

STATE OF NEW YORK  
COUNTY OF WARREN  
TOWN OF BOLTON

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

Pledge of Allegiance - Supervisor Gabriels

6:30 pm

PUBLIC HEARING - *Fire Lanes: Congers Point North and South entrances*

The public hearing remained open from last month at the request of adjacent property owner Buddy Foy and the Fire Dept. Supervisor Gabriels stated that no new information has been received on the issue.

From the public, adjacent landowner Buddy Foy addressed a comment in last month's minutes by a permanent resident who stated she witnessed an emergency vehicle being blocked by a delivery truck. Mr. Foy checked with Officer Gil Howse and Don Volkmann of the Fire Dept, who both said this never happened. Mr. Foy is still in favor of resolving the emergency access issue by perhaps erecting no parking signs, but he has a problem with the legality issues.

Richard Drake, President of the Congers Point Association, spoke saying they have no issue with adjoining property owners. They do have a problem with the lack of signage at the entrances, as there are occasions when the roads get blocked. He has been told that on two occasions emergency vehicles were unable to gain access because of cars blocking the entrance(s). It is their hope that the Town would allow them to erect signs specifically using the word "fire lanes", as they feel this would better prompt adherence to no parking there.

Mr. Foy felt that signs should instead read "no parking - emergency vehicle access". Doing so would eliminate the Town's involvement.

Councilman White moved, seconded by Councilman Andersen, to close the public hearing. All favorable. Motion carried.

PUBLIC HEARING - *Proposed Snowmobile Ordinance*

Councilman Andersen stated that he had not yet seen Counsel's draft #5 of the proposed ordinance (as a result of last month's discussions). There are additional roads that he would like added to the list designated in the ordinance. Counsel stated that he addressed the concern raised last month to ensure that just by designating these roads for snowmobile access, it would not preclude vehicular traffic from using them.

Comments were made by individuals that did not identify themselves re: trespassing on private lands and riding on State Route 9N. Councilman Andersen responded that these matters have been addressed to the best of the Town's authority.

There were no other comments from the public at this time.

Councilman Saris moved, seconded by Councilman White, to close the public hearing on the Proposed Snowmobile Ordinance. All favorable. Motion carried.

REGULAR MEETING: Supervisor Gabriels opened the regular meeting at 7:35 pm.

*Announcements:*

- New NYS General Municipal Law in effect that will require all applicants to provide proof of workers' compensation compliance when applying for building permits
- Town's Annual Tree Lighting ceremony is scheduled for Sunday, Dec 7 at 4 pm at Rogers Park
- Bolton Free Library will sponsor a presentation about George Reis on January 21 at 7 pm at the Town Hall.
- Meal site menu is available

*Public in attendance:*

- John Gaddy asked the Board when the salt at the Highway Dept would be covered, as currently runoff from the salt pile is ending up in drainage paths to Lake George. Additionally, he is concerned about light pollution at both the Highway Dept and the Water Plant. He was informed by Hwy Superintendent Tim Coon that the lighting was necessary for security reasons, as a plow was recently stolen. J. Gaddy noted that the Town's insurance policy would likely take care of such theft. He feels that as a member of the Planning Board, he and the Board often ask applicants to shield their lighting, and feels that the Town should set the example.

Supervisor Gabriels stated that plans are in the works for a salt storage shed, and currently the issue of aesthetics is being considered. Regarding light pollution, he was not sure how to balance security with lights, stating that perhaps a motion detecting system would be the answer. He indicated that the Board would look into these concerns.

There were no other comments from the public.

*Correspondence:*

- E-mail from Trinket Mason re: water pump house at Woodshire Estates
- Notice from Bolton Fire Dept regarding its operation smoke detector program
- Letter from Susan Wilson of S. Trout Lake Road expressing interest in serving on the PB or ZBA
- Letter from Julie Denison of Bluquill Road requesting the Town appoint her as a marriage officer

- Letter from Peter Gorrie re: seasonal road closures on Padanarum Road and the spur road
- Letter from Sandy and Ruth Lamb re: seasonal road closures on Padanarum Road and the spur road
- Letter from Hague Supervisor Belden indicating that Hague plans to maintain its portion of Fly Brook and Padanarum Roads this winter
- Letter from Clay Roberts re: water service in Woodshire Estates
- Letter from LGA re: variance granted by ZBA for Robert Parrotta, who has an outstanding violation on a separate parcel
- Analytical reports from DEC for the Wastewater Treatment Plant
- Letter from Town Engineer Tom Nace re: analysis and recommendations for repair to the stonewall at Rogers Park.
- Letter from Sandy Aldrich re: street light problems on Valley Woods Road
- Letter from Atty Susan Millington re: easements over Marion Baker estate property for Town's dredging project on Artist Falls
- Notification from residents of Homer Point re: flooding problems
- Suggestions from Harold Brown for modifications to the Veterans Park plan
- Letter from Claire Bartlett re: ban of jet skis on LG
- Notification from Time Warner re: rate increases
- Letter from Town Counsel Mike Muller re: update on spa project at Sagamore
- Letter from CT Male re: sewer line in need of repair at the north pump station
- Letter from Bob Weisenfeld re: Bell Point Shores stormwater maintenance on roadway
- Notice of NYS Comptroller's teleconference on Dec 11 re: newly elected officials
- Notice from Office of Real Property Services re: denial of 2003 Maintenance Aid request
- The Adirondack Council's State of the Park 2003 publication
- Letter of thanks from LGA re: Town's support of LGA's Lake saving projects

*Reports:*

Councilman White

WATER DEPT:

- The Dept has been busy doing routine maintenance and repairs where necessary.

ASSESSOR:

- The office is current with deeds and transfers, and is working mostly on value reviews. The Rainbow Beach Assessment dispute progresses but remains unresolved.

POLICE DEPT:

- Miles patrolled: 795 miles. Fuel used: 85.6 gallons. Officers White and Howse investigated 1 criminal report, 3 accident investigations, 1 emergency medical response, 3 fire assists, 4 court security, 1 lost person, 5 alarms, and 7 misc complaints.

- Councilman Saris:

- TOWN CLERK:

Total local shares: \$5,720.47. Non local: \$307.74. Total state, county and local revenues: \$6,028.21

HIGHWAY DEPT:

The Dept has been preparing for the plow season. Contract negotiations are underway.

SEWER DEPT:

The Plant took in 7,160,060 gallons of wastewater for a daily average of 238,669 gallons. No violations with DEC sample this month.

Councilman Andersen:

PLANNING OFFICE:

Permits applied for: 11 Certificates of Compliance / 2 Wastewater disposal systems / 5 Variances / 3 Site Plan Reviews / 3 Subdivision. 160 miles traveled. A/R: \$1,130.41. Outstanding issues: *Hubbell-Greenmeir*: illegal subdivision - still pending. *Mavros*: a new warrant has been issued re: deck built without building permit.

RECREAION DEPT:

The Dept continues to be busy, and events have been well attended. Sign-up for ski program at Gore is Dec 6.

PARK DEPT:

Work continues on police barracks roof.

JUSTICE COURT:

A/R: \$6,485.00

Supervisor Gabriels

SUPERVISOR:

Total receipts: \$253,848.14. Total disbursements: \$267,124.45. Funding has been made available from the County so that Up Yonda Farm can re-open on weekends.

*Unfinished Business:*

Regarding the snowmobile ordinance, Counsel would like to include the entire list of designated roads prior to the Board acting on it. He stated that as a courtesy, it is customary to send such a document to the APA and WCPB. The Board should also do a SEQR analysis.

RESOLUTION #210

Councilman Andersen moved, seconded by Councilman Saris, to hold a special meeting on Tuesday, Dec 9, at 1:30 pm on the issue of adopting the snowmobile ordinance. All favorable. Motion carried.

Bruce Hiser, who is on notice to remove the remnants of his partially burned, dilapidated barn and surrounding debris on North Bolton Road, has informed Supervisor Gabriels that he was unable to obtain a burn permit until this morning. He fully intends on taking care of the project prior to snowfall.

The Board will look into purchasing a temporary cover to place over the clarifier at the Sewer Plant. The cover may be utilized for the salt pile at the Hwy Garage thereafter, until a permanent fixture is built.

Regarding the punch list at the Hwy Garage, there are 2 outstanding issues: installing the alarms for the oil-water separator, and the floating concrete pads problem. According to Mr. Grant of Richard Jones Associates (the architectural firm), this problem stems from relocating the building several times before settling on its current location, which in his opinion is not the best spot. The architect has taken the attitude that it is the Town's fault for choosing the building's current location, which is too close to the hill.

Councilman Andersen remembers that the current location was selected at RJA's recommendation because it provided the best drainage options. This decision followed their first suggested location, which did not take into account the topography of the land and proposed the structure halfway into the large hill. Following that, they selected a location further south, which proved to be undesirable, as there was a building buried underneath the site.

Councilman Saris noted that the site was already established when they put the work out to bid, so the concrete pad issues should have been addressed at that time. He remembers the Board actually choosing some of the more expensive add alternate options to ensure the quality of the structure. It is Councilman Andersen's opinion that the firm erred by not taking into account the degree to which the temperatures drop in this area, and therefore did not dig the footings for the pads deep enough. Counsel felt that it would help the Town's case if they were able to obtain an engineer's report supporting Councilman Andersen's theory. Supervisor Gabriels added that the concrete pad situation is causing an emergency access problem in that the passageway doors at times do not open.

#### RESOLUTION #211

Councilman Saris moved, seconded by Councilman Andersen, to have Town Engineer Tom Nace provide the Town with a report on the concrete pads problem at the Town Highway Garage, inclusive of the current conditions and suggested corrective measures to take. All favorable. Motion carried.

Supervisor Gabriels stated that Alex Rhodes of CT Male will be providing the Town with two bids for work on the emergency sewer line repair at the north station. The Town will not need a special meeting in order to open the bids.

Supervisor Gabriels noted that the Town received a letter from the LGA, who expressed concern over the ZBA granting a variance to Robert Parrotta, who has an outstanding zoning violation on property adjacent to the parcel for which he obtained a variance. The Board will table the matter until they review the correspondence.

Regarding the Bell Point Shores road stormwater maintenance issue, Richard Scanlon, Vice President of the HOA, explained that Engineer Tom Jarrett has visited the site and will be providing the required engineering report as soon as possible. Remediation work will be done before spring.

Bob Weisenfeld, speaking on behalf of his mother Madeline who is a resident of Bell Point Shores, noted that such reports in the past have been lacking. He reminded everyone that it is a requirement that a written report be submitted twice yearly indicating what remedial work has been done in accordance with the stormwater maintenance agreement. He provided copies of the stormwater maintenance agreement for interested parties' review.

Mr. Scanlon responded that they have made and continue to make progress on rectifying the situation, which he acknowledges will not happen overnight. He has been actively working on the road and plans to do the plowing himself this winter.

Regarding the free trash days at the Transfer Station, Town Clerk Simmes has proposed a voucher system that may be used year round, as is practiced in the Town of Chester. Councilman Saris was favorable to this type of system, as opposed to having it on one weekend, which tends to overload the Transfer Station. The Board will iron out the details, such as what items to allow, at its Dec 9 special meeting.

Superintendent of Highways Tim Coon has yet to provide the Board with an estimate to fix the C&D ramp at the Transfer Station.

The Town hired Lisa Nagle of ELAN to hold a training session for ZBA and PB members on the issues of the Comprehensive Plan and how to implement it through their roles as Board members. Upon signing a contract with Ms Nagle, P. Kenyon will be asked to coordinate with both boards in scheduling a convenient meeting date. Supervisor Gabriels would like Counsel to hold a separate meeting for the purpose of educating Board members on the legal aspects of their roles as review Boards. Counsel added that there were outstanding issues with the zoning ordinance that Board members were unable to cover at their workshop held in September.

The Board will hold a special meeting in January (tba) to interview for the vacancy of resigning PB member Kathi DiMauro.

The Town is seeking interested persons to serve on the Health Center Advisory Board.

*New Business:*

Counsel addressed an outstanding zoning office issue with the Board: Robert and Elizabeth Rajeski, who own property at 52 Hayden Loop in the Town of Bolton, have an existing zoning violation on their property, such that years ago they built an accessory structure (boathouse) without a principal structure (single-family dwelling). In the past, they have presented that they intend to build the dwelling, but for financial reasons could not. They

recently applied for a use variance, but during the review process, decided to instead undertake construction of a small single-family dwelling in order to bring the property into compliance. They have drafted a written stipulation stating that they would undertake construction on the dwelling by May 2004. They are seeking the Town's approval of entering into this agreement, which also stipulates that no action be taken by the Town until the end of May 2004 should no construction have been undertaken. Counsel is seeking the Board's approval to enter into the agreement.

Councilman Andersen felt that the small size of the proposed structure indicated the Rajeskis may wish to convert it to a guest cottage in the future and build a larger primary home. Based on past history, he felt that there may be a need for future variances, which would have to be considered self-created based on the current proposal. Supervisor Gabriels shared his concern, and wondered if it could be addressed in the written stipulation. Counsel advised that in the future should the owner wish to propose a larger structure that requires a variance from the ZBA, the project/application would stand on its own merits. If the practical difficulty is self-created, it does not preclude the issuance of an area variance. He assured the Board that the adequate protections are already built into the ordinance, if it is properly applied when the circumstance occurs. Additionally, Counsel suggested that a copy of these minutes be placed in the Rajeski tax map file for future reference so that the ZBA would be aware of the TB's concerns. Supervisor Gabriels again stated that he would somehow like the Board's concerns to be addressed in the stipulation. Counsel and Atty Stephanie Bitter (on behalf of the Rajeskis) will consult and come up with appropriate language indicating the Board's desire to keep the property in compliance, now and in the future. Counsel will provide such documentation to the TB in time to include the matter on the Dec 9 meeting agenda.

The Village of LG is seeking the Town's financial support of a foreign exchange student work program. The estimated cost of the program is \$17,100, of which they are asking Bolton to contribute \$2,000. The benefit to the Town would be a centralized facility at which Town business owners could seek summer staff, and a facility at which exchange students could express concerns should they have housing problems or problems with their employers.

#### RESOLUTION #212

Councilman Saris moved, seconded by Councilman White, to authorize the expenditure of \$2000 from the 2003 budget and to authorize Supervisor Gabriels to sign the agreement with Village of LG re: the foreign exchange student work program. The Town also will donate an extra computer that is currently at the Town Hall. All favorable. Motion carried.

After a brief discussion, Councilman Saris moved to grant Julie Denison's request for the Town Board to authorize her as a marriage counselor for a 2-year term. The motion was not seconded, and therefore did not carry.

Councilman Andersen will forward a draft of the ATV ordinance to Counsel for review.

Highway union negotiations are scheduled for Dec 9 at 3:30 pm. Prior to that is a meeting with the Town's insurance agent to discuss the Town's insurance needs.

RESOLUTION #213

Councilman White moved, seconded by Councilman Andersen, to schedule an end of the year Town Board meeting on Tuesday, Dec 30, 2003 at 9 am, primarily to pay the end of the year bills. All in favor. Motion carried.

RESOLUTION #214

Councilman Andersen moved, seconded by Councilman Saris, to schedule the Town Board organizational meeting on Tuesday, Jan 6, 2004 at 7 pm. The regular Town Board meeting will follow immediately thereafter. All in favor. Motion carried.

The Board decided to grant the request of Town Hall employees to close the Town Hall on the Fridays after Christmas and New Years, with the understanding it would be noticed in the paper, and the employees would account for their time through a sick or personal day. With regard to other Town Depts, it was determined that the Transfer Station would have to remain open on those Fridays, so that they would not be closed 3 days in a row. It was also noted that Transfer Station employee Henry Nittmann would be on vacation over the holidays, so a part-time employee would be needed.

Supervisor Gabriels noted that there are some significant funding problems in the Highway CHIP's expenditures. The reports indicate overspending by 66-68% on a regular basis. Much of this has to do with equipment rentals (estimated at \$85,000 currently outstanding) for miscellaneous stormwater projects and roadwork. Councilman Andersen feels the various depts should schedule specific time blocks for performing work on projects that require equipment rental, and stick to that schedule to avoid unnecessary accumulation of rental fees. This is a financial burden that the taxpayers should not be subject to. The Board will submit a request to the State to be reimbursed CHIP's money. In the meantime, the Board felt it was appropriate to look at the current lack in compliance with the purchase policy within some depts.

RESOLUTION #215

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

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
<u>General Fund:</u>		
90608 Health Insurance	90108 Retirement	\$4,181
13804 Fiscal Agent	16504 Communications	570
13804 Fiscal Agent	31204 Police	650
16604 Storeroom	50104Supt of Hwys	30
16604 Storeroom	51324 Garage	4,513
85104 Beautification	71102 Parks Equip	276
85104 Beautification	71104 Parks Cont.	2,014
85104 Beautification	71502 Cons. Park	200
85104 Beautification	71804 Ballfield	26
80204 Planning	80104 Zoning	231
80204 Planning	80202 Planning	309
80204 Planning	80302 Plan	5
90608 Health Insurance	64204 Promotion of Industry	2,000

Highway Fund:

51101 Repairs	51104 Repairs	469
51101 Repairs	51204 Bridges	148
51101 Repairs	90108 Retirement	3,616
90558 Disability	97306 BAN	2
90558 Disability	97307 Interest	312
Rescind the portion of Res.	186 51104 Repairs	to 51122 Chips \$10,000
	51304 Machinery	to 51122 Chips 10,000
	51484 Services	to 51122 Chips 30,000

Water District:

83404 Transmission	90108 Retirement	609
83204 Source	83104 Administration	1,439

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Sewer District:

90608 Health Insurance	90108 Retirement	466
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Sewer Treatment Equipment 81302 has an overdrawn appropriation of \$35,686.59 due to the emergency services  
Highway Chips 51122 has an overdrawn appropriation of \$104,276.16 due to machinery rentals for the season.  
All favorable. Motion carried.

*Public in attendance:*

Bob Weisenfeld requested to be provided a copy of the stormwater report for Bell Point Shores when it is submitted. He would like to be informed of any meetings that may be scheduled on this matter.

RESOLUTION #216

Councilman Andersen moved, seconded by Councilman Saris, to pay the Town bills. All favorable. Motion carried.

Councilman Andersen moved, seconded by Councilman Saris, to adjourn the meeting at 9:36 pm. All in favor. Motion carried.

Transcribed by:

Respectfully submitted by,

Melanie Quigan  
12/16/03

Kathleen Simmes  
12/17/03