

BOLTON TOWN BOARD

Call To Order: 7:00pm

August 2, 2011

Pledge: Councilmember Robert MacEwan

Regular Meeting

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

Minutes: Approve minutes of Regular Meeting held July 5, 2011.

RESOLUTION #130

Councilman Maranville moved, seconded by Councilman MacEwan to approve the minutes of the Regular Meeting held July 5, 2011. All in Favor. Motion Carried.

Public Hearings: None

Public in Attendance:

- Paul Kappus, 27 Barber Mountain Road relating to water service for guest cottage.

Paul Kappus stated that they are requesting to connect their proposed guest cottage to the existing water system on their property in lieu of connecting to the Town water supply due to the estimated distance between the cottage and water main which is approximately 600-700'.

Councilmember Rehm asked if he estimated the cost of all the blasting to connect to the main. Paul Kappus replied no. Councilmember Rehm stated given the long distance and the blasting that would need to occur she understands his request. She also remembers when the original house was built that the owner was lamenting about the same issue. Councilmember Rehm asked if they will use the existing well to service this building and if there was adequate supply. Paul Kappus replied yes. Since they have moved into the house they have substantial landscaping and irrigation into the system. With the irrigation running full time during the summer they have never run the well dry so they are confident that they will have adequate supply for the cottage which will be used occasionally.

Supervisor Conover stated that typically they do not like to make exceptions for those parcels located within the water district without some serious documentation. The fact is

that the existing lot is serviced by the well. Paul Kappas stated that they receive a district fee bill for being in the district.

Councilmember Rehm stated the neighbor to the east of them, built a house 4-5 years ago and they received permission to allow use of their well because they were dealing with a distance of 250' from the main. This is 2-3 times the distance that Mr. Kappus would have to do in order to receive the water supply. As much as they would prefer to have him use their water supply it seems that it is an exorbitant expense to do so. Since they already have a well there will be no environmental damage to put the line in.

- Resolution relating to water service for guest cottage owned by Paul Kappus at 27 Barber Mountain Road.

RESOLUTION #131

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

RESOLUTION #132

Councilmember Rehm moved, seconded by Councilman MacEwan to allow for Mr. Kappus, 27 Barber Mountain Road, Tax ID# 186.00-1-59.2, to allow construction of the guest cottage and to use the existing well as the water source. Any expansion of that building or other use will require Mr. Kappus to return to the Board for review. All in Favor. Motion Carried.

RESOLUTION #133

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

- Chris Navitsky

Chris Navitsky, Lake George Waterkeeper stated that he would like to discuss the recent letter that they submitted to the Town of Bolton urging the Town to require public hearings on all site plan applications located in the critical environmental areas along Lake George. There is a change to the water quality currently in Lake George. Water quality is less in the south end than in the north end. There is a development of a dead zone in the southern section of the lake and it is growing larger from recent studies and this is tied to their land uses.

Chris Navitsky stated that this request is not being critical of the valued job by the PB members who are volunteers providing an important service to the community. This is meant to provide additional information for the PB to make more informed decisions for the benefit of the community and environment. There is a publication called Site Development Plan Review that is put out by NYS DOS, which has some statements regarding the importance of public hearings: "Public hearings are beneficial because it allows interested parties, besides the applicants and local officials to voice opinions on a project." "Hearings can provide better safeguards to the community and enhance local

interaction.” “The public hearing is advantageous because it allows the public the formal opportunity to state its views. The PB will find that the hearing can be a means for providing more information and perspectives on probable effects of the proposal. Residents and owners of nearby properties often have intimate knowledge of existing conditions which might be vital to the proposed site development concept and may be able to suggest design or other modifications concerning the proposal that have not been recognized by others.”

Chris Navitsky stated that the Town of Bolton is the least accommodating for public hearings around the Lake George watershed, holding public hearing for only 8% of the applications which they have reviewed since 2006. In comparison, Queensbury holds public hearings for all applications, Lake George held hearings on 24% of applications within the critical environmental area until recently when they passed a local law that requires it for all applications within this area and the Town of Putnam holds public hearings on 43% of their applications.

Chris Navitsky stated that it has been stated that public hearings would lengthen the review process and make the review process more costly for the applicant. He strongly disagrees and offers the following: The procedure for review of a site plan initially requires acceptance by the PB as detailed in Town Code section 200-29A which states “Following the receipt of an application for an application for site plan review or designated in 200-15, the Zoning Administrator shall notify the PB and the PB shall determine its completeness at the next scheduled meeting.” However, in Bolton when these are submitted to the Zoning Administrator most applications are directly sent to the Town Engineer for review and comment and approval before the application is even deemed complete by the PB. This process usually takes 1-2 months, therefore he is suggesting that this procedure follow the Town Code and allow for the PB to make the determination of the completeness before it goes to the Town Engineer. This would allow for more public comment and input to occur concurrently with the Town Engineer review without extending the length of review for the application.

Chris Navitsky stated that in the end the Town should be focused on approving the best possible project that will attain the goals of the applicant while minimizing the negative impacts to the community and environment. Concerns should not focus on the perception of delays or increasing the length of meetings because there is no public involvement in the planning process. This would clearly increase the public input and make the process more transparent. He stated that he hopes that they consider his request and he looks forward to working with the Town on this issue.

Correspondence:

- Richard Weber III, Deputy Director Adirondack Park Agency public notice regarding complete application from Town of Bolton for docks at Conservation Park pond.
- Joseph DiMura, P.E., Director Bureau of Water Compliance regarding transfer of waste water treatment plant operation certification program to New York Water Environment Association commencing September 1, 2011.

- John Mucha, Director Governmental Relations Time Warner Cable regarding changes to program services.
- Helena Holod request to utilize Rogers Park for The Fabulous Folk Fest on Sunday, September 4, 2011 from 11:00am to 6:00pm.
- Kate Mance, Senior Transportation Planner Adirondack/Glens Falls Transportation Council regarding information relating to Warren County Bicycle Plan.
- Art and Tonie Franz regarding use of their property for other than the welcome to Bolton sign.

Supervisor Conover stated that other signs have been put up for events over time. He stated that they will make every effort to make sure that this property stays clear of these types of temporary signs. Councilmember Rehm stated that this has been a long time agreement that the Town has had with the Franz and Wolgin families. The Wolgins own the southern part and Franz owns the northern half where the sign is. She stated that they were kind enough to allow the Town to place the sign on their property. She feels that some people may mistake that as Town of Bolton property when in fact it is private property. She stated that she wanted to make the public aware that this area is not to be used to post advertising signs.

- Jim Lieberum, CPESC, Warren County Soil and Water Conservation District notifying Bolton that the hazard mitigation coordinator position is now being handled by the District.
- Christopher Navitsky, PE, Lake George Waterkeeper regarding need for more public hearings by the Bolton Planning Board relating to projects within critical environmental areas of Lake George.

Supervisor Conover stated that he will refer this to the Supervisor's office and also as a topic of discussion as they look at their land use regulations.

- Bob Risman regarding actions taken by Bolton Chamber relative to his listing on the Chamber website and membership with the Bolton Chamber and dissatisfaction with the Chamber.
- James J. Galante letter of resignation from the Bolton Police Department effective 7-10-11.
- Sound amplification permit by Pleasant Waters, LLC (Smith) for sound amplification permit for 2 DJs at 112 Cotton Point Road for a family wedding between the hours of 5:00pm to 11:00pm on August 20, 2011.
- Holly E. Kneeshaw, Assistant Director Regulatory Programs, Adirondack Park Agency regarding approval of docks at Conservation Park.
- Honorable Andrew Cuomo, Governor NYS regarding NYS economic growth initiatives.
- Peter Bauer, Executive Director The Fund for Lake George transmittal of annual report and expressing appreciation for support.
- Paul Kappus, 27 Barber Mountain Road regarding water service to proposed cottage.
- U.S. Senator Charles E. Schumer regarding 2011 Assistance to Firefighter Grant Program.

Committee Reports:

Councilman Robert MacEwan

Transfer Station-Total receipts-\$11,268.00. They are waiting on Northeast Recycling for a building for the electronic storage which is accumulating. They are getting bids for the brush pile and hope to have that by August 15th. They have a new sign indicating their new fee structure. There has not been a lot of C & D since the price increase. They have used a lot of spring clean-up cards for the C & D which total \$3,734.

Water Department- 11,897,300 gallons went through the plant, after reduction 10,546,056 gallons. They have been busy as usual. They are down to 2 men with 1 person out.

Code Enforcement Officer- 14 page report, 32 sites visited, 104 miles logged. Supervisor Conover commended the Code Enforcement Officer in her efforts to get the Cameron property cleaned up. He also thanked Counsel Muller for his efforts to get this taken care of.

Councilman MacEwan commended the Parks Department for all of their assistance all over Town. They were up to the Transfer Station today assisting with the trash compactor. He stated that it seems that they are always willing to help and he greatly appreciates it.

Councilman Owen Maranville

Police Department- They patrolled 2,489 miles and used 219 gallons of fuel. A full report of all the calls answered is available for review. Chief Neumann sent a separate memo of farewell and thanks to Jim Galante. He also welcomed Officer Mort Keane, who comes from 20 years of experience in the NYC police department. He has been hired in a busy season and is already performing with excellence. Fourth of July detail saw all members present and crowd detail went smoothly.

Assessor- The maintenance of deeds and property information has been kept up to date on the computer file. The assessment year begins on July 1st of each year and Dave Rosebrook will be keeping a new tally on sales and their relationship to our assessment. Total sales for the 2010-11 year was 34 sales. Dividing sales assessments by sales prices indicates a sales ratio of 67.1% which is very close to our recently established equalization rate of 65.5%. In July he finalized 2011 computer files and provided them to the County on July 20th for the school bills in September. He has been keeping a list of name and address changes for the tax bills. At the same time he is beginning his 2012 files which have been upgraded with the State's latest 2011 program. His computer which is relatively new had no issues with the program. His assistant's computer, which is 6 years old, didn't have the running memory to handle the new program. A new computer was ordered and is in the process of being set up. In July he provided Supervisor Conover with assessment roll data from the 70's to determine actual owners of the cemetery located on County property located on East Schroon River Road. On July 18th and 19th Dave attended a continuing education course in Ithaca. He was entitled to reimbursement from the State and has applied for it. As of August 2nd, they have received 2 sets of Article 7 proceeding regarding the same properties which the Grand

Union sets upon. Both the tenant, C&S Wholesale Grocers and owner, Eton Centers have filed. Dave suggests that Counsel Muller meet with him to discuss this before sending any correspondence because there are other issues to be discussed. Dave Rosebrook is also working on the re-evaluation project updating the land tables to match recent sales prices.

Justice- Hon. Harry Demarest took in \$5,735, Hon. Ed Stewart took in \$5,725. Total monies forwarded to the Town totaled \$11,460. An itemized list is available for review in the courts.

Highway- They spent the month of July repairing storm damage done on May 28, 2011.

Councilmember Deanne Rehm

Councilmember Rehm thanked Supervisor Conover for the meeting he organized regarding the Asian Clam issue they are dealing with. She stated that his leadership role is commendable especially the ability to pull all of those important organizations and leaders together. She felt the meeting was very effective in starting the necessary dialogue to address this issue.

Seniors- The Seniors normally meet the first Wednesday of the month, but instead met today and the next meeting will be Tuesday, September 6th because they have some social things going on that Wednesday. On Thursday they will be going to the Youth Theater in Lake George. On August 17th they will be going to the Lake George Dinner Theater. On August 24th they will hold their summer picnic at Conservation Park. On the 31st they will have a program slide show on the Washington, DC Trip.

Recreation Department- August 3rd is their annual trip to the Saratoga Race Track. The summer camp has over 40 children attending through the 19th of the month. Tonight and every Tuesday through the last week of August a musical presentation is held at Rogers Park. They start at 7:15pm. On Wednesday evenings through the end of the month, they have movie night in Rogers Park.

Library- They had a banner book sale; their sales were up 25% from what they normally take in. They thanked all that patronized or volunteered for the sale. The Sembrich Film program is held on Monday evenings. On August 15th and 29th they have story hour. The Lake George Waterkeeper also has a couple of programs, on the 4th and 25th.

Rescue Squad- The Rescue Squad previously mentioned their need for more paid personnel at the end of the year. Councilmember Rehm requested that the Supervisor and Bookkeeper come back at the September meeting with a plan on how they would like to budget the additional \$40,000 expenditure. They will need to cut a check starting in September. It is vital to provide the service and the volunteers are just not there.

Councilmember Rehm asked if the Rescue Squad becomes a separate entity as they are trying to do, could the Town create an emergency services district. Counsel Muller

replied yes. Councilmember Rehm stated that she would like to look at other ways to raise money and this could potentially be one way.

Conservation Park- On September 24th they will be holding the Fall Festival. This will include plenty of fun activities including some races in which they may need to shut down part of Edgecomb Pond Road for. The event will start at 1pm.

Councilmember Rehm stated that they will be holding a public hearing in September regarding allowing dogs at the Conservation Park. She stated that they will also be discussing the possibility of removing the Library from the property that is covered by the ordinance. Supervisor Conover stated that in May of 1995 the Town received permission from the Library to include them in that regulation. He stated that there may have been a reason at the time to include them, but they may want to open up this discussion with them because there are some provisions that they may not want to be included in, such as allowing alcohol like the parks.

Supervisors Report:

- Receipts: \$156,761.25
- Disbursements: \$536,461.60
- Sales Tax: Warren County Sales Tax receipts were up 4.3% in the second quarter over 2010.
- Final Grant Payment of \$24,812.50 received from NYS DOS relating to the Bolton Pier Project.

Supervisor Conover commended Donna Boggs in her efforts for securing these payments from the State.

- Storm Report, drainage work on New Vermont Road by Carl Schoder underway. Supervisor Conover stated that so far FEMA has yet to announce that they will help cover this expense.

- Draft Peddler Permit regulations and application.
- Draft amendments to junkyard regulations, specifically to junk accumulating on residential properties.
- Keep the Queen Clean Program, Lake George Waterkeeper, August 6, 2011, trash bags available at the Town Hall.
- Sewage treatment plant report-

7,400,000 gallons taken in. This is the 2nd month in a row where it was less than the 10,000,000 gallons of production at the water plant. The average daily for July, which is a peak month, was just shy of 240,000 gallons/day.

They received bids for the next phase of the sewer lining work. They will be able to do the base bid of about a mile of line and accept both alternates for additional work. The next phase will commence sometime after Labor Day. Upon completion of this phase they will have lined over half of the 4 miles of line that they have in the system.

All beds are dry except for the one in use. Monthly samples were done and DMR's were mailed. They had one violation, they had a reading of 1.05 mg, Chet Dagles, Plant

Operator, does not believe that this is significant but he is reporting it.

- Sewage Treatment Plant – Trickling Filter Building Roof Truss (replacement needed as soon as possible)

Supervisor Conover provided some details. He stated that some of the trusses have snapped. He has had Carl Schoder look at the roof and he feels that they have been compromised due to the moisture from the trickling filter themselves which is caustic. They will need to address this before winter. Carl Schoder is getting him more information about cost and ideas of how to remedy the situation.

- Edgecomb Pond Dam auxiliary spillway construction.

Supervisor Conover stated that they have until 2015 to come into full compliance with the dam relative to the new standards. He will keep the Board posted with how they progress with this. The basic concept at this stage would be if we were to develop an auxiliary spillway which would minimize any work that they would need to do on the primary spillway which could be very expensive to expand.

- Asian Clam

Supervisor Conover stated that since their meeting on Friday he has received a communication from Zandy Gabriels who has indicated that they have found some clams at Norowal Marina. He has since had a conversation with Walt Lender relative to that who has received a letter from the Darin Fresh Water Institute indicating the same finding and the extent of the infestation, which is not fully known at this time. If this is confirmed it will bring the total number of sites to 3; one on the south end, Boon Bay and Norowal. As they continue to survey the lake other sites might be identified.

Supervisor Conover stated that this Board has been very supportive of the initial task force. He hopes that the Board will to continue to show its complete support for the task force and remediation/eradication program. He is not sure what more they will be able to do this year. There may be Federal and State assistance later down the road but in order for them to continue they are going to need support now. They want to start work on this in the fall so they will need money and support starting then.

Zandy Gabriels provided a preliminary survey of the area that was found to have Asian clams by RPI. The area is approximately 1 acre in size and is partially within the Norowal docks but also extends out into Sawmill Bay. He stated that they found approximately 19 live clams and 56 dead clams. They were found by an RPI employee who was launching a boat and looked over the side and identified the clams and immediately did a survey. He recommended a letter from the TB to RPI for their ability to mobilize very quickly for such an event of this nature. Zandy Gabriels stated that the meeting on Friday was a great way to start the conversation. He stated that there is a number floating around about the total cost to do a full treatment. He stated that some positive news is that RPI has sent 2 interns and 1 employee to the northeast section of the lake, Mossy Point, Snug Harbor North, Rogers Rock, Snug Harbor South and the Hague boat launch were surveyed today and no clams were found. They will continue to survey

the boat launches and beaches further south to see if more sites exist.

Old Business / Tabled Resolutions:

- Lower Brereton Road
- Lake George Camping
- Peddler Permit
- Junk yard ordinance

New Business:

- Resolution authorizing public hearing for September 6, 2011 at 7:00pm to amend Park Ordinance 38 to allow domestic dogs when in compliance with ordinance 33 at the Conservation Park and to consider deleting the Bolton Library from the ordinance

Supervisor Conover stated that he likes the proposal. It will allow dog owners to walk their dogs under leash. Councilmember Rehm stated that the Conservation Park Committee has already discussed having a waste receptacle and proper signage.

Councilman Maranville asked if dogs were muzzled would they be allowed to run around without a leash. Counsel Muller replied yes. Councilman Maranville stated that he is concerned that they would allow dogs with muzzles run around, some of which may or may not have licenses. They will not know if they have had rabies shots. He asked if they could be sued if there was an incident. Counsel Muller replied yes it is possible but the Town has insurance to cover them in these instances. Councilmember Rehm suggested amending the language of the dog ordinance to make it better fit with this.

Councilman Maranville asked if they will allow dogs during events or rental of the property. Councilmember Rehm replied that the area will be limited to a certain area so it won't interfere with events.

Councilman Maranville asked about the removal of the waste. Councilmember Rehm stated that they planned to have bag dispensers and a place for the bags to be dropped. She stated that if he had other suggestions she would be open to hearing more about it.

Councilman Maranville asked if they would limit the dogs allowed to use the park to only registered dogs. He stated that they could establish a fee for the use and create a permit for individuals to obtain in order to use the park. Councilmember Rehm stated that this might be hard to control. Councilman Maranville stated that Clifton Park has a nice dog park with a fenced in area and a built in waste disposal system. In order to use this park individuals have to register with the Town Hall and the Animal Control Officer stops there at will to check. Councilman Maranville gave more details about the park. Councilmember Rehm stated that she would be interested in having him chair a committee to raise funds for such a park in Bolton.

Councilman MacEwan stated that they have applications for an Animal Control Officer and asked if they planned to fill the position. Supervisor Conover replied yes but they

have not acted due to the active summer season. He stated that once they settle down a bit he anticipates filling the position.

Councilman Maranville asked if they have any liability issues that they need to be concerned with. Counsel Muller stated that he feels that they have adequate insurance coverage. Councilmember Rehm stated that if this becomes an issue or problem they will be the first ones to stop the activity. Supervisor Conover stated that he has seen several dogs up here already without leashes. At least taking this step, the owners would be expected have their dogs under leash. He does not feel that the committee would have made the recommendation if they thought it would be an issue. They are just trying to make this as user friendly to the Town as possible, but if it becomes an issue they will have to deal with it. Councilmember Rehm hopes this will provide people with a place to go with their dogs so that they stop taking them to the beaches, which is a problem currently.

Councilman Maranville stated that he thinks this is a good idea but he would like to see it more organized.

RESOLUTION #134

Councilmember Rehm moved, seconded by Councilman MacEwan to authorize a public hearing for September 6, 2011 at 7:00pm to amend Park Ordinance 38 to allow domestic dogs when in compliance with Ordinance 33 at the Conservation Park and to consider deleting the Bolton Library from application of the Ordinance. Councilman Maranville opposed. All Others in Favor. Motion Carried.

- Resolution authorizing use of Rogers Park for The Fabulous Folk Fest on September 4, 2011 between the hours of 11:00 am to 6:00 pm.

RESOLUTION #135

Councilman Maranville moved, seconded by Councilman MacEwan to authorize the use of Rogers Park for The Fabulous Folk Fest on September 4, 2011 between the hours of 11:00 am to 6:00 pm. All in Favor. Motion Carried.

- Resolution authorizing Supervisor to sign contract for services with Carl Schoder (Schoder River Associates) relating to replacement of roof structure on the trickling filter building.

Supervisor Conover stated that he does not have an estimate at this time but will let the Board know as soon as Carl Schoder gets him something. He stated that this will allow them to move forward quickly.

RESOLUTION #136

Councilmember Rehm moved, seconded by Councilman MacEwan to authorize the Supervisor to sign contract for services with Carl Schoder (Schoder River Associates) relating to replacement of roof structure on the trickling filter building. All in Favor. Motion Carried.

- Resolution authorizing use of the Conservation Park for a Harvest Fest on September 24, 2011 between the hours of 1:00pm and 12:00am and authorization to close part of Edgecomb Pond Road for the event activities during this time, including approval of sound amplification permit for music during this period.

Councilmember Rehm explained some of the details of the events. They have called the 2 homeowners that could be affected by this event but they have not responded yet. They should be able to speak with them before next month's meeting.

Supervisor Conover stated that he loves the idea, it reminds him of the Library event they had over the winter at the Town garage which was a big success. This has the potential to be a tremendous community event. He applauded the committee for taking on the undertaking. Councilmember Rehm stated that the Bolton Transition Group, who has created the community gardens and assisted in getting the Farmers Market has partnered with them in developing this idea as well.

RESOLUTION #137

Councilman MacEwan moved, seconded by Councilman Maranville to authorize the use of the Conservation Park for a Harvest Fest on September 24, 2011 between the hours of 1:00pm and 12:00am and authorization to close part of Edgecomb Pond Road for the event activities during this time, including approval of sound amplification permit for music during this period. All in Favor. Motion Carried.

- Resolution regarding SEQRA for the Rogers Park Improvements.

Councilmember Rehm provided an update to the Rogers Park Improvements. She explained that they have had to make some changes. She stated that the pump station is very pivotal to the design and has really restricted where they can put the bathroom facility. Additionally the waste water operators need to be able to access and work on the equipment which will not afford them the opportunity to create a promenade. They will have a sidewalk but it will be open so that they can drive through.

Councilmember Rehm stated that they still plan to have stormwater control on the hillside and rain gardens. With regard to the hillside, they will move the pathway over slightly. With regard to irrigation for the hillside, they do not want to put a system in until they have an overall plan for the hillside in the next phase. However, they are looking at providing water to the hillside. One idea would be to run a water line from the pump station and place spigots at the bottom of the hill and water the area with sprinklers. Another option is to run a line out of the lake along the northerly boundary of the property and use lake water. They currently do this for the gazebo and pier area. The benefit of using lake water is that it is not treated which is better for the lawn.

Councilman MacEwan asked if the committee felt as though the sidewalk will be used. Councilmember Rehm replied that she understands his concern but the sidewalk has been shifted over slightly closer to the usual path. Additionally, they feel that without a

sidewalk people tend to walk wherever, but if a path is present most would tend to use the path. They feel that any relief would benefit the hillside. Councilman MacEwan stated that they also see a lot of pressure during the craft fairs. Councilmember Rehm stated that they have also discussed that and are looking to possibly limiting the activity to just the top of the hill. Councilman MacEwan suggested that they limit the number of vendors.

Councilmember Rehm stated that this resolution is to approve the SEQRA process so that they can go out to bid on the project at the end of August. All of the plans have to go to NYS DOS and their contact is on vacation at the end of August. She stated that it is important that they go out to bid before the next meeting.

Supervisor Conover thanked the committee for all of their efforts. This will be a real asset to the Town. The committee has made a real effort to keep the expenses under control. Councilmember Rehm stated that some of the money is coming from their portion of the grant money for the Rogers Park Pier Project.

Supervisor Conover reviewed the SEQRA form with the TB. With regard to air quality, surface or ground water, solid waste potential or disposal, potential for erosion, drainage or flooding problems he feels the answer is no. Councilmember Rehm stated that this will actually improve the drainage and erosion problem.

The questions on the assessment for making a determination are:

Could action result in any adverse effects associated with the following:

C1: Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? NO.

C2. Aesthetic, agricultural, archaeological, historic or other natural or cultural resources; or community or neighborhood character? NO. Supervisor Conover stated that they did an archeological dig and did not identify any concerns.

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats or threatened or endangered species? NO.

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? NO.

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? NO.

C6. Long term, or short term, cumulative, or other effects not identified in C1-C5? NO.

C7. Other impacts (including changes in use of either quantity or type of energy)? NO.

Supervisor Conover stated that the project will not have any significant environmental impact as a result of this project. This will be a big improvement. Giving due consideration and deliberation to the Rogers Park Improvement Project it is proposed that we find no significant negative environmental impacts.

RESOLUTION #138

Councilmember Rehm moved, seconded by Councilman MacEwan to approve SEQRA for the Rogers Park Improvements. All in Favor. Motion Carried.

- Resolution authorizing the Town Clerk to advertise for bids for improvements to Rogers Park.

RESOLUTION #139

Councilmember Rehm moved, seconded by Councilman MacEwan to authorize the Town Clerk to advertise for bids for improvements to Rogers Park. All in Favor. Motion Carried.

- Resolution regarding sound amplification permit by Pleasant Waters, LLC for family wedding on August 20, 2011 between the hours of 5:00pm and 11:00pm.

RESOLUTION #140

Councilman MacEwan moved, seconded by Councilman Maranville to approve sound amplification permit by Pleasant Waters, LLC for family wedding on August 20, 2011 between the hours of 5:00pm and 11:00pm. All in Favor. Motion Carried.

- Resolution accepting with regret resignation by Jim Galante from Bolton Police Department.

Councilman MacEwan stated that they truly accept this with regret. He did an outstanding job for the Town of Bolton. Supervisor Conover agreed and stated that they wish him well.

RESOLUTION #141

Councilman Maranville moved, seconded by Councilman MacEwan to accept with regret the resignation by Jim Galante from the Bolton Police Department effective July 10, 2011. All in Favor. Motion Carried.

- Resolution making provisional appointing of Mortimer Keane to Bolton Police Officer position.

Councilmember Rehm asked why this was provisional. Supervisor Conover stated that there is a reinstatement involved because he was civil service eligible and there is a procedure to that. Additionally they are bringing him on quickly and they wanted a period of time to make sure that everything goes well. He stated that this position will become permanent once the provisional period is over. Councilman Maranville stated that Mort Keane seems to be a real top notch guy. Supervisor Conover agreed.

RESOLUTION #142

Councilman Maranville moved, seconded by Councilmember Rehm to make a provisional appointment of Mortimer Keane to Bolton Police Officer position once the provisional period is over and the Chief reports that it is satisfactory this will become a permanent position. All in Favor. Motion Carried.

- Resolution relating to SEQRA for construction of docks at Conservation Park (table pending Planning Board Review).

Councilmember Rehm stated that a dock existed previously. Barry Kincaid has gotten Chris Gabriels to volunteer his labor to build this dock and viewing platform. Apparently Mr. Gabriels has some free time coming up so they would like to make this possible pending the PB courtesy review of the project. That way he can purchase the materials necessary. The APA has already approved this project. Councilmember Rehm stated that they are looking to authorize up to \$2,500 for the cost of the materials.

RESOLUTION #143

Councilmember Rehm moved, seconded by Councilman MacEwan to declare the Town Board as lead agency for the application and to table the SEQRA review pending the PB recommendation. Councilman Maranville opposed. All others in Favor. Motion Carried.

- Resolution authorizing construction of two docks at Conservation Park (table pending Planning Board Review).

RESOLUTION #144

Councilman MacEwan moved, seconded by Councilman Maranville to table the authorization of construction of the two docks at Conservation Park pending Planning Board review and recommendations. All in Favor. Motion Carried.

RESOLUTION #145

Councilmember Rehm moved, seconded by Councilman MacEwan to authorize the purchase of materials for Chris Gabriels to construct two docks at the Conservation Club with an amount not to exceed \$2,500. Councilman Maranville opposed. All Others in Favor. Motion Carried.

- Resolution authorizing final payment to Steven Miller General Contractor for New Vermont Road Culvert Project in the amount of \$43,158.40 (\$40,597 base bid plus \$2,561.40 additional concrete cost).

Supervisor Conover stated that this was a good project. He thanked John and Deb Gaddy for their cooperation in providing both temporary and permanent easements on their property relative to this project.

RESOLUTION # 146

Councilman Maranville moved, seconded by Councilmember Rehm to authorize final payment to Steven Miller General Contractor for New Vermont Road Culvert Project in

the amount of \$43,158.40 (\$40,597 base bid plus \$2,561.40 additional concrete cost). All in Favor. Motion Carried.

Public in Attendance

Mary Owens stated that they had an incident at the park on Sunday and the life guards did a fantastic job. A child had a seizure and ended up turning blue. She stated that Brian and a few other lifeguards were able to revive the child before the EMS was even there. She thought that the TB should know what a fantastic job they did. Supervisor Conover agreed that they have a great group of people working at both parks this year. Both in terms of public safety and for keeping the property clean they are doing a wonderful job.

Zandy Gabriels stated that he would like to volunteer Chris Gabriels services to maintain the Conservation Park docks in the future as well.

Zandy Gabriels concurred with Chris Navitsky's suggestion of having public hearings for Site Plan Review applications within the critical environmental areas. He feels this would have been helpful with the recent Sagbolt application. If it had been a requirement for this application there might have been more opportunity to see that the lights on the bridge are overly bright and of concern to the neighbors. He does agree that more information is better in order to make better decisions for the community.

With regard to Rogers Park, he stated that after the last meeting he encouraged them to provide a plan to show the bathroom facility as well as elevation detail. He is concerned with the aesthetics that might be affected looking down the hill or in from the lake. Councilmember Rehm stated that they have reduced the pitch of the roof so that it will not exceed the tennis court fence height by any significant amount. Zandy Gabriels stated that he would still be interested in seeing elevation drawings for the building. He asked if there will be showers. Councilmember Rehm replied no there will be changing areas but in the plaza area they will have a small water source to rinse off feet.

With regard to the auxiliary spillway, Zandy Gabriels stated if they have to do a 50% maximum product of flood, Conklinville Dam, which is federally regulated ought to be that way too. If the federal regulations do not require that standard why does DEC and what is the scientific basis for one or the other. He feels this is important is because looking at Edgecomb Pond Dam they do not want to look at a Noah's flood situation which is 33" in 72 hours. The Town of Bolton only averages 40" of precipitation for the whole year, so 50% of that is 16". He stated that they don't have anything around here that could withstand over 1' in 72 hours. He stated that if they have not evacuated the Town's people they are stranded. He stated that type of event is bigger than a 100 year storm and more likely a 1000 year storm which he has not been able to find any record of. He stated that local legends do not even recall seeing a storm of this magnitude. He stated that they do have to worry about the 100 year storm which the existing spillway can't handle now. They need to worry about the current spillway and not the auxiliary spillway.

Transfers :

RESOLUTION #147

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

FROM	TO	AMOUNT
GENERAL FUND		
19904 Contingency	16202 Buildings Equip	\$2262.60
19904 Contingency	71804 Ballfield	2110.98
10104 Town Board	42154 Testing	222.00
51824 Lighting	51822 Lighting equip	164.09

HIGHWAY

51104 General Repairs	14404 Engineer	5143.00
51104 General Repairs	51202 Culverts	43158.40

SEWER

81101 Administration	81202 Collection System	4259.24
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All in Favor. Motion Carried.

Pay Bills :

RESOLUTION #148

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

	Voucher #	Amount
JULY MID ABSTRACT 7A		
General	751,753	\$1,831.00
Tourism	24-27	1,950.00
Lighting	752	3,026.65
JULY MID Abstract 7B:		
General	824-828,829-838, 840, 842	3,285.37
Highway	339	16.54
Water	148,149	1,273.79

Sewer	162-164	2,618.52
Lights	828,839, 841	262.70
Tourism	28	800.00

AUGUST ABSTRACT:

General	751-823,843-879	43,420.39
Highway	315-338, 340-358	21,726.25
Sewer	151-161,165-171	9,796.63
Water	138-147,150-153	2,482.56
Tourism	24-27, 29-37	3,484.28
Storm Damage General Repairs	8-17	26,974.65

Executive Session: Personnel Matter and Contractual Matter

RESOLUTION #149

Councilman Maranville moved, seconded by Councilman MacEwan to enter Executive Session at 8:50 pm with no further business to be conducted. All in Favor. Motion Carried.

Adjourn:

Minutes respectfully submitted by:
Patricia Steele
Town Clerk

Minutes respectfully submitted by:
Kristen MacEwan
Minute Taker