

STATE OF NEW YORK
COUNTY OF WARREN
TOWN OF BOLTON

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

Pledge of Allegiance - Councilman MacEwan

Supervisor Gabriels opened the meeting at 7:00 pm.

Announcements:

- The Travel Channel (Time Warner 43) will be doing a show on the Sagamore and surrounding region on Wed Feb 4 at 3 pm, Thurs Feb 5 at 11:30 am and Sun Feb 8 at 10:30 am.
- The NYS Adirondack Snowmobile Plan has been published by NYS DEC. Several public hearings are scheduled
- The LG Watershed Conference's on-site wastewater treatment training program scheduled for Wed Feb 4 has been cancelled.
- The Democratic presidential primary is scheduled for Tues March 2 from 12 noon to 9 pm-polling sites will be in the Town Hall. The March Town Board meeting, originally scheduled on this night, is rescheduled for Wed March
- Meal site menu is available

RESOLUTION#39

Councilman Saris moved, seconded by Councilman MacEwan, to reschedule the March Town Board meeting to Wednesday March 3, 2004. All favorable. Motion carried.

Public in attendance:

- Tony Hall asked the Board to explain the cooperative agreement for a potential land exchange between the Town and Bolton Central School.

Supervisor Gabriels explained that the Town Board has been in negotiations with the Bolton School Board and last Tues came to a conceptual understanding as follows. The school is interested in land (approx 50 acres, parcel id# 139.00-1-46.1) off of CR11. The Town would buy the land and hold it in custody for the school until such time as they secure permission to convey the tennis courts, the gravel area in front of the tennis courts, and a section of land along Route 9N in exchange for the 50 acres off CR11.

Supervisor Gabriels explained that the plans are only conceptual at this point, as no specific dimensions have been agreed upon, other than the school requesting to retain a minimum 30' right-of-way at the southern end of the strip of land off Route 9N for access to their remaining

lands. As part of the proposal, the school is requesting that the Town build a 2,000' road (built to DOT and Dept of Education standards) adjacent to the CR11 parcel. This road would become part of the inventory of Town roads, to be maintained by the Town permanently. In return, the school proposes to provide greater public use of the remaining lower ball field year round, although the field would be for primary use by school. If and when there are public events held on the field, the Town would provide police protection and would be responsible for cleanup.

Supervisor Gabriels indicated that the next step, upon Counsel reviewing the legalities, would be to establish a negotiating team to enter into discussions with the owner of the 50-acre parcel, Rolf Ronning. The Assessor has provided land value estimates, which he noted are not the same as appraisals. It was suggested that the Town go through a formal appraisal process for both the CR11 property and the school property. If the Town enters into a land transfer agreement, a permissive referendum would be held by the Town. Property owners who reside in the Town of Bolton but live in the Warrensburg or Lake George school districts will be able to vote only on the permissive referendum. Councilman Saris added that it is the school's intent to develop the CR11 parcel as athletic fields.

Councilman White announced that there was a Boy's Varsity Basketball at home against Minerva-Newcomb tomorrow night to decide the Southern Division championship.

Correspondence:

- "School Views" article in the January 22 Chronicle by 4th grader Samantha Parry re: her appreciation of Bolton
- Letters of interest from Sue Ferdinand and Eugenia Lindyberg to fulfill the vacancy of Frank Leonbruno on the Board of Assessment Review
- Letter from Pat Galea: requesting the Town raise the minimum income level for an exemption available to low income seniors
- Letter of complaint (in response to the snow ordinance letter sent by the Town to Maple St and Stewart Ave residents) from Thomas Schweickert
- Frank Passaro visited the Supervisor's office indicating his concern over the potential impact on the capital investment on the Town's tax rate
- A request from Town employee James LaFoy to be paid for one week's unused vacation
- Letter from Atty Howard Krantz re: John Miller's request to obtain a right-of-way over Town property near the American Legion property off of Brook St
- Various letters from Counsel re: John Miller's right-of-way request, land transfer with the school, municipal water users outside the water district, updated language to Town's drug and alcohol testing policy
- Notice of project permit from APA for Millsbrooke Equities
- Letter from Sheriff's Dept requesting that, due to new policies, Bolton Police Dept return the weapons they have on loan from the Sheriff's Dept
- Water plant lead monitoring report from Water Superintendent John Perry
- Franchise check from Time Warner in the amount of \$5,133.53 for Oct-Dec
- Information from the NYS Snowmobilers Assoc on the Adirondack snowmobile plan
- Letter from Town Assessor Dave Rosebrook indicating stumpage fee owed by Masters/Santo has been paid in full

- Notice that the lawsuit against Town Planning Board on behalf of the Fund has been officially filed
- Letter of request from Saratoga Associates to assist the Town in implementation of the Town Comprehensive Plan (Town has entered into a contract for this service with Lisa Nagel)
- Letter from LG Mayor Blais indicating that the Town of Bolton and Village of LG have established a student employment center in LG
- Letters from Assemblywoman Teresa Sayward and Senator Elizabeth Little re: Home Rule legislation
- Letter from Summit Risk Services indicating they will not defend the Town in the Kunker/Isle Harbor Homeowners lawsuit
- Letter from Tim Daley from DPW re: Bolton fuel pricing for Hwy Garage
- Information from Cornell Cooperative Extension re: 4-H camp at Sacandaga
- Program update from ARCC
- Quarterly report from LGA on Finkle Brook DEC Environmental Protection Fund project
- Meeting notice from Region 5 Fish and Wildlife Management Board scheduled for Thurs, Feb 12 at Terrio's Carriage House in Schroon Lake
- Letter from Gov Pataki re: NYS Governor's Waterfront ReDiscovery Awards
- 2004 meeting schedule for WC Tourism Advisory Committee
- Notice from LGA GIS Specialist Randy Rath re: storm sewer mapping
- Report from Senator Little re: Executive Committee of the Senate Medicaid Reform Task Force
- Various reports from LGPC re: zebra mussel prevention, marine patrol, and Eurasian watermilfoil management

Reports:

Councilman White

WATER DEPT:

- The Dept has been busy doing routine maintenance and repairing frozen lines and meters

ASSESSOR:

- Office assisted Town Clerk with address corrections for returned tax bills, and continues to update records.

POLICE DEPT:

- Miles patrolled: 1,180 miles. Fuel used: 143.6 gallons. Officers White and Howse investigated 5 accident reports, 5 emergency medical response, 5 assists to other agencies, 2 fire assists, 4 court security, 10 parking tickets, 2 alarms, 8 written warnings, and 10 misc complaints. Regarding Sheriff's request to return loaned weapons, quotes were obtained to purchase replacement weapons, but proved to be much higher than State Contract price

JUSTICE COURT:

- A/R: \$8,340.

Councilman Saris:

- TOWN CLERK:

- Total local shares: \$5,968.71. Non-local: \$144.04. Total state, county and local revenues: \$6,112.75

HIGHWAY DEPT:

- The Dept has been busy with plowing, ice removal and filling potholes.

SEWER DEPT:

- The Plant took in 5,121,550 gals of wastewater for a daily average of 165,211 gals, and hauled 18,000 gals of liquid sludge away. The Dept has been dealing with equipment freeze-ups. Water, Sewer and Buildings & Grounds staff commended on hard work repairing frozen lines.

Councilman Andersen:

PLANNING OFFICE:

- Permits applied for: 3 Certificates of Compliance / 2 Wastewater disposal systems / 2 Variances / 2 Site Plan Reviews / 2 Subdivision. 100 miles traveled. A/R: \$521.75. Outstanding issues: *Hubbell-Greenmier*: illegal subdivision - Judge now refuses to hear case, as the parties may work things out themselves. Counsel is surprised at this and will follow up with Atty Cathi Radner, as any agreement has to be satisfactory with the Town. Code enforcement officer needed as soon as possible. Modified GIS software is being contemplated between the County and several Towns.

RECREATION DEPT:

- The Dept continues to be busy, and events have been well attended. Summer program schedule is being developed and expanded. Dept is trying to implement a local substance abuse program.

BUILDINGS & GROUNDS DEPT:

- Busy with snow and ice removal. Staff commended on extra hours worked in an effort to keep the heating system functioning at the Town Hall.

- Councilman MacEwan:

TRANSFER STATION:

- A/R: \$4,326. Frank French has been covering for Henry Nittmann, who was injured (off the job). Perkins Recycling has been working out well. New heaters installed in office.

- Supervisor Gabriels

- SUPERVISOR:

Total receipts: \$1,521,486.41. Total disbursements: \$623,113.93. WC GIS Coordinator Sarah Frankenfeld is in favor of proposed GIS updates (cost to area Towns who participate ranges from \$8,000-15,000).

RESOLUTION #40

Councilman Saris moved, seconded by Councilman Andersen, to adopt the following resolution:

WHEREAS, pursuant to Article 4-104 of the New York state Election Law, the Town Board of the Town of Bolton must submit to the Warren County Board of Elections a listing of the polling places in the Town of Bolton in each election district in which elections may be held,

BE IT RESOLVED, that the following locations be and hereby are designated as the respective polling places in the Districts enumerated:

District #1 Town Board meeting room	4949 Lakeshore Dr.
District #2 Town Court Room	4949 Lakeshore Dr.

and that such locations are accessible to the physically handicapped voter, pursuant to Article 4-104.1-a of the Election Law (unless otherwise noted), and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Warren County Board of Elections.
All favorable. Motion carried.

Unfinished Business:

Supervisor Gabriels noted that the Board interviewed 5 individuals who applied for the vacant position on the Planning Board (to replace Kathi DiMauro), and he asked fellow Board members for recommendations. Thanking all the applicants who applied, Councilman Saris recommended Sandra Aldrich, citing her long local history and knowledge as an asset to the Board. A letter will be sent to the applicants who were not chosen, thanking them for their interest and encouraging them to re-apply for future openings.

RESOLUTION #41

Councilman Saris moved, seconded by Councilman White, to appoint the Sandra Aldrich to fill the position on the Planning Board vacated by Kathi DiMauro, term to expire 12/31/08. All in favor. Motion carried.

Supervisor Gabriels noted that the Board needed to appoint a replacement for Frank Leonbruno on the Board of Assessment Review. Citing the past service of Eugenia Lindyberg on the Comprehensive Plan Committee, Councilman Andersen recommended her to replace Mr. Leonbruno. Supervisor Gabriels noted that Ms Ferdinand was also highly qualified, and he encouraged her to participate in future civic responsibilities.

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RESOLUTION #42

Councilman Andersen moved, seconded by Councilman MacEwan, to appoint Eugenia Lindyberg to fill the vacant position on the Board of Assessment Review, term to expire 9/30/08. All in favor. Motion carried.

Regarding the proposed stipulation from Rajeski (parcel id #213.13-1-44), at the request of Councilman Andersen, language was added to prohibit future variance requests on the property.

RESOLUTION #43

Councilman Andersen moved, seconded by Councilman Saris, to authorize the Supervisor to sign the stipulation as amended regarding the zoning violation on the Robert and Elizabeth Rajeski property (parcel id #213.13-1-44). All in favor. Motion carried.

Regarding the floating concrete pads at the Hwy Garage, Mr. Ritz of A. Ritz (General Contractor) has indicated to Supervisor Gabriels that he understands there is a problem, but he still requests to be paid. It was noted that Mr. Ritz was likely not made aware of correspondence between Counsel, Town Engineer Tom Nace and Project Architect Dick Jones, but would be. Councilman Andersen learned today that Mr. Jones was the architect on the school addition project, and the school is having the same problem with their concrete pads. Counsel stated that it is Mr. Nace's position that Mr. Jones was the Town's spokesperson and should have made the Town aware of potential problems with the pads. Financially, Counsel felt it would be best to try to solve the matter among all parties, as correcting the problem through re-construction may cost significantly less than taking the matter to court. (No action was taken.)

Supervisor Gabriels indicated that the Tattoo Parlors and Adult Entertainment ordinances are almost ready to be acted upon, but the moratoriums are near their expiration date. The Board discussed adult entertainment being offered at public establishments during private party situations. It was determined that this was a NYS Liquor Authority matter, and the Town would not get involved. Counsel will work with Town Clerk Simmes in getting the public notice published for adoption of these ordinances in time for the next available meeting.

RESOLUTION #44

Councilman Saris moved, seconded by Councilman White, to extend the moratoriums for Local Laws #1 & #2 pertaining to Adult Entertainment Establishments and Tattoo Parlors for 6 months. All in favor. Motion carried.

RESOLUTION #45

Councilman Andersen moved, seconded by Councilman MacEwan, to hold a public hearing on Monday, February 16, 2004 at 7:00 am to discuss an amendment to Local Ordinance #11 "Tax Exemption Ordinance", increasing the income limit to \$21,500. All in favor. Motion carried.

Supervisor Gabriels stated that there were outstanding issues regarding the free days at the dump, including the size of the vehicle allowed per load, items allowed to be brought to the transfer station, and how vouchers would be distributed per parcel/property owner. It was suggested that all property owners be allowed one voucher per non-vacant parcel. Supervisor Gabriels indicated that a proposed voucher would be drafted in time for the March Board meeting.

The Town (through Alex Rhodes of CT Male) is still working on easement issues re: the installation of a new sewer line at the north pump station.

A design was completed for the C&D ramp at the transfer station. Costs estimates still have to be obtained.

Regarding the request for Cobblestone Subdivision to add all lots (3 of which are within or partially within the district) to the water district, an issue was raised as to who would assume maintenance for the water main coming off the Town line for private lot owners. Developers Todd and Kelley Dittrich indicate that the HOA would be responsible for the main, but DOH did not feel this was adequate.

At the Supervisor's request, Counsel spoke with Ellen McDonald of the State Comptrollers, who directed him to Town Law §198. The law states that *a Town may contract with any person or corporation for supply of water for a term not to exceed 4 years, and a Town Board may permit any person or corporation owning real estate outside the water district to use water from a district system for a rental, subject to restrictions to be prescribed by said Board.* Therefore, Counsel felt that the Town could legally contract with the HOA, although it may be subject to potential problems typical of HOAs.

The Town's ordinance indicates that it is the obligation of the Town to bring the water main up to the edge of the right-of-way. To protect the Town from individuals of the HOA who opt not to pay, it was suggested that there be a master meter with individual meters for each lot, which could be shut off if there were non-payment problems. Supervisor Gabriels noted that DOH is encouraging the Town to make a policy on the matter. The matter was tabled.

New Business:

Regarding the Town's potential land exchange with Bolton Central School, before moving forward the Board would like to get more concrete numbers on both the purchase price of the property off of CR11 (currently owned by Rolf Ronning), as well as proposed dimensions along Route 9N to be acquired by the Town. Councilmen Saris and White both felt progress should continue on the project, noting that it would be of great benefit to the entire community by improving the school facility, gaining additional area to hold special events, and allowing for much needed parking. The Board decided to obtain simple land appraisals on both the CR11 property and the school property along Route 9N. Counsel will arrange getting an appraiser, per the following motion.

RESOLUTION #46

Councilman Saris moved, seconded by Councilman White, to engage the services of an appraiser to appraise both properties being considered in a land exchange with the school (parcel id #s 171.15-2-32 and 139.00-1-46.1). Cost of appraisal services are not to exceed \$1,200 total. All favorable. Motion carried.

Regarding the proposed rehabilitation of the Conservation Park facility, Supervisor Gabriels suggested that the Board re-look at project priorities, in light of the pending negotiations for a land exchange with the school. Councilman Saris was of the opinion that since the land exchange negotiations were in the early stages, (which involve many factors outside of the Town's control and could possibly result in non-agreement), the Town should move forward

in a limited capacity on both projects, rendering a decision after more facts have been gathered. Regarding the architectural fees requested by Jim Miller (\$30,000, which is 10% of the estimated construction costs), the Board felt that the estimate for reconstruction was high, considering the project is essentially replacing a shell involving insulation, electricity and plumbing. Additionally, water and sewer lines are already in place, as are the furnace, kitchen and bathrooms utilities. It is Councilman Andersen's belief that the Town owns the conceptual plans drawn up by Mr. Miller, and can show the drawings to other architects to get basic construction quotes. Counsel stated that the Board did not need a resolution to solicit professional services. Supervisor Gabriels and Town Clerk Simmes will begin the process, and will provide an update at the March Town Board meeting.

Regarding the failed septic at the Jensen property, Counsel received a response from Jensen's attorney (Mr. Tecler of Bartlett, Pontiff, Stewart & Rhodes Law Firm) indicating that they are moving expeditiously toward a resolution, and have engaged the services of Engineer Tom Jarrett. He noted that Mr. Jensen was severely injured in an auto accident and has been in the hospital for the past two weeks. The Board tabled the matter to allow involved parties to become up to date on the septic situation, and to allow Mr. Jensen recovery time from his accident.

RESOLUTION #47

Councilman Saris moved, seconded by Councilman MacEwan, to table the matter of the failed septic system at the (Christian and Renée) Jensen residence (parcel id# 123.00-2-55). All favorable. Motion carried.

Regarding the request by John Miller to obtain a right-of-way over Town property off Brook St (near the American Legion), Attorney Mark Rehm spoke on Mr. Miller's behalf. He explained that Mr. Miller has been in contact with surrounding property owners (American Legion and Mohican Heights Association), both of whom have indicated their consent to the easement concept. Mr. Miller has not yet obtained an agreement with Mr. Myers, who is the owner of the intervening parcel.

Atty Rehm stated that continued negotiations with Mr. Myers hinge on whether or not the Board conceptually supports Mr. Miller's request for this permanent non-exclusive easement. Mr. Miller would provide the survey describing the easement, as well as all pertinent instruments, and would reimburse the Town for title search fees. Counsel advised that the easement agreement be worded such that the Town is not responsible for maintaining it, but instead places the obligation on Mr. Miller.

Counsel stated that the State Comptroller's Office indicated that the grant of an easement from a municipality may be subject to a permissive referendum. Should this be the case, the Town has the option of backing out of the agreement to avoid incurring costs associated with preparing a referendum. Counsel does not feel there would be an increase in liability by entering into the easement agreement with Mr. Miller. Atty Rehm stated that the reason the easement is needed is so that Mr. Miller can retain access to his parcel, should the Town ever sell the property.

Councilman Andersen thought he remembered Mohican Heights Association asking the Town several years ago to block off this passage way. He was concerned that the easement agreement would re-open that access. It was suggested that the Town only concern itself with its own property. Supervisor Gabriels requested that surveys and legal language be provided.

The Board indicated conceptual approval with the proposal, making Mr. Miller aware that further investments in the project are at his expense, and subject to the Town pulling out of the deal, should it get to a referendum situation.

RESOLUTION #48

Councilman Andersen moved, seconded by Councilman White, to grant the request to be paid for one week of unused vacation by Jim LaFoy. All favorable. Motion carried.

RESOLUTION #49

Councilman White moved, seconded by Councilman Andersen, to authorize Counsel to prepare a statutory installment bond for the 2004 GMC Yukon for the Police Dept, for a term of 3 years at a rate of 3.6%. All favorable. Motion carried.

RESOLUTION #50

Councilman Saris moved, seconded by Councilman Andersen, to prepare a statutory installment bond to finance the 2004 Ford F350 one-ton truck for the Highway Dept for 3 years at a rate of 3.6%. All favorable. Motion carried.

There was a discussion on the Town's responsibility with respect to frozen Town-fed water lines. Counsel was asked to review the Town water rules and regulations in time for the Board to address the matter at its April meeting.

Due to the late hour, discussions on creating a Town web page were tabled until the following month.

RESOLUTION #51

Councilman Andersen moved, seconded by Councilman White, to authorize the Police Dept to purchase under State Contract three G-21 45-caliber pistols at a price of \$457 each. All favorable. Motion carried.

Public in attendance:

No comments

Councilman Saris thanked Recording Secretary M. Quigan for providing the Town Board with a punch list last month to help expedite agenda items.

RESOLUTION #52

Councilman Andersen moved, seconded by Councilman MacEwan, to pay the LG Watershed Conference bills in the amount of \$8,838.68. Voucher was submitted on 2/2/04, as approved by K. Millington (DOS), pending availability of funds from NYS. All favorable. Motion carried.

RESOLUTION #53

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

Councilman Andersen moved, seconded by Councilman Saris, to enter executive session at 10:10 pm for the purpose of discussing the proposed land exchange between Bolton Central School and the Town. All favorable. Motion carried.

Councilman Andersen moved, seconded by Councilman Saris, to adjourn executive session and reconvene the regular meeting and adjourn at 10:30 pm. All favorable. Motion carried.

Transcribed by:

Melanie Quigan
02/17/04

Respectfully submitted by,

Kathleen Simmes
02/20/04