

BOLTON TOWN BOARD

Pledge: Councilmember Owen Maranville
Regular Meeting

August 3, 2010

Supervisor: Ronald Conover
Councilman Robert MacEwan
Councilman: Owen Maranville
Councilmember: Deanne Rehm
Councilman: Gregory Smith
Town Clerk: Patricia Steele
Counsel: Michael Muller

Call To Order: 7:00pm

Minutes: Approve minutes of Regular Meeting of July 6, 2010.

RESOLUTION #158

Councilman MacEwan moved, seconded by Councilmember Rehm to accept the July 6, 2010 minutes as written. **All in Favor. Motion Carried.**

Convene as Water Commission

RESOLUTION #159

Councilman Maranville moved, seconded by Councilman Smith to convene as the Bolton Water Commission. **All in Favor. Motion Carried.**

Public Hearing (Water District)

- Local Law #2-2010, To consider an amendment to ordinance #39, Rules and Regulations of The Water Department Of The Town Of Bolton, Paragraph 12, General Rules: (B) Requirements for Service, Subparagraph (5) “In any instance where a municipal potable water supply is mandated by requirement of the New York State Department of Health in any area outside the defined area serviced by the Water District, an agreement to provide municipal water service shall be at the sole discretion of the Town Board upon such terms as are favorable to the requirements of the Water District and with respect to such service there shall be a requirement that the user thereof shall be prohibited from installing and utilizing any private potable water well on the premises as a substitute or supplementary source of potable water.”

There were no comments from the public in attendance. Supervisor Conover closed the public hearing.

- Resolution regarding SEQRA Determination
Counsel Muller reviewed the short form of the SEQRA inquiry application. The Board determined that the proposed action would not have any negative or adverse environmental impacts.

RESOLUTION #160

Councilmember Rehm moved, seconded by Councilman MacEwan to make a negative declaration regarding the SEQRA application by finding that the proposed action will not have any adverse environmental impacts. All in Favor. Motion Carried.

- Resolution regarding Local Law #2, To consider an amendment to ordinance #39, Rules and Regulations of The Water Department Of The Town Of Bolton, Paragraph 12, General Rules: (B) Requirements for Service, Subparagraph (5).

Councilman Maranville stated that under the 4th line down it reads that "...will be at the sole discretion of the Town Board." He asked if it should read as the "...will be at the sole discretion of the Bolton Water Commission." Counsel Muller replied no because they are the Water Commission.

RESOLUTION #161

Councilman MacEwan moved, seconded by Councilman Maranville to adopt Local Law #2, specifically to amend ordinance #39, Rules and Regulations of the Water Department Of The Town Of Bolton, Paragraph 12, General Rules: (B) Requirements for Service, Subparagraph (5). All in Favor. Motion Carried.

Adjourn as Water Commission

RESOLUTION #162

Councilman Smith moved, seconded by Councilman Maranville to adjourn as the Water Commission and reconvene as the Town Board. All in Favor. Motion Carried.

Convene as the Board of Health

RESOLUTION #163

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

Public Hearing (Board of Health)

- Stanley and Barbara Yake, Parcel ID#156.12-1-21, 5 Cherry Avenue, Bolton: 1) Section 3.030 Table 1, A 200' separation is required between the leach-field and existing potable water supply well, 100' is proposed. 2) Section 3.030 Table II, a 4' vertical separation is required between the bottom of the leach-field and bedrock, a 3' is proposed.

Carl Schoder, Schoder River Associates represented the applicants. He gave a brief overview of the project. The Yakes noted that they had a failed septic tank; the top of the tank had partially collapsed. They put some boards over it and to this point it has remained functional. However, structurally it is not in good shape. Carl Schoder stated that since they were looking to address the septic tank the applicants also decided to look at the septic system overall and make any necessary improvements. He stated that they surveyed the site and have provided a copy of the site survey to the Board members for their review.

Carl Schoder stated that they were not able to find a logical location for the leach field other than the only flat area which is currently a paved parking area, which is not the most ideal but they also have to deal with the approximate location of a potable well to replace the existing well that is underground. He stated that he is not sure of the exact distance since it is underground but he does estimate it to be 50-60'. Due to the presence of rock, steep slopes and tight confines of a small lot that is immediately adjacent to the lake, they have decided to locate the septic system up in the northwest corner of the site. He stated that the applicants do have land on the other side of Cherry Avenue, but it is also characterized by steep slopes and it already has a tennis court on it. The perc tests and test pits have shown that other than the upper northwest corner, the leaching system will have good separation distances and soils.

Carl Schoder stated that the main focus of their variance is due to the separation distance between the septic and well which is in direct drainage path of the well. He stated that they are offering to hold a 100' separation in lieu of the 200' separation with a few mitigative measures. First, the well will be redoing the casing of the well and drilling to get at least 4' into bedrock. This would be grouted in with a bentonite seal up to the surface which would then extend the well to the required height. The second mitigative measure would be to install ultraviolet disinfection. The UV system has already been installed about a month ago for the current system. He stated that at this time this well also services the Hoffman-Smith residence who have also put in a UV system.

Councilman Smith asked how high the leach field will be in comparison to the well. Carl Schoder replied it will be approximately 20' difference. He stated that they had the well tested and it came up clean for E. Coli. Councilman Smith stated that it will definitely be an improvement than what is there now.

Councilmember Rehm asked if there will be any alarm systems for the septic. Carl Schoder replied yes it is a pump system that will have an alarm system. He stated that it has a one day of reserved storage and an alarm system.

Councilmember Rehm stated that she wanted to be sure that the applicant had thoroughly reviewed the option to have the septic leach field across the roadway. Carl Schoder stated that they did look into that option. He stated that the Hoffman-Smith predecessors had obtained his services back in the 90's. They were fortunate to find a relatively flat area with good soils across Cherry Lane in that instance. Additionally, the field had bedrock barriers on two sides and the flow went away from the lake, other residences and wells. He stated that this very bedrock that encases the Hoffman-Smith leach field picks up along the property line and the slope increases greatly.

Carl Schoder stated that they have looked at that Hoffman-Smith septic system since that time because they recently applied for a variance. At the time of the testing they found that the system was in great shape. He stated that Hoffman-Smith is also seeking to drill a new well so they will be removed from the Yakes well within a year.

Supervisor Conover asked if Carl Schoder could provide some details regarding the new septic system. Carl Schoder stated that this is a replacement system so there is no replacement area.

They will be using an Elgin System which will be stepped down the hillside as a serial distribution. This system will also have an effluent filter on the tank which will require maintenance on an annual basis to clean the filter. This will give a longer life to the leach field. Councilman Maranville asked if the average homeowner can service this filter. Carl Schoder replied yes. Councilmember Rehm asked if there should be a condition of approval added to this maintenance step. Carl Schoder replied that he did not think that was necessary because the system will operate without that step. He stated that it is a question of longevity. He stated that some people have concerns with Elgin systems, but personally he does not and he has had very good success with them so he would not make this a standard rule.

David Quinn, the neighbor to the north of this property, is generally in support of the project and requested that the Board grant approval of it. He asked how the drainage would flow. Carl Schoder replied that the drainage will be away from his residence. David Quinn stated that it was his understanding that only a small part of the leach field does not meet the 3' separation and it is not a question of putting down more topsoil to accommodate the field. Carl Schoder said that he would prefer not to do that especially on a hillside and he is fortunate that he does not have to do that here.

Chris Navitsky, Lake George Waterkeeper asked if the 3 laterals with serial distribution could have equal distribution because the upper lateral will have the least amount of separation to bedrock. Carl Schoder stated that it could be possible. However, Elgin recommends serial distribution rather than uniform distribution because the Elgins work better when they are wet and receive a reasonable amount of flow. He stated that he would prefer to use the system as recommended by Elgin. He added that this will also be used in a very small area that is within 2.5-3' rather than the 4 feet which is more than what the DOH would require absent this more stringent regulation. He stated that Tom Nace has raised this same point and he has talked to Elgin regarding this matter.

There were no further comments from the public in attendance. Supervisor Conover closed the public hearing.

- SEQRA Determination – Stanley and Barbara Yake, Parcel ID#156.12-1-21, 5 Cherry Avenue, Bolton: 1) Section 3.030 Table 1, A 200' separation is required between the leach-field and existing potable water supply well, 100' is proposed. 2) Section 3.030 Table II, a 4' vertical separation is required between the bottom of the leach-field and bedrock, 3' is proposed.

Supervisor Conover reviewed the SEQRA Assessment Form.

RESOLUTION #164

Councilman Smith moved, seconded by Councilman Maranville to make a negative declaration for the application of Stanley and Barbara Yake, Parcel ID#156.12-1-21, 5 Cherry Avenue, Bolton. All in Favor. Motion Carried.

- Resolution: - Finding regarding Variance request for Stanley and Barbara Yake, Parcel ID#156.12-1-21, 5 Cherry Avenue, Bolton: 1) Section 3.030 Table 1, A 200' separation

is required between the leach-field and existing potable water supply well, 100' is proposed. 2) Section 3.030 Table II, a 4' vertical separation is required between the bottom of the leach-field and bedrock, + 3' is proposed.

RESOLUTION #165

The Town Board received an application from Stanley and Barbara Yake, Parcel ID#156.12-1-21, 5 Cherry Avenue, Bolton, New York for an area variance as described above.

And, due to notice of the public hearing of the TB at which time the application was to be considered having been given;

And, after reviewing the application and supporting documents of the same, and public comment being heard regarding the application;

this Board makes the following findings of fact:

The application of the applicant is as described on the agenda.

The Board makes the following conclusions of law:

1) The benefit could not be achieved by any other means feasible to the applicant besides an area variance; given the size and topography of this parcel.

2) There will be no undesirable change in the neighborhood character or to nearby properties,

3) The request is not substantial; considering what it is, this is a vast improvement to what already exists on the property in terms of sewage treatment.

4) The request will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district;

5) The alleged difficulty is not self-created,

The benefit to the applicant is not outweighed by the potential detriment to health, safety and welfare of the community.

Now, upon motion duly made by Councilman Smith and seconded by Councilman Maranville, it is resolved that the BOH does hereby approve the variance request as presented. All in Favor. Motion Carried.

(Reconvene as Town Board)

RESOLUTION #166

Councilman Maranville moved, seconded by Councilman Smith to reconvene as the Town Board. All in Favor. Motion Carried.

Public in Attendance:

- Matt Sprow, Up Yonda Farm Update

Matt Sprow provided a report to the Board members. He stated that in January 2010 UpYonda entered into an agreement with Town of Bolton and Warren County to provide membership benefits to Town residents and tax payers to Up Yonda Farm. Those benefits include admission to all regular programs at no cost and no parking fees as well. He stated that they began promoting that in January and he wanted to provide the Town with a summary of the recorded use for the program so far. As of today, they have had 698 Bolton residents and taxpayers who have signed up for the program. However, as he was leaving today he ran into a woman who was signing up an additional 5 people so they are now up to 703 people. For a relatively new program he is glad to see such local support. He further reviewed the summary of use. He stated that based upon the sign-in book he estimates that 8-10% of their total recorded attendance for the year so far is from Bolton residents and taxpayers. He stated that the report also includes evaluations from the Maple Festival and other programs and the response seems to be decidedly positive.

Matt Sprow stated that they appreciate the support of the Town Board. He stated that it is great to be a part of this community. He invited the Board to come and see what they have been doing. They have been trying to keep things up to speed and have added a couple of interpretive panels this year which were funded by a grant through Glens Falls City Schools.

Supervisor Conover stated that this is not the first time that Matt Sprow has provided these reports and thanked him for doing so. He stated that he is thrilled that they have 703 Bolton residents signed up so far and he likes the marriage between Up Yonda programming assets and the Bolton Recreation Program. He stated that this helps them become a better recreation program and it helps entertain their visitors. He hopes that it is a relationship that continues to grow.

Councilmember Rehm noted that Town Clerk Patricia Steele provided an evaluation and she was pleased so they have first hand information. Matt Sprow stated that he appreciated the endorsement.

- Dan Daniger stated that he and his family have enjoyed the Up Yonda Farm programs. He stated that he also thinks the Conservation Club looks great and he appreciates all the efforts that have been put in up there. He also thanked the Board for adopting the Lake George Waterkeeper's initiative to handle household hazardous waste.

- Barry Kincaid, KLC Property Enhancement LLC
Barry Kincaid stated that the Conservation Club is looking really good. He feels that it would be nice if they could add a nature trail around the Conservation Club. He has looked at some aerial maps and he has come up with a proposed trail which he provided to the Board members. This would be no cost to the Town because his company would like to donate the equipment and time to create it. He stated that he would be looking to get a group of volunteers together to assist him.

He stated that he was looking for some feedback from all parties involved and has sent some of these maps to the committee that has been working on the Conservation Club. So far the feedback has been positive. He provided the Board members with pictures of some nature trails that his company has done.

Barry Kincaid stated that the map shows a yellow line which is on an adjacent property. He stated that he has heard that these property owners have considered and tried to get an approval for a nature trail on this property. He stated that if the Town is in favor of this idea they could authorize him to work on getting the approval and to take the necessary steps to assure these land owners that they would address any concerns that they have. Councilmember Rehm stated that the other property owner seems to be on the same page. She stated that she met with a couple of their representatives last Saturday and she will be meeting with them again this week and she hopes that the family will have some idea of what the family has decided on this easement/right-of-way.

Barry Kincaid stated that even if they could not get approval for the easement from the neighboring property they could at least loop it around just on the Conservation Club property. He stated that he felt that this would be another way for the Town residents to enjoy this property. Councilmember Rehm thanked Barry Kincaid for his generous offer. Barry Kincaid stated that when people give to you, you need to give back, it comes around full circle.

Councilmember Rehm provided a little history. She stated that in the late 50's early 60's there was a nature trail that was put together by the Girl Scouts. She stated that one of the Girl Scouts is now in her 90's but she still has photographs and things from what the troop did which she has shared with Jane Caldwell. She stated that they were hoping to recognize the history of this as well as a whole new effort.

Barry Kincaid stated that Henry Caldwell, John Gaddy and some students put a bird platform out there to encourage nesting. He stated that he had donated the cedar for the platform to be built, but nothing has nested as of yet.

Supervisor Conover stated that he was confident that he would get a positive reception on the part of the Conservation Club committee so he would entertain a resolution of support from the Town Board.

Barry Kincaid asked who he would need to speak with regarding the next step. Supervisor Conover suggested that Councilmember Rehm be the liaison. Councilmember Rehm agreed but stated that she feels the Conservation Club Committee is the natural vehicle to work with.

Barry Kincaid stated that he would also like to find a spot to start storing woodchips for the trail base. Supervisor Conover stated that they could pull most of the Town Board members to address issues as they come along. Councilman Smith stated that if this trail comes to fruition they could definitely recruit volunteers to help layout the trail. Barry Kincaid stated that the trail would be well marked out; people would just need to bring some brush cutters.

Barry Kincaid stated that once the new building is completed they could hold a BBQ to make the trail happen.

Councilman Maranville asked if it will be difficult to get the approval of the neighbor. Barry Kincaid stated that he is not sure, but it seems that Councilmember Rehm has already been working on it. Councilmember Rehm stated that when the Town first acquired the property some 10 years ago they had a meeting with the adjacent property owner and they were very close to coming to an agreement. However, some family members were very concerned over liability. Barry Kincaid asked the Board if they can address any of the liability. Councilmember Rehm stated that they can take out an insurance policy that would name them as insured. Counsel Muller agreed and stated that they can also enter into an indemnification agreement which says that they would defend these property owners should they need defending. Barry Kincaid asked if that could be incorporated into their motion of support. The Board agreed.

Barry Kincaid asked if they could waive any potential permit fees that may be associated with this proposal. Supervisor Conover stated that they would cross that bridge when they get to it.

Councilman Maranville asked how often this trail would need to be maintained. Barry Kincaid replied not often. He stated that if a tree falls down he and his crew can take care of it. Otherwise it would be minimal maintenance.

RESOLUTION #167

Councilmember Rehm moved, seconded by Councilman Smith to support Barry Kincaid's proposal to add a nature trail around the Conservation Club and move this project forward with the provision to hold the neighboring property owner harmless. All in Favor. Motion Carried.

Correspondence:

- Correspondence from Tim Coon relative to 2010 John Deere 544K proposal from NORTRAX.
- Mitzi Nittmann relative to removal of two unsafe porches at the Helen and Elmer Clark Property, Parcel #186.00-1-20, 824 Trout Lake Road, Bolton.
- APA General Permit regarding DOT culvert work in the Town of Bolton on Rt. 9N.
- LGA 125th Annual Meeting, August 20, 2010.
- Time Warner Cable regarding possible channel changes and reactivation fee.
- Inquiry from people regarding food delivery/peddling in Rogers Park.
- Marcella Sembrich, 2010 program.
- Warren County, Warren County Attorney's Office, Lease Agreement relative to fueling facilities at the Highway Garage.
- Letter requesting no animals allowed sign be posted at Recreation Area on Bixby Road.
- The Beachers, thank you letter for no animals sign at Bixby Recreation Area.
- The Fund for Lake George, 2010 Annual Meeting Saturday, August 21st, at the Algonquin Restaurant.
- Larry Eichler, Darrin Fresh Water Institute, First Interim Report for the Lake George Coliform Monitoring Program 2010.

- Office of the State Comptroller, Mary Ellen Kutey regarding closure of audit of Retirement reporting practices.
- Michael P. White, Lake George Park Commission regarding restrictions of Commercial flights on or over Lake George.

Councilmember Rehm asked if this has to do with the plane with the banner that flew over the lake on Fourth of July. Supervisor Conover stated that this letter was sent to Bolton, Hague and Lake George as well as copied to many others. He stated that the letter was making everyone aware that there were regulations regarding commercial aircraft flying on or over Lake George. Councilmember Rehm asked if it is prohibited. Supervisor Conover stated that in reading the regulation it seems that it is not legal to fly on or over Lake George.

- Joseph Hlat, IBEW, requesting name of electrical contractor on the Conservation Club Project.
- Warren County Historical Society, John Strough, Chairman, request for financial support.
- Adirondack Park Agency, Major Project Public Notice regarding receipt of application from Independent Towers Holdings, LLC for a project on East Schroon River Road in the Town of Bolton.
- Bolton Landing Business Association, Frank McDonald, President, thank you letter to Bed Tax Committee for Fireworks donation and continued support of the Bolton Landing Business Association.
- Adirondack/Glens Falls Transportation Council, Road Safety Assessment Workshop.
- Time Warner Cable, John Mucha, Director, Government Relations regarding movement of National Geographic Channel from channel 78 to 61 and EWTN moves from channel 61 to 78.
- Mike Muller regarding Article 7 Petition (tax assessment challenge) commenced by C&S Wholesale Groceries.
- Christopher Navitsky, Lake George Waterkeeper, Enhanced Treatment Fact Sheets and encouraging the Bolton Board of Health to ask future applicants whether such facilities were considered.
- Adirondack Park Agency, notice on Indian Brook sedimentation clean out project, applicant Lake George Association.
- State Comptroller, Thomas P. DiNapoli, employee retirement payments for 2010.
- Jennie Pfau, Carey's Lakeside, 4826 Lake Shore Drive, sound notification permit, classical music 1:00 pm-10:00 pm, September 18, 2010, no use of amplifiers.

Committee Reports:

Councilman Robert MacEwan

Code Enforcement Officer- 13 page report, 35 site visits, 232 miles logged. There is an itemized list of all of the sites visited and things done.

Transfer Station- Receipts- \$9,930. Lisa has been calling around to other transfer stations seeking cubic yard prices for C & D. She found that they were on target with the fees with the exception of Hague who charges \$65/cubic yard. However, they put their transfer station out and they don't even take care of it. He stated that currently Bolton charges \$30-40/cubic yard and they are barely making ends meet. Lisa is waiting for the fall to do the metal clean-up. She also asked if there is anything further on the Haz-Mat initiative.

Water Department- 11,134,000 gallons of water filtered. The crew has been very busy. They replaced the fire hydrant at Red Gate. They are going to have to change and fix some things at the bottom of Mohican which will have to wait until the fall. Councilman Maranville asked why they would not be addressing the Mohican area until fall. Supervisor Conover stated that if they were to have any issues it could create a boil water notification for several days and the summer is not the time to be doing that.

Councilman MacEwan added that there is also a large area that would have their water shut off.

Councilman Owen Maranville

Expressed his condolences to the Herman Family. Evans Herman passed away this past weekend.

Police Department- They patrolled 3,397 miles and used 288.5 gallons of fuel. There is an itemized list of all of the calls available for review.

Assessor- The final assessment roll was filed with the Town Clerk on July 1st and notice was published in the Post Star. During July, Dave Rosebrook received two small claims petitions; 1) for lands of Steve and Linda Lynch for Assessor Review and 2) an Article 7 for 3 properties owned by Eaton Center Grand Union. Mr. Rosebrook is hoping that the Court will find that a procedural error was made in the preparation of the Grievance per the Grand Union. He will represent the Town on the small claims proceeding and Counsel Mike Muller is on board for the Article 7.

In July, Dave Rosebrook received official notice from the State that their equalization rate was made final at 65%. The equalization rate represents at what level their assessment are to their full value. He also prepared his spreadsheet analysis for the latest tax table totals for each town in the County and their equalization rates. Based on this analysis their share of the County tax levy would drop from 15.579% to 14.505% for 2011, an actual estimate of tax savings. The difference is the projected sales tax collection which are included in the report.

Justice Department- Hon. Harry Demarest took in \$6,610 and Hon. Edward Stewart took in \$7,280, total money forwarded to the Town was \$13,890. Itemized lists are available in the Court.

Councilmember Deanne Rehm

Rescue Squad- Councilmember Rehm stated that the Rescue Squad members brought the new ambulance by so that the TB and community members could see it. She stated that the new vehicle cost approximately \$160,000 and they have had it for about 3 months. She stated that it is a credit to the community to have such state of the art equipment and trained personnel.

Councilmember Rehm stated that the Local Business Association donated approximately \$2,100 to the Rescue Squad to get some other equipment that they had not been able to purchase. She stated that it is nice to see that the business community recognizes the value of the squad and what they do for the community.

Library-The book sale was a huge success despite the rain; they exceeded their goal by \$300.00. They extended a special thanks to the Parks staff for their assistance on Sunday afternoon to help dismantle the tables and tent. They also carried all of the leftover books to the storage area which were to be picked up by a private vendor who was not available on Sunday.

On August 6th, Dr. McConnell will be showing slides and discussing his world adventures. On August 16th, in cooperation with the Sembrich Museum, there will be a film on Jackson Pollack. On September 2nd, Kathy Bozony from the Fund for Lake George will be providing a presentation on the self-help book for homeowners that the Fund has put out.

The Library is selling raffle tickets to a beautiful quilt wall hanging that Sue Pfau has made for them.

Recreation Dept- Tomorrow there will be a trip to Saratoga Race Track. She stated that the Seniors will be taking this trip and therefore will not be holding their monthly business meeting.

The Summer Camp program will be ending August 13th. However, the other social events and entertain will go on for another 2 weeks through August 26th. The camp puts out a weekly newsletter discussing the upcoming week. Each week they have a theme and a word of the week. This week's word is "trust"- "You may be deceived if you trust too much, but you will live in torment if do not trust enough."

Councilmember Rehm stated that Andy Pratt provided amplification for the theater camp and talent show. The children worked with professionals, doing research, writing a play, making scenery and rehearsing all within a 4-day period and put on a performance Thursday night. She stated that this year's performance was "The Mystery of Mohican Point". She stated that the families enjoyed it and the children did very well. She stated that the Theater Camp is the most popular program for the kids.

The Summer Camp did pass inspections from the DOH with 2 exceptions which dealt with the ventilation system in the bathroom downstairs. Michelle is also concerned that the DOH has not inspected Rogers Park yet. Although the life guards have done a wonderful job in securing the area, the new finger docks do not have any signage that would explain to the public not to swim there. She stated that they have ordered some signs but she is concerned that the DOH may not be pleased with the signs.

Councilman Gregory Smith

Sewer- took in 7,708,480 gallons of waste water for an average of 248,661/day. Monthly samples were done and DMR's mailed with no violations. All the beds are dry except for the ones in use. They put a spotlight on the sewer jet, painted the garage floor, mowing and weed-whacking around the plant. They had a surprise inspection from the NYS Labor Board. They had 7 violations, but they have been working to fix them. It is the first surprise inspection that they have had in 6 years and the last time there were 12 violations. These 7 are not repeat violations from last time. They were minor things such as exit lights for emergency doors and signage for chemicals. Jar testing was done with good results. They are also seeking to get a

new company to do some work for them at a cheaper rate. The PM's are being done on the pumps. They hauled 30,500 gallons of liquid sludge.

Buildings and Grounds- They have been doing regular maintenance around Town Hall as well as the other buildings in Town. They have been raking the beaches twice a week. They also have been taking care of the bathrooms and garbage. The life guards have been helping out immensely, and not just the beaches but all of the area that they can see and still keep an eye on the beaches themselves. Councilman Smith stated that he takes daily trips to the parks and has found that they are being well maintained and organized. The pier is pretty much on schedule and they are hoping to be done August 7th or 8th.

Supervisors Report:

- Receipts: \$558,250.73
- Disbursements: \$1,386,258.55
- The Bolton Meal Site is in need of meals-on-wheels drivers. If you know of anyone that might have some free time 1 ½ hours, once a week, or even once a month, call Sue Prosser, Manager of the site at 644-2368.
- Sunday, August 29th at 6:30pm there will be a rededication and ceremony at the Bolton Landing Pier to Frank Leonbruno, including a free ride which has been offered by the Steam Boat Company for the first 250 or so people on the Mohican for about an hour taking off and returning to the Bolton pier. Supervisor Conover thanked Bill Dow for the offer.
- Collection for service men and women located at the front of the Town Hall. He stated that there is a list of items that can be donated such as toothbrushes, toothpaste, sunscreen, chapstick, shampoo, insect repellent, etc. He stated that no chocolate or pork products are permitted. If anyone would like to make a contribution please feel free to do so. The basket is picked up regularly.

Old Business:

- Lower Brereton Road
- Lake George Camping
- Bixby Road

New Business:

- Resolution authorizing amount of Sales Tax to be retained by Warren County for 2011.

Supervisor Conover stated that he provided some information to the Board members regarding this issue. He stated that each year the Town Board has to decide how much of its sales tax they want to leave with Warren County as an abatement of County taxes, which would reduce the County levy. Last year that amount was \$1,150,000 and they will have to decide how much they would like to provide for 2011. Dave Rosebrook has indicated that the equalization rate in Bolton will be changing from 58% to 65% and discussed the implication of that change and the amount of sales tax that they will receive as a community. The determination of sales tax needs to be made by September 1st of each year and goes into the calculation of what the tax rate ends up being for the Town as the County goes into its budgetary process. Dave Rosebrook is

suggesting that the County levy will be going down based upon what the levy was by approximately \$400,000. He also indicates that the net result on their sales will be a reduction of sales tax of approximately \$204,000. Dave Rosebrook is suggesting a balancing effect between the two because the Town does not want to be short \$200,000 on the Town side so he does not believe they should be leaving the same amount of sales tax with them this year only to have to absorb the revenue shortfall on the Town side.

Supervisor Conover stated that they are facing different times. The sales tax was increasing by considerable amounts and topped off in 2008. In 2009 there was \$330,000 loss in sales tax revenue which they bore completely on the Town side because they had already set their County allocation. Supervisor Conover agrees with Dave Rosebrook that they should approach this with a balancing effect. He would prefer to see a zero sum approach to start as even as possible entering their 2011 budget cycle. He stated that he does not know where the sales tax will end up because it has fluctuated up and down throughout the year so far. He stated that they have not seen revenues of this level since 2004-2005. They can make adjustments yearly based on what they feel is appropriate. He stated that Councilmember Rehm has indicated another option that they have used in the past which is to provide an allocation in December to help with the County levy.

Councilman Maranville suggested leaving half of what they did last year. Councilman MacEwan stated that they are not going to find this in their budget and they do not want to deplete the fund balance. In hindsight they probably should have kept a little extra to put in the coffers but that was not done. They cannot continue to leave the maximum anymore. He stated that in his first discussions with the Supervisor he felt that they should keep half of it.

Supervisor Conover stated that he felt that the \$400,000 would be the minimum, it would give them a shot at maintaining their fund balance as they move forward. Without that they only have two things to go to; their fund balance or the tax payer, which are undesirable given the economy that we are in. His concern with going beyond the \$400,000 is that this ends up being a wash on the County side because that is what they anticipate that the County levy will drop. However, every dollar added will represent some sort of increase on a percentage basis. He understands the thinking of leaving more especially looking at the demands we will be under in the fall, such as some of the repayment schedules. However, some of the repayment schedules are within their control and they can make some adjustments.

Councilmember Rehm stated that 20 years ago sales tax revenue was all considered County revenue and at the end of the year all the Town got was what had not been budgeted to defray their County tax at that level. In the early 90's the Board changed their mind and felt that it would be better for the Town to take some of that during the year to reduce Town tax. Each year it has been very successful and her goal is not to change the formula enough so that it affects the tax payer. She stated that although their share of the County budget is going down their share of County revenue goes down as well. She agrees with the Supervisor's conservative approach. She feels that they should reduce their previous amount allocated to \$750,000, which is exactly the amount of money that they had hoped they did not have to pay based upon the apportionment table. She feels that if they go beyond that, she is fearful that the County tax will be elevated more than any budget would elevate it.

Supervisor Conover stated that he does not make this recommendation lightly. He feels that they have to do something to maintain their fund balance and stay away from the tax payer in this economy. However, he does see that some members are concerned with deteriorating public buildings, repayment schedules, etc. The \$400,000 is going on the hope that they will do 2-3% better this year over last year. He stated that it is still short, but it is an improvement. He stated that even if they do get the sales tax back up to 2008 levels they need to realize that they will be going up against 2011-2012 expenses and they will be having this same discussion next year. He stated that if things go better than what they are expecting then he agrees with Councilmember Rehm that they should be prepared in December to do something for the County taxpayer should there be an opportunity to do so. He stated that they need to be flexible and versatile to make adjustments as they happen.

Councilman Maranville stated that he feels that they will still be leaving the County too much money. Supervisor Conover stated that he fears that he may be right but at this point he feels that it is a step in the right direction. Councilman MacEwan agreed. Supervisor Conover thanked the Board members for the time and consideration that they have given to this issue.

Supervisor Conover stated that the money would be allocated the same on a quarterly basis as they have been leaving. Councilmember Rehm suggested that they leave more in the beginning because they are collecting their own tax at that time and they can reduce it later in the year. Supervisor Conover stated that they could include in the motion that the Supervisor is authorized to set up the allocation on a quarterly basis in the best interest of the Town.

RESOLUTION #168

Councilman Rehm moved, seconded by Councilman Smith to leave \$750,000 with Warren County for the Sales Tax for 2011. The Supervisor is authorized to set up the allocation on a quarterly basis. Councilman Maranville opposed. All Others in Favor. Motion Carried.

- Resolution authorizing the Supervisor to respond to NYS Comptroller relative to review of the Town Clerk's Office.

Supervisor Conover commended the Town Clerk for a stellar report. He stated that there were only 2 items in the report that were identified; 1) how often the Town Clerk pays the Supervisor; the Comptroller wants the Supervisor paid more often, and 2) when the County gets paid from their tax collections. The Comptroller believes that they should remit to the County by the 15th of the month after settlement of tax collection. Supervisor Conover stated that they seemed pleased with how the Town Clerk ran the office.

Councilmember Rehm suggested that in the Supervisor's response to make it clear that this has been a practice that has existed for more than 30 years and at no time since this office has been audited has this been brought to anyone's attention, nor was Warren County assisting them in changing their policies. She stated that this has been a long standing practice and the Town Clerk, in no way, should be implicated in doing anything but her duty. Supervisor Conover stated that he will be sure to include that in the letter.

RESOLUTION #169

Councilmember Rehm moved, seconded by Councilman MacEwan to respond to NYS Comptroller relative to the reviews of the Town Clerk's Office. Also to include in the response Councilmember Rehm's statement that this has been a practice that has existed for more than 30 years and at no time since this office has been audited has this been brought to anyone's attention, nor was Warren County assisting them in changing their policies. She stated that this has been a long standing practice and the Town Clerk, in no way, should be implicated in doing anything but her duty. All in Favor. Motion Carried.

- Resolution authorizing Supervisor to approve \$1600 change order for Doc Doctors for the Pier project to prime and paint steel piles.

RESOLUTION #170

Councilman MacEwan moved, seconded by Councilman Maranville to authorize the Supervisor to approve \$1,600 change order for Doc Doctors for the Pier project to prime and paint steel piles. All in Favor. Motion Carried.

- Resolution authorizing Supervisor and Town Attorney to take any and all actions necessary for demolition of unsafe porches at Helen and Elmer Clark property, parcel # 186.00-1-20, 824 Trout Lake Road.

Counsel Muller stated the Tom Nace inspected this property more than a year ago. He concluded that the house structure itself was sound but the porches were close to collapsing and should be removed. They have tried, without success, to have voluntary cooperation on the property owner. However, this has proved to be difficult because the primary home owners are deceased and the heirs have not been cooperative. Supervisor Conover stated that they have tried to accommodate everyone involved but it has gone on long enough. Counsel Muller stated that the expenses incurred will be reimbursed by attaching it to the tax bills as a special assessment.

RESOLUTION #171

Councilman Maranville moved, seconded by Councilman Smith to authorize the Supervisor and Town Attorney to take any and all actions necessary for demolition of unsafe porches at Helen and Elmer Clark property, parcel #186.00-1-20, 824 Trout Lake Road. All in Favor. Motion Carried.

- Resolution authorizing Supervisor to sign lease agreement with Warren County for management of fuel facilities.

Supervisor Conover stated that whatever terms have existed have now expired and this is a standard 5 year lease with the new accounting system.

RESOLUTION #172

Councilman Maranville moved, seconded by Councilman Smith to authorize Supervisor to sign lease agreement with Warren County for management of fuel facilities. All in Favor. Motion Carried.

- Resolution authorizing Michael Muller to appear and defend the Town at a tax assessment challenge by C&S Wholesale Grocers, at a rate of \$200 per hour.

RESOLUTION #173

Councilman Maranville moved, seconded by Councilman MacEwan to authorizing Michael Muller to appear and defend the Town at a tax assessment challenge by C&S Wholesale Grocers, at a rate of \$200 per hour. All in Favor. Motion Carried.

- Resolution authorizing rededication of new pavilion and flower garden to former Supervisor Frank Leonbruno.

Supervisor Conover stated that a plaque that was there was carefully removed from the garden prior to construction. He stated that with the new garden and pavilion there should be a rededication. Councilmember Rehm asked if they could try and confine the Mohican ride to just Bolton residents. Supervisor Conover stated that they can try but he is not sure how they will be able to accommodate that.

Councilman Maranville asked if they could dedicate the entire pier to the Frank Leonbruno. Supervisor Conover stated that they could possibly in the future. He would like to do some research to see what has been done to this point and he knows that it was significant to the family. Councilmember Rehm stated that the only reason it was just the pavilion and garden was because they were new at the time. The pier had been in existence but the pavilion and garden were added and they decided at that time to dedicate those to Frank. She stated that she does not feel that it would be inappropriate. Supervisor Conover stated that they can address this at a later time.

RESOLUTION #174

Councilmember Rehm moved, seconded by Councilman Smith to authorize the rededication of new pavilion and flower garden to former Supervisor Frank Leonbruno. All in Favor. Motion Carried.

Public in Attendance

- Bruce Mowery

With regard to the letter that he received from the LGPC regarding commercial flights on or over Lake George. He stated that there are laws regarding the take off and landing on Lake George, which is a DEC law. However, there are no restrictions on the air space over Lake George. All of that air space is governed by the FAA. He stated that he would like to address this Board, as he has done with the Lake George Board, because he does fly a helicopter commercially. He stated that it is not their intent to rattle anyone's cage or create a nuisance but he wanted to make sure that they had the correct facts on the regulations of air space over Lake George. He stated that restricting air flight over Lake George is not in their jurisdiction, nor is it in the State's or LGPC's jurisdiction.

Councilman MacEwan asked how this all came about. Bruce Mowery stated that a helicopter operation set up at the south end of Lake George during Americade. There was some controversy as to what was going on. There has been a lot of press about helicopters lately so the LGPC is trying to address this issue and keep the municipalities informed on how they decipher this particular law.

Counsel Muller stated that he has had a lot of experience in this area because he was the attorney who fought the DEC on the Federal Law that allows the para-sails on the lake. He stated that the only law prohibits taking off or landing on Lake George. He stated that the State and LGPC have no jurisdiction of the air space. He stated that the LGPC has correctly stated the law in their letter but they have mischaracterized it in their letter.

- Chris Navitsky, Lake George Waterkeeper,

With regard to the question from Councilman MacEwan, Chris Navitsky stated that he wanted to update the Town regarding household hazardous waste initiative/proposal. He stated that both Lake George and Hague have passed this same resolution. He stated that he spoke to Queensbury Supervisor Stec and addressed the Queensbury Town Board. However, Queensbury did not pass the resolution because Supervisor Stec indicated that “They don’t join in on rah-rah resolutions.”

Chris Navitsky stated that he has provided a brief presentation to the County DPW committee. He stated that their timing is good because there is a County solid waste study ongoing and Supervisor Conover made a motion to suggest that the consultants expand or provide an estimate to expand their scope of services to include the household hazardous waste.

Chris Navitsky thanked the Town again for their efforts to move this initiative forward.

- Greg Smith

Councilman Smith spoke as a community member. He stated that there has been some talk about him receiving favoritism with regard to the construction occurring on New Vermont Road in front of his house. He stated that some trees were taken down which he has replaced. He stated that although the Town replanted them, he paid for them. At the same time he had B & M Landscaping doing a lot of landscaping at his house which some community members also felt the Town was paying for. He stated that he wanted to set the record straight that he and his wife paid for the landscaping work done by B & M Landscape as well as the two trees, including the labor involved.

RESOLUTION #175

Councilman Maranville moved, seconded by Councilman Smith to approve the following transfers and payment of the following bills:

<u>Transfers:</u>	FROM	TO	AMOUNT
General Fund	86642	86642	\$ 500.00
	19904 Contingency	71104 Parks	8,900 Paving and Sand
Highway Fund	51104 Road Repairs	14404 Engineers	9,200
Water District	83202 Source	83104 Administration	5,000
Sewer District	81304 Treatment	81104 Administration	2,000
General Fund		Sewer District	30,000
UDAG		Rogers Park Docks	164,000
Rogers Park Docks	OSI payment		163,211.69

Bills:

July Mid Abstract:	Voucher#	Amount
General	780, 782-785, 795, 862-866, 868-876, 878-879	\$ 11,173.48
Highway	261, 278	895.45
Water	165-166	1,843.10
Sewer	169-172	4,353.13
Street Light	781, 861, 867, 877	4,579.09
Tourism	32	600.00

August Abstract:

General	786-794, 796-860, 880-898	69,174.62
Highway	262-277, 279-288	99,333.91
Water	156-164, 167-176	11,386.07
Sewer	162-168, 173-178	8,705.96
Tourism	27-31, 33-38	4,379.98
Rogers Park Docks (OSI) 7		163,211.69

Executive Session:

RESOLUTION #176

Councilman Maranville moved, seconded by Councilman Smith to enter executive session at with no further business to attend. All in Favor. Motion Carried.

Adjourn: 9:07pm

Respectfully submitted by:

Patricia Steele

Town Clerk

Respectfully submitted by:

Kristen MacEwan

Recording Secretary