. Currently, the pond level is approximately 2" below the spillway. John Perry was on stand-by while Reale Construction dug around a 10" main in several locations on Valley Woods Road, this particular main is not very deep and required quite a bit of supervision during the construction. All the water meters have been read.

POLICE DEPT:

- June Report:

Hours officers worked: White – 139.5, Howse – 112.0, Schroeder – 74.0. Miles patrolled: 1,731 miles. Fuel used: 153 gals. Officers investigated 3 criminal reports, 5 assists to other agencies, 2 security alarms, 11 uniform traffic summonses, 20 parking tickets, 5 auto accidents investigated, 4 court securities, 2 arrests, 4 emergency medical assists, 1 fire department assists, 9 misc. complaints, 1 lost person, 1 found property and 1 special assignment.

- July Report:

Hours officers worked: White – 185.5, Howse – 180.0, Schroeder – 119.0. Miles patrolled: 2,181 miles. Fuel used: 243.7 gals. Officers investigated 6 criminal reports, 1 assist to motorist, 1 assist to other agencies, 4 security alarms, 7 uniform traffic summonses, 34 parking tickets, 13 auto accidents investigated, 2 domestics, 4 court securities, 11 arrests, 18 emergency medical assists, 5 fire department assists, 31 misc. complaints, 1 lost person, 1 found property and 2 special assignments.

JUSTICE COURT:

A/R: Total: \$6,800.00. There is an itemized list located in the court breaking down the amounts.

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Councilman Saris:

SEWER DEPT:

The Plant took in 8,324,856 gals of wastewater for a daily average of 268,534.7 gals. There are no violations. The Monthly Reports are all good and all samples have been done. They had 16,000 gallons of liquid sludge hauled. Beds 1, 2, 5, 6, 8 and 10 are all dry, which puts the Town in pretty good shape.

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Councilman Andersen:

PLANNING OFFICE:

Permits applied for: 17 certificates of compliance / 7 wastewater systems / 4 variances / 2 site plan reviews / 2 subdivisions / 4 stormwater permits. A/R: \$2,208.50. Greenmeir/Hubbell case is still pending.

CODE ENFORCEMENT:

57 site visits / 47 page report filed with 30 misc. letters regarding notice of violation, stormwater non-compliance, septic failures, erosion required, etc. 392 miles logged.

RECREATION DEPT:

The Rec. Dept. had a great summer, several activities were very full, some of the camps available were rocketry, theatre, soccer, baseball, softball, etc. The Rec. Department is looking to have the movie program grow next summer. They are looking forward to fall with two different leagues playing at the Bolton Rec. Field.

The Summer Day Camp was a tremendous success in its first year. The capacity was 40 campers with a daily program for the kids. They are hoping to expand this program because all feedback was positive. Councilman Andersen feels it is a great idea and it keeps the Town youth involved and out of trouble.

Councilman MacEwan:

ANIMAL CONTROL:

8 calls for loose or stray dogs. All were found and returned to their homes. 1 dog bite to a child's face, child is doing okay and the dog was confined for 10 days. Barking dog complaints at Sagamore Hotel and the Gatehouse. Two complaints of dogs in the park, 1 snapping turtle removed from road. 26 hours and 198 miles logged.

TRANSFER STATION:

A/R: \$9,771.00. Lisa French reported the northern car crushers would be in by October the latest. There is a problem with Albany Hydraulics, as they have not returned calls to Councilman MacEwan or Supervisor Gabriels regarding servicing the compactor.

Supervisor Gabriels:

Total receipts: \$718,134.50. Total disbursements: \$420,875.15.
 Nothing on stormwater.

- ❑ Warren County: beginning to look at their upcoming budget preparation.

Unfinished Business:

Public Hearing on the Amendments to Ordinance #39 regarding water rules and regulations. There were no further comments from the Town Board Members or the public.

RESOLUTION #160

Councilman Saris moved seconded by Councilman Andersen for the Town Board to close the Public Hearing on the amendments to Ordinance #39 entitled “Rules and Regulations of the Water Department, Town of Bolton, Warren County. All favorable. Motion carried.

Counsel said if there is any interest in the Town Board enacting the proposed amendment, it might want to look at SEQR and suggest a finding.

Supervisor Gabriels reviewed the SEQR and concluded no was the answer to all of the questions on the short form of the environmental assessment form and the proposed action would be no adverse affects.

RESOLUTION #161

Councilman Saris moved, seconded by Councilman Andersen for the Town Board to make a negative declaration under SEQR since the amendment to Ordinance #39 would have no adverse impacts with respect to air quality, aesthetics, vegetation, community’s existing plans, anticipated growth or other unscheduled impacts. All favorable. Motion carried.

RESOLUTION #162

Councilman Saris moved, seconded by Councilman Andersen for the Town Board to adopt the amendments to Ordinance #39 entitled “Rules and Regulations of the Water Department, Town of Bolton, Warren County with regards to the prohibition of drilling wells within the water district. All favorable. Motion carried.

Supervisor Gabriels said the Town Board held a public hearing last month on revisions to the Bolton Zoning code and Stormwater Management regulations. The public hearing was closed.

RESOLUTION #163

Councilman Andersen moved seconded by Councilman White to make a negative declaration under SEQR on the proposed Zoning code amendments and Stormwater Management Regulations as they would have no adverse impacts with respect to air quality, aesthetics, vegetation, community’s existing plans, anticipated growth or other unscheduled impacts. All favorable. Motion carried.

RESOLUTION #164

Councilman MacEwan moved, seconded by Councilman Andersen for the Town Board to adopt the proposed Bolton Zoning code amendments and Stormwater Management Regulations under the following sections:

Chapter 125 – Town of Bolton Stormwater Management Ordinance Section 125-16 through Section 125-20 providing for enforcement procedures.

Chapter 150 – Town of Bolton Land Subdivision Regulations Article III providing for enforcement procedures and Article IX Separability.

Chapter 150 – Town of Bolton Land Subdivision Regulations Section 150-23 Sketch Plan B (6).

Chapter 200 – Town of Bolton Zoning Ordinance Article XIII providing for enforcement procedures.

Chapter 200 – Town of Bolton Zoning Ordinance Section 200-16 Special Density Regulations in certain districts; Section 200-23 Parcel Located in more than one Zoning District. Section 200-55 Gifts, Devises and Inheritances; Section 200-8 Definitions (Driveway/Road)

All favorable. Motion carried.

Culvert Replacement on New Vermont Road

Supervisor Gabriels said there is a bridge/culvert at the end of New Vermont Road that was severely damaged in the June 13th storm. Engineer Carl Schoder and Counsel, under an emergency declaration, had specs drawn up for the project and they solicited four contractors to bid on this project. Local contractor, Don Kingsley also requested the bid specs, and they are being sent to him for his consideration. Under the emergency declaration we needed to move as quickly as possible as the road and water projects need to be completed by early fall due to NYSDEC work timeframe constraints.

Supervisor Gabriels asked if this bidding process is acceptable and Counsel answered by saying it is the correct procedure if there is a sense of urgency. The Town Board has declared it to be an emergency and it does come within the exception provided. Councilman White asked if the Town Board needs to vote on declaring this project an emergency and Council answered by saying the Supervisor alone has the authority to declare it an emergency. Supervisor Gabriels said it was declared an emergency on the night of June 13, 2005. There was further discussion on the time-frame involved if the Town Board decided to put this project out to public bid and Carl Schoder said it would likely push the project to next year, because of NYSDEC working time-constraints. Councilman Saris said the road condition is a terrible inconvenience for many residents. There is also a safety issue for medical/health issues, and he thinks the Town should get this project done as soon as possible.

Supervisor Gabriels asked if the Town would still be eligible for potential FEMA reimbursement on this project if the work is done at this point in time, and both Counsel and Carl Schoder answered by saying they are not sure. Supervisor Gabriels said since FEMA has already inspected it and while it was an unknown cost to FEMA for this repair, it should be an eligible expense.

RESOLUTION #165

Councilman Andersen moved seconded by Councilman Saris to authorize going out to bid for culvert replacement on New Vermont Road, under the emergency declaration declared on June 13, 2005. The estimated completion date will be mid October. All Favorable. Motion Carried.

RESOLUTION #166

Councilman White moved seconded by Councilman MacEwan to accept the bids until

August 11th at 3:00 pm at which time they will be opened publicly and the Town Board will take action, pending our Engineer's recommendation at a special Town Board meeting to be held on August 16th at 8:00 am at the Bolton Town Hall. All favorable. Motion carried.

Regarding the letter to the editor of the Lake George Chronicle by Dan Carnese, suggesting the Town Board has a judicial conflict of interest with regard to the Town Board's promotion of the Bolton LDC's acquisition of the NoRoWal Marina. Supervisor Gabriels feels it is a very serious allegation.

Counsel said he thinks the Town Board is really okay. Mr. Carnese has the right and privilege as a citizen to express his opinion in letterform to the media. If there was an ethical concern there is an ethical code, but that is not presently the issue. That is not the format, nor the procedure that was one man's opinion. Counsel feels that if you look at the law on the issue, there are instances of conflict, some are direct and some are indirect. The direct ones are always problematic as don't go there. Hypothetically if one of the Town Board members happened to be a real estate broker in that transaction and would stand to get a commission, obviously that would be inappropriate for that Town Councilperson to vote for that transaction, but indirectly—which is what he sees and understands the conflict to be—perhaps Councilman Andersen and Councilman Saris are both in a sense in that same business, this is not a project that put Norowal or the operation of the marina out of business so that whatever business has been put out of business then goes off to the other two Councilmen's businesses, that business or marina activity is actually being promoted or continued, so it is not like somebody took one pie and now those few pies will be coveted, it is pretty much the same status quo change of ownership, he sees it at best as being an inference of indirect conflict—not direct conflict—one which doesn't for him cause a concern in terms of impropriety, if it is explained and understood like that, he doesn't think it is a problem.

Councilman Saris said he thinks the view is that if the Bolton LDC acquires Norowal that somehow his business will benefit from that, but that is not the case. Quite frankly, if that business were to become private dwellings, it would be much more to his benefit, because those would be his customers. The transient business that Norowal currently has is not a clientele that his business deals with and he doesn't see that changing any time in the near future. The whole idea of having transients come to this Town is to keep that flow of people coming and to help keep the Town's economy healthy and the islands on Lake George utilized. While a lot of other businesses (restaurants, grocery stores, etc.) do benefit from those people, his marina really specializes in taking care of people who are residents and second homeowners and his marina is not really set up or equipped to deal with transient business. He can honestly say there is no conflict or benefit to himself.

Councilman Andersen said the character of Bolton would change dramatically if the property became five private homes or a couple of townhouses rather than a marina. From an economic impact transient business is part of what Bolton is in the summer. While his marina is across the street, they do a different kind of business. We have never done public launching per se; we don't do parking or those kinds of services. Personally he thinks it is a great thing for everybody around Lake George that all that remain, because the more people who come here, the better off everyone in Bolton is. To say there would be zero benefit to his business, he thinks every

business will benefit as long as Norowal Marina remains public, and as long as there are people coming and have boats and equipment and buying things in Town. If the property were homes, the transient people wouldn't come. He does not see it as a conflict, because there aren't many more people his business can handle. As a Town Board Member he feels the benefit to Bolton, and his kids or his grandkids, since he doesn't own lakefront, will be to always have a spot for access and that is really what it is all about. The intent of the Bolton LDC acquiring Norowal Marina is so everybody who cannot afford access will always be able to access what the Town calls the "crown jewel."

Supervisor Gabriels said the Town is not buying this property, in fact, a Local Development Corporation was created for the specific purpose of insulating the Town taxpayers from the fiscal and day-to-day operation. They (Bolton LDC) struggle and continue to struggle to make sure that the NoRoWal Marina operation runs on its own and is financed by only the revenues that are generated. It is going to carry about a \$2.5 million debt, which is going to be an annual debt service of over \$200K and operating expenses of \$150K or higher. Having looked at the budget and revenue stream projections from the launching, parking and other services, the Bolton LDC believes the operation will and is going to pay its own way. The Bolton LDC will not use the Town of Bolton taxpayers' dollars in order to finance this, which is one of the salient reasons why the Town Board decided to proceed, after they thought there was a glimmer that they could do this. The Bolton LDC can still come out in the black without relying on tax dollars to make this work. On the same token, when the numbers are looked at and you try to figure out how a private entrepreneur would buy that marina for \$4.5 million and keep it running as the marina, carrying almost double the debt load and expenses, you just don't see that happening. If you don't see it happening that means a private individual that would purchase the marina would be compelled to make additional investments and changes and those changes are probably not towards pushing more boats through that marina launching. They would probably be second homeowners or multi-million dollar homes on lakefront property, which is a significant change in the character of the Town of Bolton. Supervisor Gabriels does not feel that characterization would be in the best interest of the Town in the short or long term, which is one of the reasons he will continue to work on this and when this job is completed, it will be a good thing for the Town of Bolton.

Councilman White said he feels that if NoRoWal Marina is closed, the services it currently provides will never be replaced, since the current marinas in the area can't carry much more growth. Those people who normally come, just won't come anymore and will find other areas to do their recreational boating and camping. As a Town resident and a Town Board Member he is most concerned with that loss, which generates back into dollars. Councilman MacEwan said it would become too hard for people to even come to the area.

Supervisor Gabriels said this allegation has brought the Bolton LDC to an understanding that they have not done a good job in relaying an explanation of what is going on with this project. Shortly every resident in the Town of Bolton and Diamond Point will receive a flyer with a series of "Frequently Asked Questions" and answers, which the Bolton LDC hopes will allay some of the concerns and get more facts out to the general public. Last Thursday, the Bolton LDC signed a commitment with Glens Falls National Bank, that they will provide a long term \$2.5 million loan to the Bolton LDC. The NYSDEC have an appraisal process in place and both

the NYSDEC and the Bolton LDC are working on the terms of the conservation easement. He is convinced it is just a matter of time before the Bolton LDC closes the deal. Counsel says he sees no snags in this happening.

June 2005 Water Main Damage

Supervisor Gabriels said the Town of Bolton has received invoices from Reale Construction, Tom Flaherty and Schoder River Associates for work done during the floods. The Town feels all of these expenses will be covered by FEMA for reimbursement if and when FEMA decides to declare an emergency situation. He asked the Board's consensus on the obligation of paying the bills and using the Town's Unappropriated Surplus or a short term Bond Anticipation Note.

Councilman Saris asked if there is a difference in the time frame for each of the methods of funding and Supervisor Gabriels answered by explaining the extensive process of the Bond Anticipation Note. Councilman Saris said all of the companies and their workers did an extraordinary job and he is amazed at the resources put to work by all three companies and they deserve to be paid and paid on time. All Town Board Members agreed with Councilman Saris' comments that all three companies should be paid pending the bills being reviewed by Carl Schoder.

Carl Schoder said he did see a discrepancy with the Reale Construction bill, but would like the Town Board to approve paying the bill, less the disputed amount, until he has the opportunity to discuss the discrepancy with Reale Construction. He also said the unsung heroes of the flooding situation are the Volunteers of the Bolton Fire Department, who worked very hard in remedying the situation and they should be recognized as well. Councilman White echoed Carl Schoder's comments and recommended the Town Board send a letter of appreciation to the Bolton Fire Department to recognize their services above and beyond the call of duty. Their overall assistance was greatly appreciated. All Town Board Members agreed a letter of appreciation should go to the Bolton Fire Department.

RESOLUTION #167

Councilman Saris moved, seconded by Councilman White to authorize payment of the Schoder River Associates bill in the amount of \$4,718.92 as presented and to authorize payment of Reale Construction's bill in the amount of \$115,407.94 (subject to a possible supplementary invoice) and Tom Flaherty's bill in the amount of \$10,811.85, pending Carl Schoder's review. Funds to come from the Town of Bolton's Unappropriated Surplus. All favorable (Roll call: Councilman Saris-Favorable, Councilman Andersen-Favorable, Supervisor Gabriels-Favorable, Councilman White-Favorable and Councilman MacEwan-Favorable). Motion carried.

Road repair and culvert replacement efforts to date

Supervisor Gabriels said there is a bill from Schoder River Associates in the amount of \$4,527.60 and a number of bills from Peckham's for materials only and the Town Board needs to decide if these bills should be paid from Unappropriated Surplus or if they should be held off until next month.

RESOLUTION #168

Councilman Saris moved, seconded by Councilman White to authorize payment of the Schoder River Associates bill in the amount of \$4,527.60 as presented and the bills from Peckham's for materials only. Funds to come from the Town of Bolton's Unappropriated Surplus. All favorable (Roll call: Councilman Saris-Favorable, Councilman Andersen-Favorable, Supervisor Gabriels-Favorable, Councilman White-Favorable and Councilman MacEwan-Favorable). Motion carried.

Regarding TB authorization for securing construction and permanent easements for a replacement culvert on New Vermont Road, Supervisor Gabriels said authorization is needed so that workers can legally access the private property to accomplish the work.

RESOLUTION #169

Councilman Andersen moved, seconded by Councilman MacEwan to authorize Counsel Michael Muller to proceed to obtain the temporary and permanent easements from the adjacent property owners on New Vermont Road that will be needed to complete the culvert replacement. All favorable. Motion carried.

Town Board Members agreed to address the following two matters of New Business involving Carl Schoder before convening as the Board of Health.

New Business:

Supervisor Gabriels said the Town needs some engineering capabilities on the stone wall at Rogers Park and asked if the Town Board would like to hire Carl Schoder to take an engineering look at the stone wall. Councilman Andersen said the stone wall needs to be looked. Carl Schoder is more than adequate and looks out for the Town.

Carl Schoder said his attack would be two-pronged, with the first part being to try to figure out why the wall is leaking and what can be done to replace that section. The second part would be to actually design and develop drawings and specifications to bid that work and to be able to go to construction. He added that he has no sense of costs for each phase of the project with him tonight, but if the Town Board is comfortable, he would be willing to do that on a time card basis and hire a sub-consultant (soil and water contractor), which he would bill at cost. He would be able to present a proposal for phase one at the special Town Board meeting to be held on August 16, 2005.

Several Town Board members said they feel comfortable having Carl Schoder start right away. Carl Schoder said he could start the project next week.

RESOLUTION #170

Councilman Andersen moved seconded by Councilman Saris to authorize hiring Carl Schoder of Schoder River Associates on a time card basis for the repairs to the Rogers Park stone wall. All favorable. Motion carried.

Conservation Park Septic System

Supervisor Gabriels said the concept of replacing the existing building with a larger one will requires an enlarged septic system. He and Carl Schoder have discussed the matter and Carl

Schoder is willing to look into the conceptual ability for a larger system for a price not to exceed \$600.00. Councilman Saris said the Town is certainly going to have occasions when there will be 125 people at the Conservation Park.

RESOLUTION #171

Councilman Saris moved seconded by Councilman MacEwan to authorize hiring Carl Schoder of Schoder River Associates to investigate possibilities of enlarging the septic system in order to accommodate at least 125 people at Conservation Park at a cost not to exceed \$600. All favorable. Motion carried.

Board of Health/Water Commissioners:

RESOLUTION #172

Councilman Saris moved, seconded by Councilman White to adjourn as Town Board and convene as Board of Health to discuss a septic variance for Owen Roberts, Lot #20 of the John R. Loomis Subdivision Tax Map #200.06-1-9. All favorable. Motion carried.

Carl Schoder, Schoder River Associates, representing Owen Roberts, gave an overview and said Owen Roberts intends to purchase the parcel in question. There are some site constraints that need to be dealt with prior to purchase, specifically, that they attempted to design an in-ground conventional septic system that would be able to handle the waste flows from the residence. This has not been feasible, because the well on the neighboring property appears not to be above grade. This is a concern since a cap below grade is subject to an infusion of any kind of run-off and if the applicant was to have his well drilled, the general site gradient is a down-slope from the westerly boundary of the site to the east. The only attainable distance from the applicant's septic to his well would be approximately 180' and to the neighbor's well would be approximately 130' and the desired distance is 200'.

Carl Schoder said the only other alternative to enable the lot to be developed would be to collect the waste and to transport it off-site by way of using a holding tank. The reason they are here for a variance on a holding tank is the Appendix A75-A which notes that holding tanks are not approved for new construction, however, they have no other option. This lot is of an approved subdivision that was approved by the Town many years ago. He and Tom Nace agree that the use of a holding tank does not necessarily have the implications that it used to have. This holding tank would be sized for additional storage beyond a certain alarm level. There is one-day additional storage, which once used up; a water shut-off switch would trip to discontinue power to the system. He added the proposed holding tank location would be right next to the garage, so it would be very obvious if there were ever any overflow.

Councilman White asked what the proposed holding tank size is and how long it would last. Carl Schoder said they are proposing a 2,000-gallon tank for the proposed 3-bedroom dwelling. According to the DOH's normal usage standards 110 gals. per bedroom per day, five days storage would equate to 1,650 gallons, so it would probably be pumped once every 10-11 days if being fully used by the family.

Supervisor Gabriels read a letter dated July 20, 2005 from Tom Nace into the record, highlighting holding tank requirements—past versus present—and Tom Nace’s opinion that from an engineering perspective, he has no objections to the use of holding tanks for this instance.

Regarding adjacent properties

Carl Schoder said his applicant is about 130’ from the disposal system on the neighboring eastern property (Balducci residence) which is down-slope from the applicant and Blue Water Manor, the neighbor to the south, does have an in-ground septic system in a reputed location which would be approximately 105’, but we moved the proposed well an additional 10’ to the north to make the distance of separation 115’ and Tom Nace’s letter shows his request on the separation issue was satisfied by these actions. Supervisor Gabriels said that is correct.

Councilman MacEwan asked if it is this or nothing and Carl Schoder answered by saying yes. If this doesn’t happen you’ve got an approved building lot and not the ability to put a septic system on it and both he and Tom Nace agree the lesser of the two evils would be a holding tank, due to the slope constraints.

Councilman White asked if there are holding tanks larger than 2,000 gals. and Carl Schoder answered by saying yes. The reason a 2,000 gal. tank was chosen is because it is a fairly typical size for a 3-bedroom dwelling and because of the presence of bedrock, the larger the tank, the more difficult it will be to site the tank. He also noted that most waste haulers can haul 2,000 gals. and if you get too large, you start limiting the haulers who could actually take the load. Councilman White asked if the proposed residence is full-time or summer. Hugh Roberts, brother of the applicant, said it would be a part-time seasonal residence.

Neal Barrett, owner of the neighboring property, said the subdivision was created originally in the 1920’s. He would like to oppose the variance due to concerns of tank leakage and ground contamination. If there is a regulation in existence, there is a reason for that, regardless of an alarm system. Since this would be a seasonal residence there would be no one to hear or react to an alarm. In researching this type of system his findings shows there is significant odor release when it is pumped out, which would be frequently, and he is concerned with the contamination of his well which is relatively close to the property line. Supervisor Gabriels asked Neal Barrett if any other neighbors had concerns and Neal Barrett answered by saying he has spoken with others in the subdivision, but there properties don’t abut Owen Roberts’ property so these are his concerns. Neal Barrett also said his well would be approximately 200’ away from the proposed septic, the slope is all downslope from Route 9N to Lake George. There is always run-off from Route 9N to Lake George and the Balduccis are always pumping water out of their basement.

Councilman Saris asked if all the lots were the same size. Neal Barrett said all of the lots in the subdivision are not the same size. Carl Schoder said he thinks when the subdivision was originally done, for some reason the end lots were approved as two smaller lots. Neal Barrett said his property consists of two similar lots which were subdivided at the same time and his parents and their friends originally purchased the four corner lots in 1969 then the lots were subdivided by the owners of the corner property later on in the 1970’s.

Carl Schoder said the issues of groundwater and odor are very pertinent issues, but they are not proposing a separate vent on the holding tank. They are anticipating that the normal house vent on the roof will be utilized to vent normal gasses up high. This will be a two-piece tank and measures can be taken for groundwater and additional sealing.

Supervisor Gabriels asked if the Local Board of Health has the authority to consider this variance and vis-à-vis DOH and Appendix A75-A and Counsel answered by saying yes and he agreed with Supervisor Gabriels that the Town would need to present the applicant's plans and Tom Nace's comments to the New York State Department of Health in Glens Falls. Counsel also said the engineering is excellent on this so he does not see this as being an engineering crisis, but the legal aspect is basically, as he is analyzing it, that there shall not be a holding tank in new construction and he would like to check with the Regional Office to find out if there is any permitted waiver with respect to that. Supervisor Gabriels said if the Town goes to the Glens Falls DOH, it needs to ask when that provision was instituted and when the last time was that they reviewed 75-A, to assure that that institution is keeping up-to-date with technologies and engineering designs that have been recommended to the Town Board. Counsel said it is a very excellent plan addressing all the issues and two top-notch engineers who have spec'd this out. He feels the Town Board should take the time to get the right answer.

Councilman Saris said this is not a unique lot and referenced Pioneer Village and Counsel agreed and said the pressures being presented to Bolton are that lots people used to drive by properties and are now asking why it's open space and that's a great spot.

Carl Schoder said he would like to submit the updated version of the drawing used tonight for the Town Board's use in their presentation. Counsel said the drawings and Tom Nace's letters would be presented, but it really should be a legal question followed by the DOH's legal position and he doesn't see anything wrong with the engineering.

Supervisor Gabriels asked Carl Schoder to present the plans and correspondence to Neal Barrett. Carl Schoder said the drawings were available by way of the Town for inspection, but it would not be the normal procedure to present a copy of the drawings to every adjacent neighbor, if directed to do so, he would certainly provide that information to Neal Barrett.

Neal Barrett asked if the Town Board would be approaching the Glens Falls DOH as an advocate of the proposed variance or in a questioning mode and Counsel said his question would be a legal question regarding the DOH's provision Carl Schoder referenced earlier. Neal Barrett said it sounds to him like that the Town Board is advocating the granting of the variance and Counsel said in his letter he is not advocating at all—he is not for or against this project—he is just trying to get the DOH to take a stand. Councilman Saris said this matter is something the Town Board is going to revisit. Neal Barrett asked if there is a default position to grant rather than deny a variance like this and Councilman Saris answered by saying that the Town Board as the Local Board of Health doesn't even know if it has the right to offer relief from that requirement or not, so before the Town Board, as the Local Board of Health, even considers it, they need to know if they can or not.

Neal Barrett asked if they would receive notice when this comes up again so they can respond appropriately and Counsel said that is a fine question. Counsel asked if the Town Clerk sent

notices to all the adjacent neighbors and if she would send an additional notice in a reasonable time and Town Clerk Kathleen Simmes said she did and she would send notification when the item comes up again. Supervisor Gabriels said that notification will not occur until the Town Board has received a reply from the Glens Falls DOH. Counsel said he will work on it in an expedited manner. Supervisor Gabriels noted that the Zoning Board of Appeals makes one public notice for a variance and do not make a second public notice, so he thinks the Town is comfortable in shortening the second notification time frame and he said the Lake George Waterkeeper indicated to him that the department is looking at some modifications to this so that modern technology—he does not know if that means holding tanks and alarms—but other septic systems are under review for the first time in many years, that may be contributory or it may be a delaying aspect in that review.

RESOLUTION #173

Councilman Saris moved, seconded by Councilman Andersen to authorize Counsel Michael Muller to write the New York State Department of Health, Glens Falls Office on this matter and to table the septic variance request for Owen Roberts, Lot #20 Tax Map #200.06-1-9 of the John R. Loomis Subdivision indefinitely until the NYS DOH reports back. All favorable. Motion carried.

RESOLUTION #174

Councilman Saris moved seconded by Councilman White, to reconvene as the Town Board. All favorable. Motion carried.

Referrals from Code Enforcement Officer / ZBA / BPB:

Jeff and Deborah Urtz, 634 Coolidge Hill Road Tax Map #199.08-1-11.2

Supervisor Gabriels asked if Jeff Urtz had any comments and Jeff Urtz answered no. Supervisor Gabriels asked if that means Jeff Urtz concurs with Mitzi Nittman's observations and Jeff Urtz said not entirely. When they built the shed initially they were under the impression that the base was the correct measurement, not the roofline including the overhang, which is what he believes her measurements were.

Supervisor Gabriels asked if the first shed would have been built to code if the eaves weren't considered part of the footprint. Jeff Urtz answered that it would have been just over. The pole barn would be not at all. Supervisor Gabriels asked when the pole barn went up. Jeff Urtz answered by saying five or six years ago. Councilman White asked if it was correct that for the first building the applicant applied for a building permit, the building permit was granted, and the building was built and Jeff Urtz answered by saying yes. Councilman White asked if the second building was built without a permit and Jeff Urtz answered yes.

Councilman Andersen said by all appearances the applicant obviously needed a permit for the first building and the applicant agreed. Councilman Andersen asked what made the applicant think the second building was excluded from a permit and Jeff Urtz said he can't answer it...he just didn't apply for one, there is no good answer.

Supervisor Gabriels asked if the building plus the addition meets setback requirements from the property lines and Counsel answered by saying yes, but it does not require a variance.

Councilman White said he thinks this is a clear case since Jeff Urtz has admitted he did not have a permit to build the pole barn. Councilman Andersen said he agrees, that it is unfortunate this is something the Town Board is charged with, which is not an enjoyable side of the job, but past history has been to give a civil penalty of \$1,000.00 and in this case when applicant does not have a building permit the Town Board usually asks the applicant to remove it and the Town Board needs to be consistent with past practices.

Several Town Board Members agreed that they would like to see the pole barn removed and the applicant given the opportunity to bring the other building into compliance in addition to a civil penalty being imposed. The Town Board needs to be consistent with what it has done in the past. Supervisor Gabriels asked if a resolution in those terms would have any prejudice towards a second application to rebuild the pole barn in its current configuration and location and Counsel said it does not—if the applicant follows the course of this requirement and delicately disassembles the pole barn, it can, by right, once the applicant has gone through the proper process, be reassembled.

RESOLUTION #175

Councilman Andersen moved, seconded by Councilman White, to impose a \$1,000.00 civil penalty on Tax Map #199.08-1-11.2 owned by Jeffrey & Deborah Urtz, 634 Coolidge Hill Rd. to be paid within 30 days. They must remove the pole barn within 30 days and to bring the original building into compliance within 60 days. All favorable. Motion carried.

Thomas and Heide Lemaire, 32 Church Hill Road Tax Map #156.00-2-35

Tom Lemaire said they closed on the property on June 13, 2005. The June 13th storm severely damaged the foundation which produced three feet of water in their cellar. He submitted pictures of the erosion to the corner of the foundation, which is why they went around the existing porch—to cover that and divert the water away from the foundation.

Tom Lemaire said they just moved up here from Long Island and Supervisor Gabriels asked if they have zoning in Long Island. Tom Lemaire said they have zoning in Long Island, but usually it is not that big of an issue. Supervisor Gabriels said issue or not, zoning exists. Councilman White asked if the home is occupied now and Tom Lemaire said it will be their primary residence, as their goal is to bring their kids up before the start of the school year.

Councilman Saris asked when the house was originally built and Tom Lemaire said approximately 100 years ago. Supervisor Gabriels said the storm of June 13th was a rare storm with a tremendous downpour, which is more than we have ever known by records and that location was real close to the center of the storm. Councilman Saris said there are a number of properties in Bolton that were built prior to the Town's Zoning Ordinance. They don't meet the current ordinance setbacks and pretty much any expansion of that requires a variance, since it is a pre-existing non-conforming structure.

Supervisor Gabriels asked if there is a portion of the porch that was built without a permit that is causing a setback issue on Church Hill Rd. Tom Lemaire said you have to be 75' off the property line and they are actually 58' off the property line to the pre-existing structure. Councilman Saris said it doesn't further encroach on the setback, but it is still an expansion of a non-conforming structure.

Councilman Saris said the Town Board has had past situations like this with people being unaware of the requirement of a building permit to do the work they were doing. These applicants are new to the community and he has to take them at their word that it was an honest mistake, nevertheless, they did do the work without a permit. Tom Lemaire said he feels the \$1,000.00 penalty is excessive. Heide Lemaire said they were not trying to circumvent any Town regulations, but being that they are brand new to the area, they weren't aware of the regulations. The well was breaking down and we were being hit with one thing after the other. We wanted to get these things taken care of for the safety of our house and children and in order to move in and get settled before school.

Councilman White said things are not different in Long Island as he is sure there are codes, violations and similar circumstances. The civil penalty can be as high as \$12,500.00. The Town Board has followed these procedures consistently to be fair. Councilman Saris said the applicants are not being asked to take the structure down, so it is not that we are unsympathetic. If it were a situation where the Town Board thought the applicants were trying to circumvent zoning, there would be a request for removal. If the Town Board is inconsistent with their policies it encourages people to perhaps take chances and to take advantage. He realizes it is a lot of money, but the civil penalty amount is designed to discourage people from trying to skirt the rules. Heide Lemaire said where they were from, she has never heard of a violation like that.

Tom Lemaire said he feels this is excessive for this situation. They will comply with whatever the ruling is, but he is not sure how soon they will be able to pay a \$1,000.00 civil penalty, as this amount is difficult for a family with three children. Tom Lemaire said that as soon as the Code Enforcement Officer brought this to their attention they handled everything promptly. Supervisor Gabriels and Counsel both said that was correct. Tom Lemaire said they have already been put on the August ZBA agenda.

RESOLUTION #176

Councilman Saris moved, seconded by Councilman White to impose a \$1,000.00 civil penalty on property owned by Thomas & Heidi Lemaire 32 Church Hill Rd. Tax Map #156.00-2-35 to be paid within 90 days, with the possibility to revisit this deadline. The applicant needs to appear before the ZBA for a variance within 30 days (which has already been done) and needs to bring the structure into compliance. All favorable. Motion carried.

New Business:

North Bolton Road

Supervisor Gabriels said Kelly Bishop requested to be put on the Town Board agenda regarding stormwater. She was unable to attend the meeting.

Nextel Tower

Supervisor Gabriels said Senator Betty Little has made a strong suggestion that the Town of Bolton decide its position on the APA's Nextel Tower decision to allow the tower and asked if the Town Board members would want to send a letter in support of, or opposition to, the installation of a Nextel Tower in Pilot Knob. There was no decision, item is pending.

DeLarm's municipal sewer hook up

Supervisor Gabriels said the DeLarm's have a desire to connect to the Town's sewer system. Counsel has submitted correspondence regarding the Town responsibility and past history on this matter. Councilman Andersen asked if the applicant has obtained estimates for the cost and Michael DeLarm said he hasn't. They just got a variance to replace a porch on the south side of their building, and they will be digging that whole area this fall and would like to do the sewer connection at the same time. It has been almost 10 years since they first approached the Town about being connected to the Town system. Supervisor Gabriels said the Town Board has never dealt with a situation like this. There are two possibilities: running the line to the south through the Town parking lot and the other is to the north to the manhole near the bank. There are problems with trying to go to the north. The Town Board is stuck with a technical engineering design problem that has to cross Town property at someone's expense.

Councilman Andersen asked what the Town's legal obligation is and Counsel said in looking at the ordinance, there is a persuasive argument that on Town property the Town has a responsibility. The ordinance seem to be written in the context of "within the Town right-of-way" so are you anticipating this is a road. The private owner is in a better position to get estimates, if the approach might be cost sharing. The private owner can shop and get better prices since a private owner is not paying prevailing wages. Then negotiations start regarding the owners expectations the Town's expectations and specifications. Clearly the owner within the sewer district has a right to sewer service and someone from the Town should give the owner the specifications needed.

Supervisor Gabriels said timeframe is a question. Michael DeLarm said they will be doing their work between September through November and feels it would be most beneficial to run the line to the edge of his property and then whenever the time is most beneficial to the Town to cross the parking lot the work could be completed. Michael DeLarm said he is unsure of what the specifications are for the estimates. Supervisor Gabriels said nobody at the Town sewer plant has put in a sewer line in years and the Town would have to hire out professionally to have the sewer line or man-hole tapped. He doesn't think the Town can or should rely on Town forces for this. Councilman Saris said he would talk to Chet Dagles to get specifications to supply to Michael DeLarm. Councilman Andersen suggested Michael DeLarm contact Glens Falls Septic to get more information on what is needed for this project.

All Town Board Members were in agreement that they should go forward with research on this matter with the intention of cost sharing, which will be discussed when specifications have been received. Supervisor Gabriels said they can make this happen.

Warren County Planning GIS

Sheri Norton, Administrator said there are nine towns in conjunction with two departments at Warren County that would like to apply for funding from NYS Archives and Records Administration for an implementation grant to develop a visual tracking system for planning and zoning. It would probably be housed in the GIS system. The NYS Archives and Records Administration looks favorably on coordinated projects like this and there is the opportunity to get up to \$125,000 for funding the system development, any software purchases for upgrades,

hardware and training. We are requesting the Town of Bolton to participate by funding \$900.00 for this application.

RESOLUTION #177

Councilman Saris moved, seconded by Councilman Andersen to authorize \$900.00 in order for Warren County to apply for an implementation grant for a GIS Needs Assessment. Funds to come from the Planning and Zoning budget. This is conjunction with eight other Towns and two Warren County Departments All favorable. Motion carried.

Water's Edge noise permit request

Supervisor Gabriels said they are requesting a noise permit for Sunday evenings from 7-9 PM for one musician, through the end of the season. Supervisor Gabriels said there was one complaint from a Sagamore condominium neighbor and Councilman Saris said he personally viewed the performance in question and he sees no issues with it.

RESOLUTION #178

Councilman Saris moved, seconded by Councilman MacEwan, to grant Water's Edge a noise permit as presented. All favorable. Motion carried.

Warren County Sales Tax Allocation

Supervisor Gabriels listed the Town of Bolton's percentages of sales tax that we let the County keep in order to keep the Town's portion of the County taxes down as follows: (20%, 22%, 33% and 25%). Frank Leonbruno came up with this formula years ago and it works. The Town will return approximately \$1,150,000 to the County.

Councilman White asked how the Town of Bolton compares with other communities in this matter and Supervisor Gabriels said it varies. Most of the other Towns take all of their money, but a few leave some money at the County to lower their County tax rates.

RESOLUTION #179

Councilman MacEwan moved seconded by Councilman Saris to leave \$1,150,000 from the Town of Bolton's portion of the Sales Tax with Warren County. This amount will reduce the amount of County land tax Town of Bolton property owners would owe in 2006. All favorable. Motion carried.

Steve Breault vacation request

Steve Breault has requested to be paid for two weeks vacation time that he has accumulated

RESOLUTION #180

Councilman White moved seconded by Councilman Andersen to authorize payment of two weeks vacation time to Highway employee Steve Breault. All favorable. Motion carried.

The board discussed Don Kingsley's bill in the amount of \$18,500 for paving the basketball court at Veterans Park. Councilman Andersen said he met Don Kingsley at the court today and the understanding was that the court would be level with the existing blacktop all around but on

the north side the existing blacktop is almost 13” higher than the blacktop on the south end towards the shed building. Don Kingsley admitted there were rises on the court and roller “divots” and that he would re-roll the basketball court so there would be no roller marks or puddles when he was done and invited Councilman Andersen and any other Town Board Members to inspect it tomorrow when completed.

RESOLUTION #181

Councilman Andersen moved, seconded by Councilman Saris to approve payment to Don Kingsley in the amount of \$18,500.00 for paving the basketball court at Veterans Park contingent upon the project being repaired and declared satisfactory by the Town Board. All favorable. Motion carried.

Father Young’s Birthday celebration

Supervisor Gabriels said Father Young is celebrating his 75th birthday. The Town Board agreed that Father Young has done a lot for the Town of Bolton and should receive a congratulatory letter signed by all the Town Board Members.

RESOLUTION #182

Councilman MacEwan moved seconded by Councilman Saris, to accept the Highway Road Agreement in the amount of \$181,582. Projects for the agreement are as follows: Paving on Lamb Hill Rd, South Trout Lake Road and Trout Lake Rd and Potter Hill Rd. All favorable. Motion carried.

Budget transfers

Donna Boggs presented budget transfers to the Town Board for authorization.

RESOLUTION #183

Councilman Andersen moved, seconded by Councilman White, to authorize the following Budget Transfers:

TRANSFERS FOR August, 2005

FROM	TO	AMOUNT
General Fund		
19904 Contingency	13552 Assessor Equip.	\$756.00
19904 Contingency	13554 Assessor Cont.	200.00
71104 Parks Cont.	71102 Parks Equip.	200.00
71802 Rec. Field Equip.	71804 Rec. Field Cont.	500.00

Sewer District \$25,000 from General Fund All favorable. Motion carried.

The Rensselaer Outing Club submitted a request for the use of Veterans Parking lot for 175 people/35 cars for the end of September 2005 for the weekend. Councilman Andersen said he is all right with this request but has received concerns regarding overnight parking at the parks. Councilman Saris said the Town has approved this in the past and has received no complaints regarding this particular group.

RESOLUTION #184

Councilman Saris moved, seconded by Councilman White, to approve the Rennselaer Outing Club's request for the parking of 35 cars in Veterans Park September 23rd – 25th. All favorable. Motion carried.

Honda Cottages

Councilman Andersen asked for information on an issue in that location. Supervisor Gabriels said all the bluestone washed away which is something that he will submit to FEMA for possible funding.

Indian Brook

Councilman Saris said there is a huge tree trunk in the brook as a result of the June 13th storm.

APA Proposed Campground rules and regulations

Supervisor Gabriels asked if the Town Board would like to make any comments on the APA's proposed rules and regulations on the campgrounds and all Town Board Members agreed the Town Board write a letter in opposition of the proposed rules and regulations.

Public in Attendance:

Donna Boggs said she feels the Town Board should rethink its decision on the Lemaire issue and asked for the possibility of doing something other than the civil penalty or possibly contemplation for dismissal since the family is new to the Town of Bolton and Mr. Lemaire has not yet found employment.

Councilman Saris asked is it fair that just because somebody is new in the Town that they get off the hook. He also added that he sympathizes.

RESOLUTION #185

Councilman Andersen moved seconded by Councilman White to pay the Town bills with a notation that the storm damage bills be paid from unappropriated surplus. All favorable. Motion carried.

Councilman White moved seconded by Councilman Andersen, to adjourn at 10:30 pm. All favorable. Motion carried.

Minutes transcribed by:

Jennifer Torebka

Recording Secretary

8/19/2005

Respectfully submitted by:

Kathleen Simmes

Town Clerk