

TOWN OF BOLTON

Town Board Meeting

August 5, 2008- Minutes

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

ABSENT: Councilman Jason Saris

Meeting Called to order 7:02 p.m.

Pledge: Counsel

ANNOUNCEMENTS

Supervisor Simmes apologized for the agenda not being posted on the Internet. She stated that she sent it out on Friday and is not sure what happened, but it was not put on the website.

August 6th 7:00 pm. at the Town Hall is the Public Informational Meeting for the proposed Zoning revisions.

Chris Gabriels has made the final repairs to the pier at Rogers Park making it much safer

PUBLIC IN ATTENDANCE

Mr. Sinnott

Robert Sinnott provided packets of information to all Board members. His presentation was based on whether or not the riparian rights of the Town attributable to Lower Brereton Road precede the construction of the Thunderbird boathouse. He provided a map from 1908, which covers the Brereton Estate and Lower Brereton Road. The packet also included a 1949 survey of Upper Brereton Road and the Hollenbeck Estate. He also included the July 15th letter from Counsel Muller to the Lake George Park Commission in which Counsel outlines the Town's position in reference to Lower Brereton Road and the attached dock on the south side of the Thunderbird Motel's boathouse. Mr. Sinnott asked for the Board and Counsel to review the 1908 map. He stated that the map was drawn by the 1908 WC Engineer and asked Counsel if the map could be used as a reliable and accurate reference. Counsel asked if the map was filed or recorded. Mr. Sinnott replied that it is not filed or recorded to his knowledge. Counsel asked where he found the map. Mr. Sinnott replied that he took the 1949 survey done by Leslie Coulter and found the Coulter and McCormick archives at Van Dusen and Steves, surveyors. Mr. Sinnott stated that he is confident that he could trace Lower Brereton Road much further back than this by going to the WC Engineering Department and going through their archives. Mr. Sinnott stated that Lower Brereton Road is a straight arrow from Route 9N and has been that way for at least 100 years. He feels that it could be another 100 years because the width of the road is exactly 2 rods or 33 ft and during colonization it was typical for roadways to use rods as a dimension. Two rods was the normal roadway so 2 carriage horses could pass one another. He stated that the dimensions on the 1908 map are the same as what you would see on a 2008 map except the amount of shoreline property is slightly larger than the 1949 or 2008. Counsel stated that the map is historically significant and if R.J. Brown was the WC engineer at the time

and Matt Steves was the custodian of this, it is relative. Notably if he were on the other side of the controversy and interested in challenging this, he would be asking who drew the superimposed lines on the map. Mr. Sinnott stated that he would use this map as a starting point to find out if it is filed or something similar to this is filed. He stated that not only does this have identical metes and bounds and extreme detail to structures and the Thunderbird Motel boathouse is not drawn on the map.

Mr. Sinnott then explained the 1949 map shows that Upper and Lower Brereton Road in 1928 were considered by the public to be the roadway to the lake. He stated that the 1949 map has been filed and shows a direct route to the lake.

Supervisor Simmes asked what Mr. Sinnott was requesting of the Board. Mr. Sinnott replied that it has been alleged that the boathouse is 100 years old and he is arguing that it is not and it is an encroaching structure on the Town's riparian rights. Supervisor Simmes stated that they knew that it was an encroaching structure. Mr. Sinnott stated that it was only perceived to be an encroaching structure but there was nothing to refute Mr. Chiraboga's assertion that the boathouse was over 100 years old. Councilman Maranville asked if the 1908 map could be used as a reliable source since it was not filed with the County. Counsel replied that he believes that there is historical significance to the map however it can be disputed as to the additional lines added to the map. He stated that the recent Bolster survey map that Mr. Chiraboga had requested is completely accurate in its description. The older maps that are not filed pertain to the issue of what came first the riparian rights versus the boathouse. Counsel stated that the instructions he received at the previous meeting were to defend Bolton's position with respect to the encroachment, which was limited to the smaller dock. He stated that is what is being generated as the claim that ultimately needs to be solved, settled or argued in Court. Supervisor Simmes stated that when they requested that Mr. Chiraboga remove the L-shaped dock last month Mr. Sinnott never requested that the boathouse be taken down and asked if that is what he is now requesting. Mr. Sinnott replied that he is not requesting that and he is only requesting discussion on whether or not the boathouse is an encroaching structure. He stated that if the L-shaped dock is going to be challenged in Court and the boathouse is in the same status as the dock, then he is requesting that both pieces be looked at together. Counsel stated that was a great point and the economy of the effort is in the pleading. The language says all encroachments within the defined area of Lower Brereton Road and its riparian rights. He stated that if they deal with the small dock it gets to the argument of history and latches or delays. He stated that the Supreme Court Judge is permitting their consideration of the fact that the boathouse sat there for 60 years and the municipality that has the superior right has not taken any action and equity may require that it not be removed. He stated that there are other remedies, such as the Town granting a license or easement.

Lenny Chiraboga stated that he doesn't have enough information to dispute Mr. Sinnott claims but he wanted to present what he did have. He referred to Bill Gates' book about the historical sites on Lake George. He stated that Bill Gates indicates that there were two brothers Brereton and Ludwig who acquired the properties on Lower Brereton Road in 1906 and it is unclear from the text when the two structures of the boathouse and lake house were created. Denny Brereton acquired the parcels to create Ledge Harbor and it could be surmised that since 1906 it is possible that those two structures were there. He stated that he has made contact with the Librarian and Curator at the Adirondack Museum who are researching their records. From the information that he has, the boathouse is approaching 100 years. He feels that just because the survey shows that the structure is encroaching does not mean that they built it to encroach upon those rights. He does not feel that for the last 60 or more years it has created a hardship for the Town or made lands unusable and he doesn't really see the point in involving the boathouse. He stated that involving the boathouse in the argument or claim could potentially stop the harassment about the encroachment or it could potentially come to the boathouse being removed completely. He stated that these lands have been passed through at least half a dozen people and these land owners were and are paying mortgages and taxes on these structures and suddenly they are being requested to be removed. He stated that he is presenting perspective to the Town. He is doing his due diligence and has spent thousands of dollars and many, many hours researching this and trying to come

to a conclusion when all he wants to do for the few weeks in the summer is to survive and contribute to the Town as a commercial business. He stated that he has some questions regarding the 1949 map because the lines showing the public road do not go all the way down to the beach and feels that there are more areas that can be challenged. He requested that no determination be made by the Town Board tonight because he does not have enough information to present.

Councilman MacEwan stated that he feels that the 1908 map seems to have a piece missing and he is not convinced enough to be swayed. Councilmember Rehm asked Mr. Chiraboga about the L-shaped dock and whether or not he plans to keep it there. Mr. Chiraboga replied no and he is trying to get information from his counsel and Town Counsel on how to proceed. He stated that he has not moved more quickly to remove the dock because of what is going on tonight. He is concerned that a domino effect would occur and that by removing the dock would give the impression that they agreed to that and therefore they are guilty by admission and now the boathouse needs to be removed.

Supervisor Simmes asked Counsel to provide more details about a contract with the Chirabogas with regard to an easement or license. Counsel stated that Town law does permit easements for encroachments by virtue of a license. The license is given for a term and is specific as to what it includes and is recorded in the WC Clerk's office. Supervisor Simmes asked if the TB would like Counsel to draft a proposed license agreement between the Town and Mr. Chiraboga. Councilman Maranville stated that he feels that the boathouse is not an issue at this time and he is not interested in looking at any licenses yet. Councilman MacEwan agreed.

Mr. Harrington

Michael Stafford represented Mr. Harrington stated that he was present to discuss the proposed tree planting plan. Supervisor Simmes stated that she, Mitzi Nittmann and Pam Kenyon visited the site again today to see if anything has changed in the last few months and nothing has. She stated that Mitzi Nittmann was going to provide a background on this property to update the Board.

Counsel explained that this is an enforcement action that started on the allegation that Mr. Harrington cut in the scenic corridor along County Route 11. As Mitzi Nittmann got involved she dug deeper and found that the PB in resolving issues when Mr. Ronning owned it had delineated certain areas on a filed map that showed a no development zone. He stated that there is a controversy as to what no development is. Mr. Harrington was before the TB a few years ago in an attempt to bring a resolution in terms of alternative remedy. Part of the process was a replanting plan proposed to be reviewed by the PB. Along the way, instructions he received from the PB were to consider this in three areas. The first area is along the scenic corridor, the second are Mr. Harrington's structures, which are not in any dispute for replanting, and the third area was everything behind the no development line. At the time Mr. Harrington stated that he did not have any indication that it was a no development area and he was not bound by any contract or deed restrictions. However, this information is available and filed in the WC Clerk's office. He stated that it was not successful as an alternative remedy and so the enforcement action ensued. After hearing several days of argument in Court he and Attorney Mike Stafford agreed that there is no harm done if a planting plan could be presented to the Town of Bolton. This planting plan has been presented to the PB for an advisory opinion only. Counsel stated that they have to deal with the issue of what the no development line means and to know that this is an attempt at an alternative remedy and if it should fail then they will be back in Court.

Mitzi Nittmann gave an overview of the subdivision dating back to when Ronning owned the property. She stated that Ronning had clear-cut several of the lots and the APA took over jurisdiction and there were certain restrictions put on them including the no development line. The minutes from the meeting of the TB and PB at the time reflect that both Boards wanted those areas to be left alone with no disturbance. She stated that Rolf Ronning had questions as to what no disturbance meant. The

interpretation that she got from reading the minutes was that nothing, and to not do anything. She stated that when the development cul-de-sac was being done, Dick Cipperly was the forester who had gone through this advisory process with the TB and PB and had submitted a clearing plan for each lot for the cul-de-sac. The clearing plan allowed for some thinning and trimming process below the line so that each house could maintain a lake view. He also presented a lawn plan for each lot, including trees and shrubbery which also allowed the owners to maintain a lake view. Mitzi Nittmann stated that she has approvals from the PB for this but she doesn't think it was ever done because all of this proposed trimming had to be done by hand without heavy equipment and it had to be supervised by a forester. Mitzi Nittmann stated that Mr. Harrington was approved for a cutting plan that included his driveway. She stated that upon the visit today to the site, most of what has been cut is starting to return because it wasn't stumped and that the vegetation is thick and heavy. She stated that Mr. Harrington has cleared right up to the no development line and 20 feet into the County right-of-way. Supervisor Simmes stated that she is concerned that there is no way to plant the proposed trees because there is so much growth growing there now and they would be totally disturbing everything to plant a tree. Mitzi Nittmann agreed. Mike Stafford stated that he thought the no development area was regenerating and thought that the trees were being requested along the scenic corridor. He stated that the trees could be planted wherever the TB sees fit and Mr. Harrington is not attached to the placement of the trees. Counsel agreed that he and Mike Stafford were under the impression that the Town wanted to see trees in the scenic corridor. Mitzi Nittmann stated that the vegetation is too dense and there are trees that are 4-5 ft tall. Supervisor Simmes stated that Mitzi Nittmann had thought of another possible plan. Mitzi Nittmann stated that there was an approved planting plan from when the cul-de-sac was being developed. Mike Stafford stated that their position has been that yes this was controversial when Rolf or his father cut the trees and Mr. Harrington never said he wouldn't live by the filed map and the conditions on the subdivision approval which says below that blue line there will be no development because his client has no intention of developing below that line. When Mr. Harrington bought the house an aerial photo was taken of the property and all he is attempting to do is to maintain it exactly like it was when there were no enforcement proceedings or knowing that there were any issues with property. He stated that there is no question that he cut in the no development zone but he thinks that under the ordinance and as the ZBA has interpreted the word disturbance, Mr. Harrington is going to continue to comply with the Town's definition of what he can disturb. He argued that although conditions were discussed at meetings and there are minutes to back that, he feels that it would be a nightmare to have to always research that. He feels that if the conditions are not put in the final subdivision conditions or put on the final filed map it is not enforceable. He feels that the only mistake his client made was that he didn't maintain the property often enough and when he did finally cut it, it looked awful but he doesn't feel that warrants an enforcement proceeding. Mike Stafford stated that Mr. Harrington is willing to do whatever the TB wishes him to do with respect to planting in the scenic corridor.

Mitzi Nittmann listed the conditions of approval. There will be no construction or destruction including removal of vegetation on the lots until site plan review is complete. A tree removal plan is to be submitted for each lot. Site specific review is required for each lot prior to construction. A landscaping plan is to be reviewed for each lot. Town portions of the driveways for lots 1-4 are to be cleared no wider than 15 feet. Mike Stafford stated that all of this was done before Mr. Harrington bought the property. Whoever built the house would have needed a certificate of occupancy, which was given and all of those conditions would have to have been met. Supervisor Simmes stated that she is concerned because Mr. Harrington has gone in this spring and cut down more brush and asked if he is allowed to do that. Mike Stafford feels that Mr. Harrington can do that as long as there is no development over the blue line and no disturbance as defined by the ordinance and interpreted by the ZBA. Mitzi Nittmann stated the approved lawn plan and clearing plan below the blue line was described by Mr. Cipperly and submitted to the PB. Mike Stafford stated that it is not in anyone's deed or on the filed map so that the public is bound by it or where it can be enforced or relied upon. Counsel stated that he doesn't fundamentally disagree with Mike Stafford in that in order to bind a property to some restrictions or limitations it needs to be in the deed or in the form of a covenant or recited on the filed map. He stated that although Mr. Cipperly's plan is outlined in the minutes and shows what the PB thought they were approving is merely

in the minutes is not, in his opinion, able to be enforced by a Court of law. He stated that although the history of the property is instructive he thought that the issue they were addressing was the scenic corridor and if the advisory planting plan is acceptable.

Councilmember Rehm asked if the no disturbance zone is also indicated on the filed map. Mitzi Nittmann stated that it is just called the no development zone and the no disturbance line refers to Mr. Cipperly's cutting plan. Councilmember Rehm asked if there has been discussion as to what no development means. Counsel stated that the ZBA interpreted that no disturbance meant no removal of stumps, no exposure of bare rock or soil. He continued that the code specifies in section 200-8 land use or development for use specifies as follows: "any construction or other activity which materially changes the use or appearance of land for a structure or the intensity of the use of the land or structure." He stated that in the earlier stages of the proceeding CEO Mitzi Nittmann and ZA Pam Kenyon found that Mr. Harrington was in violation because this was the definition they were using. Councilmember Rehm stated that Mr. Harrington has violated the no development zone. Mike Stafford argued that he hasn't because the appearance is the same as when he bought it. Councilmember Rehm replied that they do not know if it was in compliance when he bought it. Counsel stated that the long running argument is if cutting constitutes changing the appearance of the land. He asked if the TB determines that one component of the resolution is that Mr. Harrington should never cut in that no development zone, but his impression is that Mr. Harrington does want to cut. Mike Stafford replied that Mr. Harrington spent a lot of money for a view and to tell him that his view will be gone someday is not okay. Councilmember Rehm asked if their lawsuit was solely for the scenic corridor. Counsel replied no, it included all areas of violation. Councilmember Rehm stated that she would like to stay in court. Mike Stafford argued that most of the cutting involved sumac and underbrush. Councilman MacEwan stated that he was up there a few years ago and there were some decent size trees and not just sumac and underbrush. He stated that he sensed that the main issue was that Mr. Harrington wanted to maintain a view. Mike Stafford stated that he thought that they were here to discuss a re-planting plan for the scenic corridor. Counsel agreed but stated that the issue needed to be brought up because they would find themselves back here again. Supervisor Simmes stated that they will need to make a decision on whether or not they want Mr. Harrington to plant these trees along the scenic corridor. Counsel stated that was true, but one had hoped that the whole resolution was capable of being managed and agreed upon by Mr. Harrington and the Town Board that this would resolve the issue as an alternative remedy. He stated that although they should consider the re-planting plan they need to address the issue of the no development zone. He stated that he would hope that they could bind Mr. Harrington to an agreement that he acknowledges that no development zone means that he complies with those activities that materially change the use or appearance of the land and bar cutting. He stated that he is not trying to protect sumac or underbrush but the Town doesn't want any cutting there so he feels that they will be arguing it in Supreme Court. Mike Stafford agreed that this was an effort to fully settle the matter.

Mitzi Nittmann stated that she feels that they are not in agreement with the re-planting plan along the scenic corridor because it is already starting to re-generate on its own and would cause more damage than good. Councilmember Rehm agreed as long as Mr. Harrington would agree that no more cutting will happen in the scenic corridor. Counsel asked if Mr. Harrington would be agreeable to never cut in the no development zone unless he first obtains approval by site plan review. Mike Stafford replied no, it is his property and he is bound by the rules by the Town of Bolton and there is no rule that he can see that prevents him from maintaining his view. Mike Stafford stated that the definition of no development in the code is a huge leap of faith that somehow says that Mr. Harrington cannot maintain the property in the condition in which he bought it. He stated that disturbance is a term that is much more easily violated but under the ZBA interpretation of disturbance 95% of what Mr. Harrington did in that zone doesn't measure up to a disturbance of the property. He stated that if they need to they will go to Court on that issue as well. Mitzi Nittmann stated that under Mr. Cipperly's approved plan, Mr. Harrington could still maintain a lake view if he could agree to the terms.

Supervisor Simmes asked if the TB decides not to go with the re-planting plan would it affect the lawsuit. Counsel replied that it does not stop anything in the lawsuit, but he would change course a bit because he would not be arguing in Court that the perceived cutting in the scenic corridor is a violation of code and they will concentrate on the no development zone. Supervisor Simmes stated that he has a large view of the mountains to the north and straight out to the lake and doesn't understand why he needs to cut the no development zone as well. Counsel requested that Mike Stafford discuss with Mr. Harrington to consider the possibility that he has this right to the view but it is a filtered view and he has a process by which he can obtain that through site plan review so there is no controversy. He stated that this is an easier answer because he gets a lot of what he paid for and he is not being held to obligations that are not on the map but on the definition and he is getting most of what he hopes to achieve.

John Gaddy stated that the conditions were put on in an attempt to re-vegetate the area because the whole mountainside was cleared by the loggers for Olaf and Rolf Ronning. He stated that it seems that the conditions would allow any subsequent owner to come back and get filtered views. Supervisor Simmes asked if he had been to the site recently. John Gaddy replied yes and it will be hard for things to grow back fully because of everything on the ground. Supervisor Simmes stated that she couldn't see anything on the ground because there was so much growth.

Mr. Dan Wacks stated that he is located on the other side of County Route 11 by Route 9N and they get a tremendous amount of run-off from County Route 11. It has washed out all the soil into the stream and is going in the lake. He stated that it has only gotten worse over the last few years and can only attribute this to what is coming down un-interrupted on County Route 11 on the shoulders. It is a problem that needs to be addressed because it is washing out the stream and flowing into the lake.

Supervisor Simmes stated that based upon her site review with ZA Pam Kenyon and CEO Mitzi Nittmann, she would feel comfortable in not requiring the re-planting plan because he is going to disturb more land in order to plant.

RESOLUTION # 141:

Councilmember Rehm moved, seconded by Councilman MacEwan to not require implementation of the re-planting plan for Mr. Harrington's property along the scenic corridor. All in Favor. Motion Carried.

Mr. Charles McNulty asked the TB to consider bringing natural gas to the Town. He stated that the price of fuel is continuing to skyrocket. He stated that Franklin County recently pushed for a spur of natural gas to be brought to the area because they were concerned that residents would leave the area because they cannot afford the heat. He stated that Franklin County sought help in funding and they received grants from Senator Schumer and Senator Clinton to look into obtaining a supply of natural gas. Supervisor Simmes stated that they would look into it.

Chris Navitsky, Lake George Waterkeeper, stated that he wanted to discuss two stormwater issues.

Cobblestone Subdivision- He provided information and photographs of the subdivision during a recent storm event, which showed some significant turbid water leaving the site from a newly installed culvert and going down across Braley Hill Road. He stated that he also sent a letter on July 15th to the PB regarding an approval of lot 12. He stated that it is the Lake George Waterkeeper's assessment that the PB should cease all approvals on any of the lots until the stormwater management system is corrected. He stated that this has been an ongoing failure that has been going on for 5 years and they feel that it is about time that permits stop until the run-off is properly addressed. He stated that Lot

12's stormwater was to be held completely on the west side of Cobblestone Road Subdivision and to be infiltrated into the ground. He stated that this was not possible due to the extreme amount of silt and sedimentation that came from the poor construction up there. After the problem was raised to the PB's attention the developer came before the PB again in August 2006 with an amended plan. They proposed to short circuit that retention effect on the west side of their road and proposed to put in a culvert. However on the proposed check dam schedule they were supposed to install about 42 check dams, of which they have installed one. He stated there is a significant problem and the Lake George Waterkeeper thinks that the Town of Bolton should not issue any more permits on that subdivision until the subdivision comes into compliance with stormwater management. Mitzi Nittmann asked when the last time he reviewed the site plan. Chris Navitsky replied last summer. Mitzi Nittmann stated that some of the plan has already been changed by the DEC. She stated she has put the developer on notice and they have until August 8th to fully remediate the problem.

Saddlebrook Subdivision- He stated that the Lake George Waterkeeper is extremely concerned regarding the approved plan. He stated that one of the biggest problems is the discharge onto an adjoining property. He stated that currently along High Meadow Farm Road the approximate drainage area of 20 acres funnels down through a 12" culvert. He stated that they feel the approved 30" culvert is going to cause a lot of problems. He stated that this large culvert will be about 8' from the neighbor's property line and they do not feel that this is proper planning or that this should be a plan that the Town is approving. He stated that they have submitted numerous comments and he does not know how this could get approved. He stated that even in a 100 year storm event run-off is handled through a 12" pipe. He stated that he hopes that the Town will look at this again because there are many concerns.

Ann Marie Somma stated that her property is the adjoining property that the LG Waterkeeper was mentioning with regard to the Saddlebrook Subdivision. She stated that she appreciates all of the Town Boards members time and effort as active members of the community. However, she has several problems with the Town PB. She stated that the PB approved this subdivision for the second time and she strongly believes that it absolutely does not comply with their own code. Section 125-5 states that the PB objectives are to prevent any increase in stormwater run-off from any development in order to reduce flooding, siltation and stream bank erosion and to prevent any increase in a total annual volume of surface water run-off which flows from any specific site during and following development over which existed prior to development. She stated in the last major storm, the area where they are proposing to discharge this stormwater, was not affected by the storm. She stated that the proposed pipe is 4' from her property line and directly across from her bedroom. She stated that Tom Nace, Town Engineer, has stated that it will discharge "a significant amount of water", which is 165 gallons of water per second during a 10 year storm and 330 gallons of water per second in a 100 year storm. She does not feel that this is a protection of her safety as a resident of the Town. She stated that her husband was stranded during the last storm and she would hate to raise a family in that house knowing that other conditions have been approved that would exacerbate that situation. She stated that the 12" pipe there currently catches the run-off from Richard DeMeo's driveway which is far from the amount that will be concentrated across her property from 50-60 acres. She feels that the plan is not in compliance with Section 200-46 which states that the applicant should conform to the published guidelines for erosion and sediment control in the urban areas of New York State. She stated that the author of the document is the NYS DEC and she provided the specific Figure 5b.12 where it clearly shows that the outfall protection of rip-rap proposed is not enough for the size of the pipe. She stated that she provided this figure to the PB

and Chairman Herb Koster told her that it was not their responsibility to ensure that the plan complied with DEC requirement and that would be up to the DEC. However the Town Code states that they need to comply with all regulations. She believes that it is the PB's job to ensure that the plan would comply with that even though the author is the DEC. She stated that she called Bill Lupo at the DEC to tell him that she was concerned about this plan and her safety and he indicated that it would not be reviewed by the DEC since the Town of Bolton had adopted that Code as part of its Code and he spends his time reviewing projects that aren't reviewed by any other party. She stated that she is left wondering what her options are because it has fallen between the cracks. She stated that this plan in no way complies with the Town Code and it puts her family in extreme danger. She feels that she is left to do nothing but file an Article 78 to challenge the approval. She stated that the PB Chairman stated that "the proceedings concerning Saddlebrook could not go on forever and the project would need to get approved at some point." She stated she disagrees with that and would hope that as the TB appoints members to the PB they would not want that type of attitude to be present on the PB. She would argue that a subdivision or other project should only get approved at such time that it can comply with the Code as adopted. She is shocked at the lack of protection of her rights as a citizen of this Town and as a property owner by the PB. She understands that the Saddlebrook Subdivision was on the docket for a very long time and it can become quite taxing. However she is concerned that there is a methodology set in place to analyze these large scale projects. She stated that several items were brought up over and over again in one meeting but seemed to disappear for several months and she wishes there was some sort of way to keep track of all of these issues as they arise to make sure they are addressed or taken care of before the project goes on for further review. For example, in the beginning Tom Nace recommended that Rolf Ronning obtain an easement from her. He did not have that easement and she raised this issue with the PB several times and the PB approved the project anyway. She stated that as a member of the community she wanted to express her support as a member of Town and Adirondack Park for the Lake George Waterkeeper and his efforts. She stated that this is an initiative that should be embraced by the Town. She is very grateful to have him in the community and that he has dedicated so much of himself to Lake George and its basin and she hopes that the TB and the PB continue to value his comments. Councilman Maranville asked why the pipe was directed right at her property. Ann Marie Somma replied that they really have no other place to go with the water since they are moving the road. She stated that Ronning could have discharged along New Vermont Road and there were potential plans to run it under her driveway, but he never changed his drawings.

Dorothy Belair - stated that she received a letter about the zoning changes in the Huddle and she is concerned about what and why are they making these changes. Supervisor Simmes stated that meeting is tomorrow night. She stated that she is also concerned about water run-off by her property. She stated that she notified the State of New York about some issues with new development on Barber Mountain Road. She stated that she doesn't have a problem with the people being there but there is a terrible run-off off Barber Mountain Road which is going in front of her driveway and property. She stated that the run-off goes into the brook and it has gotten filled in by Joe Lieto's property and then comes back around her property which is eroding. She stated that something needs to be done because when there is a heavy rain all of that run-off is going into the lake. Councilmember Rehm asked if this situation was present 4 years ago. Dorothy Belair replied no. Councilmember Rehm asked if she was confident that the new house has created this problem. Dorothy Belair stated that she does not want to blame the people, but something has to be done with Barber Mountain Road stormwater. Supervisor Simmes stated that she would look into it.

Matt Finley- stated that he noticed on the agenda that the parking on Cotton Point Road was going to be discussed and requested that he be involved in those discussions. He stated that he also wanted to discuss the Cotton Point residential zone. He stated that according to CEO Mitzi Nittmann and Assessor Dave Rosebrook, the Cotton Point Residential zone still exists but the problem is that they cannot figure out where it goes. He is hoping to formally request a map to be produced, specifically to address whether or not his neighbors property is or is not in the residential zone because he is involved as a defendant in a lawsuit for adverse possession and this would affect the outcome of that lawsuit. Councilmember Rehm stated that she does not recall an actual map but there was a book that had this information. Matt Finley stated that he has the language but he doesn't have all of the boundaries. Mitzi Nittmann stated that they are missing some of the description of the lands involved. Matt Finley stated that he believes that he thinks he knows the answer based on the information that he has and based on his father's notes. He stated that there was a lot of last minute discussion as to where the lines would go. He feels that it is very important for him to figure out where these lines are supposed to go. Councilmember Rehm stated that she would be concerned that they would be involved in a private suit and they would not be required to provide this map. Counsel stated that they would not be required to create it. Councilmember Rehm stated that they could look in the archives that may assist them to make it clearer. Counsel agreed. Matt Finley stated that he doesn't feel that they will find a map, but they do have an ordinance that is unreadable as it stands. Supervisor Simmes stated that they would look into it.

CORRESPONDENCE

CT Male report for the post-closure landfill monitoring report is here.

Copy of the Bolton Summer Camp newsletter

Letter from Attorney that they have been retained to represent the Town in a lawsuit brought by Mark Coon for injuries sustained by his son. This has been sent to the insurance company to be handled.

Notice of a grant workshop scheduled for August 6th in Saratoga Springs. Supervisor Simmes will be attending.

Time Warner notification of possible channel changes

Counsel email stating that he is trying to set up a meeting with Lake George Camping equipment. Counsel stated that he is being ignored. Councilmember Rehm asked if they should contact the property owner. Counsel replied that he cannot contact LG Camping Equipment but Supervisor Simmes could let them know that he has been trying to reach their Counsel. Supervisor Simmes stated that she will make contact.

State of New York Office of Real Property that our star administrative aid payment is \$536.85.

Email from LGA that they will be conducting an archaeological survey of Finkle Brook. This is one of the steps necessary before dredging can occur.

WC DPW letter to the Kingsleys concerning drainage problems on North Bolton Rd. A meeting was held with the Kingsleys, Mr. Sheppard, Tom & Kathy Conerty and the County to resolve the issue.

Copy of LA Group newsletter.

Notice from Holland Co. that the price for aluminum sulfate will be \$1.31 for 2000 gallon deliveries. This is the second increase this year. Last year we paid 93 cents.

WC DPW change order for Town of Bolton wastewater project for baffles and weirs amounted to \$27,077.47.

LGA newsletter

ADKAction will be holding a conference on State Land Valuation in the Adirondacks on August 22, in Saranac Lake at the Harrietstown Town Hall. Assessor Dave Rosebrook and Councilmember Rehm will be attending.

DEC letter concerning the possible use of our Schroon River Road sandpit as a place for tree stumps and brush.

Wurtz letter concerning her failed septic system. The ZO is handling the matter.

DEC notice of violation of Ph level at sewer plant. This is due to the trickling filter being off line back in May. Everything is now back on line and should be fine.

Counsel letter to Supreme Court that Janet Lehman is going to appear at our August meeting with a proposal to save a dilapidated barn. Mitzi Nittmann stated that she spoke with Ms. Lehman and she indicated that she would not be able to attend tonight's meeting because she is involved in probate court. Ms. Lehman also indicated that she is attempting to get here mid August and at that time she will begin the process and would like to be at the TB meeting in September for her proposal to save the barn. Supervisor Simmes stated that Anton Cooper has already been at the property to secure some of the building.

LG Park Commission Annual report

Copy of first interim report on LG coliform monitoring report

Price list for materials from the Bolton Gravel Pit. Supervisor Simmes has provided a copy to the Highway Superintendent.

Attorney for GHHBton Inc. has sent a letter to various government agencies regarding possible violations with the Algonquin. The noise ordinance is the aspect for the town to deal with. Jeff Beaton stated that there is also a drain pipe that comes off the roof line towards the parking lot and comes over from the back of the Algonquin and crosses their line. He stated that the sediment in the run-off appears to be from the shingles off the roof. He stated that it is definitely over the line and he believes that Keith Scott is aware of it. Mitzi Nittmann stated that she is not sure of the origin of the pipe. She stated that the Algonquin was looking into some sort of stormwater management around back and there are 4-5 separate retention areas around there. She stated that she has

documented everything, but she is unsure of its source and needs to meet with Keith Scott. Jeff Beaton stated that he was told to contact the Baker Brothers because they installed all of the landscaping and may have more information, but before contacting them she suggested that he talk to Keith Scott. Councilmember Rehm stated that the only reason the Town would get involved would be if it were stormwater related and if it is encroaching on their property otherwise it is considered a private matter. Mitzi Nittmann stated that it exits right out onto their property line and the last time she visited the site the pipe did not have tremendous amount of flow. Councilmember Rehm asked if it would have required a permit. Mitzi Nittmann stated that they did get some sort of stormwater approval for the Algonquin but she is not sure if that was just for the tent on the deck or additional issues. Jeff Beaton stated that he thought when Jake Snyder was on the TB that they passed a law or resolution that it is against the law to run water onto someone else's property. Counsel stated that the statement that it is against the law to discharge stormwater onto someone else's property is a true statement but it does not require a law because it is a common law and it does not require an ordinance or TB action. He stated that the Town is very much involved in this if indeed whatever constitutes the problem is in violation of an approved stormwater plan. He stated if there is no stormwater approval for whatever is out there, it is Mr. Beaton's civil right to seek that to be remedied. Jeff Beaton asked if the Town would look into it. Counsel replied that the Town would get involved if Mitzi Nittmann tells them that this is a violation of an approved stormwater permit. He stated that there are some exemptions in stormwater ordinance that have to do with size. Generally speaking there is a lot of stormwater that is involved in the management of water and erosion control that comes only to the Zoning Administrator's office and if that happened, then Mitzi needs to make a determination if there has been a violation of their permit. He stated at this point he is unsure of the Town's involvement until Mitzi Nittmann can gather more information.

Public Informational Meeting for the Middleton Bridge at Warrensburg Town Hall August 6th 7 to 9. There are four alternatives available.

Copy of BLDC minutes for July 23rd

Estimate from Chris Gabriels on replacement cost for dock at Veterans Park from ice damage. Estimate is \$102,700. Sent to our insurance. Waiting to hear.

WC Real property list of delinquent tax foreclosures

Letter from the Crisps concerning water runoff from Rogers Park onto their property. Supervisor Simmes will meet with them to see their concerns

Copy of Smart Growth grant committee's notes and goals and objectives

Lake George Waterkeeper letter regarding education credits for PB & ZBA members for Low Impact Development. Chris Navitsky stated that they had a four hour seminar in which they invited local engineers, land use attorneys, builders, developers and PB chairmen to attend to try and bring in concepts for Low Impact Development to reduce stormwater run-off. He stated that they received good feedback, but wished they had more attendance. He stated that they contacted the NYS Department of State and received permission to condense the program into an hour seminar and provide it to the Town for credit towards their continued education required 4 hours per year. He stated that if the Town is interested, he would provide the program at no expense to the Town.

Supervisor Simmes stated that they will forward this to the PB to see if they are interested.

LGA Grant reporting for Bixby Beach. 75% complete: There will be a meeting on August 13th with DOT, LGA, and the Waterkeeper, property owners from Home Place Corp., Tim Coon and Dave Wick from WC Soil and Water to discuss stormwater options for the area.

APA notice for a project before them for Lagoon Manor Homeowner's Association.

ZONING ISSUES

Elmer Clark property: 824 Trout Lake Road Tax Map ID# 186.00-1-20. Nace Engineering made an inspection: His report spells out what needs to happen on the property. The CEO will send them a letter with Mr. Nace's recommendations. The board needs to set a time limit for the remediation work to be accomplished. Counsel stated that was not necessary and Code Enforcement Officer Mitzi Nittmann can set the time limit. Mitzi Nittmann asked if the TB had any thoughts on a time frame. Counsel recommended 30 days and if they do not comply then they will see if they need enforcement action.

Harold Raven- Treasure Point Rd. Tax Map ID# 186.15-1-9. Counsel stated that there was a pre-trial conference in the Judge's chambers and Ben Pratt, Mr. Raven's attorney, stated that Mr. Raven is trying to bring the property into compliance and Counsel has extended to them a continued adjournment. He stated that he will be contacting Mr. Pratt in mid-September to see what if anything is being submitted. Councilmember Rehm asked if Counsel knew what Mr. Raven was doing to bring the property into compliance. Counsel stated that he believes Mr. Raven is hopeful that he can get a variance from the Town. Counsel stated that even if he were to receive the variance from the Town he would never get permission from the APA. He stated that Mr. Raven is doing a dance around on how to remove the decks and replace them with things that are non-jurisdictional. He speculates that things that are non-jurisdictional are retaining walls that are undersized, and use of surfaces that are slate or stone surfaces that are considered landscape materials. He stated that this is the direction that they are headed in but he has not seen anything concrete.

BOARD OF HEALTH

RESOLUTION #142

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

Rosamund Butler septic: Crown Island Tax Map ID# 171.12-1-4. Carl Schoder has approved the changes made to the system, but there is a concern that another variance would be needed since they have moved the system closer to the house than on the original plans. Mitzi Nittmann stated that it is about 2 ½ feet closer to the house. She stated that although the site plan was submitted and Carl Schoder's letter came in, it has not been sent to Tom Nace for review. Councilmember Rehm read from Carl Schoder's letter "In our opinion, the BOH should consider the 4.6 ft separation as acceptable." She stated that they would be granting the variance but Tom Nace has not signed off on it. Mitzi Nittmann stated that Tom Nace hasn't even seen the plans. Supervisor Simmes stated that it should go to Tom Nace first before any variance is considered.

RESOLUTION #143

Councilman MacEwan moved, seconded by Councilman Maranville to return to the regular meeting. All in Favor. Motion Carried.

COMMITTEE REPORTS

Councilmember Rehm

Recreation Department- It is a pleasure to report that the month of July has ended with only one cancellation due to weather conditions. Of the 20 plus events scheduled, only the Northwest Bay Hike was rained out. There has been record high attendance this year in all areas including the 30 plus campers in Day Camp, and 23 students enrolled in the Theater Club, which also drew a large crowd of 50 plus people into the park for the premier of the play and Youth Talent Show. Each concert and movie event has seen between 50-100 or more attendees as well. With regard to the beaches, both beaches passed DOH inspections along with the Day Camp for this season. They have seen some improvements with the geese population; however, they do seem to return on rainy days when fewer patrons are at the park. The Recreation Director also appreciates all assistance provided from the Town Police in discouraging local youth from jumping and swimming by the pier. A request has been made by several lifeguards and patrons to initiate a no smoking policy on the beaches, since this is a violation of their right to work in a smoke free environment, as well as the cigarette butts littering the beach area. It has been recommended by the Town attorney to have the topic brought up at the next Recreation Commission Meeting scheduled for August 2008 to be voted upon. The Rec. Dept. looks forward to the remaining activities successful completion. lineThere are a few spaces still available for the August 31st trip to Yankee Stadium, please sign up at the Town Hall.

Councilman Maranville stated that he has spoken to one of the women that represented the Southern Adirondack Tobacco Free Coalition at May's TB meeting and she indicated that they could provide some free signage for no smoking on the public beaches. Councilmember Rehm stated that the Rec. Commission will be discussing this issue at the next meeting.

Councilman Maranville

Justice Department- Hon. Harry Demarest- \$10,180.00 and Hon. Edward Stewart- \$6,027.00 Total- \$16,207.00. Itemized lists are located in the Court.

Police Department- They patrolled 2,856 miles, used 220.5 gallons of fuel, answered 5 criminal mischief, 7 larceny, 3 trespass, 4 harassment complaints, 2 domestic disturbance, 1 littering, 3 disorderly conduct, 7 property checks, 9 alarms, 4 parking, 2 noise complaints, 10 lost/found, 11 animal complaints, 4 hazardous condition, 8 traffic controls, 10 suspicious vehicles, 1 marijuana possession, 2 open containers, 1 boat accident, 2 firework complaints, 1 mental health issue, 2 civil complaints, 3 misc. complaints, 7 property damage auto accidents, 1 personal injury auto accidents, 15 assists to EMS, 3 assists to the Fire Dept., 2 assists to WC Sheriff, 6 assists to NYS Police, 4 traffic tickets, 5 parking tickets, 5 warnings, 2 criminal arrests, 1 fireworks detail (3 members), 1 traffic detail for Adirondack Distance Run, 4 Court security detail, 1 marine patrol with WC Sheriff (Trout Lake) (1 ticket and 5 warnings issued by WCSO).

Councilman MacEwan

Transfer Station- Total receipts- \$10,854.00. The new building Our Trash, Your Treasure has been working out great. People love going in to see what treasures they can find. David Bradway was in and took a lot of propane tanks. He is also taking car batteries. They need a truck to take the batteries to Warrensburg.

Code Enforcement Officer- 64 site visits, 551 miles logged, 3 stormwater non-compliance, 1 septic violation, 1 notice of violation, 1 complaint reply.

Water Department- Gallons made 9,971,397 with an average of 321,657 gallons/day. The pond is over the spillway. July was a busy month, they took their monthly bacteriological sample which came back satisfactory. All meters were read. They have been busy mowing the grass at the plant and around hydrants. They fixed a water leak on a line that went up Federal Hill. After that repair there was still a leak in the 1 ½ galvanized line that went to Jean Monroe's house so her sons fixed the line and now there are no leaks going up Federal Hill. Had another water leak on Dula Place Road at Hilda Dodge's house, her service line was leaking. They fixed 6 water meters and one valve box at Vets Park. They also located 6 service lines for new construction.

SUPERVISOR'S REPORT

Receipts: \$278,611.53 Disbursements \$611,721.17

On a County level the budget process is beginning. The biggest controversy at the moment is between the 3E's and the 3M's concerning the removal of buildings on the West Brook Village site.

We contracted with Public Section for a Wage & Salary Admin Program: Employees have filled out their job evaluation questionnaire. August 11th they will be interviewing the employees. They should have the results in time for our budget process.

Supervisor Simmes has talked with Mr. Mello, EPA and he has advised that all questions have been answered regarding the sewer line relocation and we should shortly be able to begin the process. The balance of our share of the W.C. sewer grant is \$758,611.83 to accomplish the move. If there are excess funds I have discussed with Bill Lamy using the balance for slip lining where we have a lot of infiltration. He believes this is in keeping with the grant

David Bradway has taken huge piles from the transfer station. To date we have received checks totaling \$8,434.50. They are taking materials from the Sewer & Water Depts. now

There has been an addition to the Algonquin contract that covers the Town from liability resulting from anything to do with their operation. Supervisor Simmes will be sending it shortly for signatures.

Conservation Park Committee is working on a plan for a new building.

Two rather large water leaks that have been ongoing for a long time have been repaired

OLD BUSINESS

Last month's Assessor's report appraised two parcels of land owned by the Water District: The Finkle Road/ Water Plant Road parcel at \$200,000 and \$300,000 for the Edgecomb Pond Road parcel. Would like to proceed with selling one or both parcels?

Councilmember Rehm asked if they were to declare the lands as surplus would they have to hold a public hearing. Counsel replied yes. Councilmember Rehm stated that one of the parcels will need to go to the PB for subdivision approval because it is under a deed that is for two sides of the road and they are only

selling one side. She asked if they could set the public hearing without going to the PB first. Counsel replied yes and they could explain that the sale is contingent upon subdivision approval. Councilmen MacEwan and Maranville stated that they were aware of the one parcel, but not of both. Counsel asked if there were deed descriptions for the properties. Supervisor Simmes stated that she did not know, but she will ask Assessor Dave Rosebrook.

RESOLUTION #144

Councilmember Rehm moved, seconded by Councilman MacEwan to declare the Finkle Road/ Water Plant Road Tax Map ID# 156.00-1-33 and Edgecomb Pond Road Tax Map ID# 155-1-44, Water Department properties as surplus and set a public hearing on September 2, 2008 at 6:30 p.m. All in Favor. Motion Carried.

Last month we authorized Britton to blast rock on Skye Farm Rd. His price was \$3800. Tim Coon had to supply the equipment to set the blasting mats and was not able to. He was using the equipment on Bixby Beach. Supervisor Simmes authorized Britton to use his own equipment at a cost of \$800 in order to get the job done while he was still in Bolton.

Cable Franchise: Still pending.

Vacancy on Recreation Commission. Waiting for their recommendation. Councilmember Rehm stated that they will make a recommendation for their September meeting.

Town Hall heating system- Supervisor Simmes suggested that they discuss this at budget time.

We have one quote from Arrowhead Equipment to sandblast a highway truck. Supervisor Simmes is waiting for a second quote from Master Blaster.

NEW BUSINESS

Christmas lights- Bolton Business Association asked about the blue color lights, which are more energy efficient or use new bulbs on the Christmas tree. Supervisor Simmes stated that the lights used before cost about \$1,500.00 for the season to light versus what we have there now which is a \$100.00 for the season, or they could choose to string some other kinds of lights in between. Councilman Maranville feels that they should keep the newer energy efficient lights. All TB members agreed.

Anita Richards asked permission for the Marcella Sembrich Memorial Association to erect a small tent in front of the Town Hall on Wednesday, August 13, 2008 between the hours of 10:00 a.m. and 5:00 p.m. At this tent, through the US Postal Service a pictorial postmark commemorating the 150th anniversary of the birth of Marcella Sembrich will be made available to the public. At this time also, a representative of the Sembrich Association will be present selling the envelopes or postcards, which the postal service associate will cancel with a pictorial postmark. The Sembrich representative will also have on display information and brochures about the Sembrich Opera Museum and its summer music.

RESOLUTION #145:

Councilmember Rehm moved, seconded by Councilman MacEwan to authorize the Marcella Sembrich Memorial Association to erect a tent in front of the Town Hall on August 13, 2008 from 10:00 a.m. to 5:00 p.m. to sell pictorial postmarked postcards and envelopes which commemorate the 150th anniversary of the birth of Marcella Sembrich and to hand out information regarding the Marcella Sembrich Opera Museum. Councilman Maranville recused himself. All others in Favor. Motion Carried.

We need to sign the highway road agreement. One mile of road on East Schroon River Road. Total estimate cost is \$213,362. Chips program reimbursement is \$90,067.68.

RESOLUTION #146:

Councilman Maranville moved, seconded by Councilman MacEwan to approve the highway agreement for one mile of road on the East Schroon River Road for the amount of \$213,362. All in Favor. Motion Carried.

Sales tax amount to be left with County. Same or different amount. Now is \$1,150,000. Supervisor Simmes stated that if they wish to change the amount this is the time to do it. She stated that by taking more the County tax levy would increase. She stated that she spoke with Councilman Saris and he felt as though they should leave the amount the same. All TB members agreed.

Bolton Chamber request for the use of Rogers Park for a new Bolton Landing fall festival on October 11th

RESOLUTION #147:

Councilmember Rehm moved, seconded by Councilman MacEwan to approve the use of Rogers Park on October 11th by the Bolton Chamber of Commerce for the Bolton Landing Fall Festival. Councilman Maranville recused himself. All others in Favor. Motion Carried.

Resignation from Thomas McGurl from the Zoning Board of Appeals. Supervisor Simmes stated that Mark Roden was up for appointment at the time when Jeff Anthony was appointed to the ZBA and asked if the TB would like to appoint him. Councilman Maranville suggested that they see if Mark Roden is still interested. Councilmember Rehm agreed and stated that they should let Mr. McGurl get through this month and make a formal appointment in September.

RESOLUTION #148:

Councilmember Rehm moved, seconded by Councilman MacEwan to accept Tom McGurl's resignation from the Zoning Board of Appeals with regrets. All in Favor. Motion Carried.

Request for "No Parking" signs on Cotton Point Rd. TB members have a copy of a new Ordinance to cover that. Also there was another request on Rogers Park Road by the library request for "No Parking" Supervisor Simmes stated that she did discuss this issue with Mr. Saris and he was not in favor of the "no parking" signs on Cotton Point Road because he believes that the people that own the property are the ones who should handle it. Matt Finley stated that according to the Police Department an ordinance is required. Supervisor Simmes stated that is only if it is parked on the road and not on their private property. Matt Finley stated that they do not own the road and they only have a right-of-way to maintain the road. Councilman MacEwan asked how it is the

Town's problem if they only have a right-of-way. Matt Finley stated that he feels that it is a Town problem because 1) emergency vehicles may not be able to get through and 2) it is a health hazard because people park there and there are no sanitary facilities and people relieve themselves on the right-of-way. Councilmember Rehm stated that the police cannot do anything because they do not have an ordinance prohibiting it. Supervisor Simmes asked Counsel that if they only have the right to maintain the road do they have a right to put up no parking signs. Counsel asked if the cars are completely in the road parked or partially on the road and partially on private land. Matt Finley replied that the road is only 29.5 feet. Counsel stated that if the road is only 3 rods wide, cars must be parked in the right-of-way and the Town would have the right to regulate it. He stated that they must prohibit and regulate the parking by ordinance so it can be enforced. Counsel stated that he created a generalize ordinance that has this specific location described but it could be added to. Councilmember Rehm suggested that they hold a public hearing so that a representative from the Police Department could be available to discuss the matter. Counsel agreed. Supervisor Simmes stated that she is somewhat concerned with the description used. Matt Finley explained a better description of what the Town was responsible for maintaining. Counsel stated that the description should include measurements and landmarks but not current land owners' names. Counsel requested that they provide the details and he can have something drafted in time for publication and the public hearing.

RESOLUTION #149

Councilmember Rehm moved, seconded by Councilman MacEwan to hold a public hearing on September 2nd at 6:45 pm. to discuss Ordinance #40 entitled "An Ordinance Regulating Parking within the Town of Bolton"

Request from an employee to add to our No Smoking Policy that employees not be allowed to smoke in vehicles.

RESOLUTION #150:

Councilmember Rehm moved, seconded by Councilman Maranville to add the Town of Bolton's No Smoking Policy to all Town vehicles. All in Favor. Motion Carried.

Supervisor Simmes met with Warren-Washington County Healthy Heart Program. Their program is to see if government policies help to support healthy lifestyle opportunities. They are supplying us with pedestrian flags to make our crosswalks safer. Supervisor Simmes stated that this program is currently being used in Hudson Falls with success. She stated that flags would be used at the crosswalks and pedestrians would pick up the flag to cross the street. She stated that she has twenty flags that will be used on both sides of the street.

RESOLUTION #151:

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

Whereas, the Town of Bolton has identified a need to educate the public regarding pedestrian crosswalk laws; and

Whereas, the Town of Bolton has identified a pedestrian flag awareness program to assist in educating the public concerning crosswalks; and

Whereas, the Bolton Police Department has committed their support in educating the public and enforcing the crosswalk laws, it is hereby

RESOLVED that the Town of Bolton, will use the pedestrian flags to help identify crosswalks in the Town of Bolton in an effort to provide safe pedestrian crossing.

All in Favor. Motion Carried.

Request for a spot in one of the parks for dogs to swim in the lake. Supervisor Simmes stated that she checked with the LGPC and they have no rules on that. She stated that she also checked with DEC and the only place they prohibit it is on the islands. Supervisor Simmes stated that she will look into this issue and bring back more information.

Bixby Beach Road deed and conveyance. Supervisor Simmes stated that there was no deed ever filed and the Home Place Corporation does not have a problem with allowing the Town to take that additional 5 feet and they just want the Town to pay all fees for surveying and filing. Counsel asked that the TB pass a resolution to authorize Counsel to secure the service of a surveyor and have an abstract of title done.

RESOLUTION #152:

Councilmember Rehm moved, seconded by Councilman Maranville to authorize Town Counsel to secure the service of a surveyor and order an abstract of title for the property adjacent to the Bixby Beach property owned by Home Place Corporation tax map #186.07-1-3. All in Favor. Motion Carried.

Light bulb program for the transfer station. Supervisor Simmes stated that she feels that it would be a good idea and the company that provides this service collects all kinds of bulbs including mercury bulbs. She stated that Lisa French has had several people approach her on how to dispose of mercury bulbs. Supervisor Simmes stated that the only company she knows of is out of Vermont, but would have to research if there are other companies that provide this service. Councilmember Rehm asked if they could use the new building to collect the bulbs. Supervisor Simmes replied yes but they would have to put shelves in. Councilman Maranville stated that he was concerned with the Town taking mercury because it could be dangerous. Councilmember Rehm agreed.

Rogers Park Grants: Supervisor Simmes has spoken to Andy Labruzzo from the Department of State: He says that it is okay to combine the old grant and the new grant. We can approve hiring the LA Group to administer the grant, but not sign the contract until the DOS has reviewed it. Also they will need a procurement certification letter that states what our procurement policy is. Our procurement policy states we do not have to solicit for the acquisition of professional services. LA Group will be using Schoder River Associates as a sub-contractor for the pier project. Supervisor Simmes would like a resolution authorizing the LA Group to be our consultant for the two Rogers Park grants and authority to send the documents to the DOS for approval before signing the contract or we can put off a month until everyone reviews it or do it now. Councilmember Rehm asked if they have the funds available. Supervisor Simmes stated that they have the first set of funds set aside but they do not have their share of the new grant set aside. Councilmember Rehm asked if they could make funds available from the Rogers Park Trust Fund. Supervisor Simmes replied yes.

RESOLUTION #153:

Councilmember Rehm moved, seconded by Councilman MacEwan to authorize the LA Group to be our consultant for the two Rogers Park grants and the authority to send the documents to the Department of State for approval before signing the contract. All in Favor. Motion Carried.

PUBLIC IN ATTENDENCE

Dan Wacks asked whom he should contact about the erosion and drainage along County Route 11. Councilman Maranville suggested that he speak to the County and put in a request for review. Councilmember Rehm suggested that this could be added to their DEC "mill and fill" project. Supervisor Simmes stated that she will give Bill Lamy a call and ask him to look at that. Matt Finley stated that he is on the LGA Board and stated that he could bring this to the Board's attention for discussion.

PAY THE BILLS

RESOLUTION #154

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

General \$ 69,719.09

Light District 2,202.45

Highway 43,014.13

Water 7,574.05

Sewer 13,833.44

Zoning Ordinance Update \$ 1,071.45

Tourism 4,335.00

All in Favor. Motion Carried.

TRANSFERS

RESOLUTION #155

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

From To Amount

General Fund

16502 Central Communications 14104 Town Clerk \$800.00

19904 Contingency 57204 Dock Repair 3,200.00

16502 Central Communications 86924 Local Waterfront

New Grant 3,500.00

Increase Budget

Revenue 3897 from LGA for Bixby Beach \$6,890.22

87452 Flood and Erosion Control \$6,890.22

Water District

83404 Transmission 83104 Administration 7,400.00

83404 Transmission 83204 Source 3,100.00

Sewer

General Fund Transfer for Payroll 7/30 \$3,300.00

EXECUTIVE SESSION

RESOLUTION #156

Supervisor Simmes moved, seconded by Councilmember Rehm to enter into executive session at 10:07 p.m. All in Favor. Motion Carried.

ADJOURN

RESOLUTION #157

Supervisor Simmes moved, seconded by Councilmember Rehm to return to regular session and adjourn the meeting at 10:45 p.m. All in Favor. Motion Carried.

Respectfully submitted by: Respectfully submitted by:

Patricia Steele Kristen MacEwan

Town Clerk Recording Secretary