

STATE OF NEW YORK
COUNTY OF WARREN
TOWN OF BOLTON

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

Absent: Town Clerk Kathleen Simmes

REGULAR MEETING

Supervisor Gabriels called the regular meeting to order at 7:05 pm.

Pledge of Allegiance - Councilman Saris

Proclamation: Supervisor Gabriels read the following proclamation:

Whereas,

Fred Ross was appointed to the Town of Bolton Zoning Board of Appeals in 1980, and Whereas, Fred Ross has faithfully attended the meetings of said Zoning Board of Appeals for the last 25 years, and

Whereas,

Fred Ross has participated in the development and planning of the Town of Bolton, and

Whereas,

Fred Ross has heard appeals and done his best to make decisions and interpret the Zoning Ordinance for the betterment of the Town,

NOW, THEREFORE LET IT BE RESOLVED,

That the Bolton Town Board do pause in our deliberations to express out appreciation to Fred Ross for his contributions to the development of the Town and Bolton and to wish him health and wealth in the future. Unanimously approved by the Bolton Town Board.

Announcements:

- No decision from NYS on proposed joint stock acquisition of NoRoWal Marina. The state is interested, unable to provide decision at this time, but the State understands the need to make a decision soon
- Town Christmas decorations will be removed Feb 4th at 2:00 p.m. Volunteers are needed
- Bolton Chamber of Commerce is sponsoring the 1st ever Ice Fishing Contest on February 5th.
- Bolton Chamber of Commerce and Bolton Bed Tax have asked for a meeting on Tues, Feb 15th at 1:30 p.m. in the Town Hall to discuss at least one potential investment of the town's portion of the Bed Tax Revenues
- Welcomed Jennifer Torebka hired as minute taker for the Town Board, Planning Board and Zoning Board of Appeals

- Meal Site Menu as well as other documents and brochures with general information are available to residents of the Town of Bolton in the Town Hall
- There are now 2 Town of Bolton website addresses: [.town.bolton.ny.us](http://town.bolton.ny.us) and [.townofboltonlanding.com](http://townofboltonlanding.com)

Public in attendance:

- Barry Kincaid asked Supervisor Gabriels about the sign at bottom of Trout Lake Road that needs replacing due to damage from a car accident. Supervisor Gabriels discussed the matter with Tim Coon and he was told the old wooden one was put up by a private individual. Barry Kincaid offered to replace it with a cedar sign at no charge to the Town. Barry Kincaid stated there is currently no sign there to mark Trout Lake Road. Barry will come to Board with his drawing. The Board is supportive of idea. Supervisor Gabriels said the project would need to be coordinated with the county.

Correspondence:

- Letter from Counsel (Mike Muller):Peebles tax case: requests partial refund (not on school tax), agreeable with complainant
- E-mail from Alex Rhodes regarding outstanding easement w/ Brickner for town sewer plant sub station.
- Lee Bowden, Managing Director of the Sagamore Hotel wishes to be appointed to Bolton Occupancy Tax Committee since the Sagamore is one of Bolton's biggest taxpayers and a large contributor to Bed Tax in Warren County.
- Letter from Cathi Radner re: Greenmeir-Hubbell illegal subdivision case. No applications have been submitted to planning office, as was supposed to happen
- Agenda & minutes of Bolton United Public Cares
- Bolton Central School Eagle Eye newsletter
- Canoe Island Lodge will be renewing liquor license
- Adirondack Runners: Sunday, July 3rd , will be running for 29th year from Lake George to Veterans Park, will take care of security, asking town's permission to use of Town Hall parking lot, and no parking zone along the east side of Route 9N from Library to Tops for safety concerns
- CT Male report and documentation on amendment to plat plan and report for proposed Pioneer Village water district. Pioneer Village is requesting to be hooked to Town water.
- Notice of violation from NYS DEC on nitrogen found in three of the monitoring wells at the sewer plant
- Note from Dave Krogmann (former Town Counsel) re: formation of Local Development Corporation, (LDC) was considered twenty years ago.
- Received opposing counsel's reply brief: Kunker vs. ZBA
- Letter from Deanne Rehm (former supervisor) re: NoRoWal joint purchase w/ state. Opposes the Town becoming the primary owner/operator because (1) town ownership means site will be property tax exempt meaning loss of revenues to all taxing jurisdictions, (2) town lacks operating abilities, (3) revenue doubtful to pay itself off. Supports state purchase because (1) state ownership means site taxable as forest preserve, (2) state DEC has experienced staff already on Lake George, (3) a base of operations for DEC would provide enhanced public service and access of a possible visitor center, (4) NoRoWal logical spot for a wash station operated by

DEC. She added that NYS could sell assets of Green Island to private entity with proceeds covering much of the investment to purchase NoRoWal, plus there would be an increase in tax base in potential new construction of lake front lots

- The Market Place will be renewing their liquor license
- E-mail from Mr. Heiden re: NoRoWal stating his concern over lake and road traffic, feels added police and traffic control should be added to the cost of that proposal
- LGPC: having a meeting to explain the preparation of a Water Based Recreation Study Plan for Lake George on Wednesday, February 9, 2005 at 10:00am at Fort William Henry
- Letter of thanks from Warren-Washington County Healthy Heart Program re: scavenger hunt held at Town Hall was a huge success
- Request from James Foy to be paid one week's vacation
- CT Male: re: contract with Lash contracting on new sewer pump station
- Correspondence from Counsel re: Smith/Barrack zoning issue
- Letter from Contessa that they will be renewing liquor license
- Correspondence from Counsel re: Isle Harbor Homeowner's Association
- Lake George Club will be renewing liquor license
- Letter from Jack Robinson concerning the possibility of the LDC coming into play with the renovation of the Conservation Park building.
- Correspondence from Real Property Services signed by Dave Rosebrook and Mike Swan: tax assessment - need to make a correction to a taxpayer's bill.
- Proposal from Bolton Recreation Commission to create summer day camp program
- Copy of documentation that Warren County Sewer Committee is presenting to Federal EPA trying to secure \$1,716,000 for improvements to Bolton sewer treatment system (encompasses plant, pump station and collections system)

Reports:

Councilman White:

ASSESSOR:

Kept up with daily maintenance and deeds and property transfers, began inputting new subdivision lots. Assisted tax collector with finding address changes for some of the returned tax bills with no forwarding addresses. Field inspections made. He attended monthly County Assessor's meeting on January 25th and was presented with the Excellence in Equity Award. In January, town received \$16,765 for completing 2004 re-evaluation in accordance with the NYS standards. Ongoing litigation cases continue. No progress on Rainbow Beach case.

WATER DEPT:

Water made: 5,968,020 gals Daily average: 192,516 gals. Pond level over spillway. Water break near Honda Cottages; valve must be replaced. Small leak near Chamber of Commerce building, wait until spring thaw to fix; watch it, concentrate on ice removal and salting on daily basis. All meters read at Sagamore Hotel and condos and some private readings. Checked possible water leak at North Brook Village, it was just a water run-off. Clearing snow and ice to keep hydrants open.

JUSTICE COURT:

- ❑ A/R: Judge Demarest - \$3,950. Stewart - \$4,457 Total: \$8,407

POLICE DEPT:

❑ Hours officers worked: White - 109, Howse - 99, Schroeder - 72. Miles patrolled: 1,522 miles. Fuel used: 146.4 gallons. Officers investigated 1 criminal arrest, 1 assist to motorists, 2 security alarms, 5 traffic summons, 3 parking tickets, 3 auto accidents, 1 domestic complaint, 4 court securities, 1 arrest, 6 emergency medical assists, 2 fire dept assist, and 5 misc. complaints. Police Department received a letter of thanks from Mr. and Mrs. Perez for helping in search for their son who drowned in Trout Lake on October 31, 2004. Perez family sent a check in the amount of \$100.00, but Town refused, as can't accept. The Perez family was notified of the Town's policy, the check was voided and a copy is in the records. The Town returned the check to the Perez family. Submitted annual activity report (on file).

ANIMAL CONTROL

- ❑ 22 hours 62 miles

Councilman Saris

TOWN CLERK:

- ❑ Total local shares: \$9,113.88 Non-local: \$116.62. Total state, county and local revenues: \$9,230.50.

SEWER DEPT:

❑ The Plant took in 4,000,038 gals of wastewater for a daily average of 130,264.5 gals. Monthly samples and reports all done. In process of doing ammonia and nitrate testing in wells for DEC, no conclusion. Helped Water Dept. at Honda Cottages. New pump installed at NoRoWal pump station. Repaired three heaters at plant. Tom French has begun sewer school; will be going for ten weeks to Hudson Valley.

Councilman Andersen

PLANNING OFFICE:

- ❑ Permits applied for: 14 certificates of compliance / 4 wastewater disposal systems / 2 variances / 8 site plan reviews / 2 subdivision / 5 stormwater permits. A/R: \$1,971.40.

CODE ENFORCEMENT:

- ❑ 38 pages of field notes. A lot of activity, pictures taken.

BUILDINGS & GROUNDS DEPT:

❑ Authorized to winterize the landfill structure. Existing 5' tall window dimension is difficult to replace, must look into options.

Councilman MacEwan:

TRANSFER STATION:

- ❑ A/R: \$3,762.00. Lisa French having problems with the hydraulics in the compactor, she's still waiting for a response. She needs to know how long the free cards are good for. Board:

Good until they're used up. Councilman Andersen stated there is to be a one card limit per year; if the card is not used up in the current year, it can be used in conjunction with the following year's card until it is used up.

Supervisor Gabriels

SUPERVISOR:

☐ Total receipts: \$1,678,374.59. Total disbursements: \$859,951.64. County: nothing on stormwater. Bed Tax: draft proposal to County for consideration, can view at County.

Unfinished Business:

Public hearing on zoning amendments remains open pending APA acceptance

Regarding revision of Resolution #198 of 2004 to accept WC snow and ice removal services for 2005 on a total of 17.64 county roads in the amount of \$83,306 as specified on 2005 Schedule A Rate form WC DPW and to accept \$2,209 for mowing 17.64 miles of county roads in mid-June to late July at a rate of \$115/mile which is a new service not provided for in 2004. Total of two amounts is exactly same as Board adopted in resolution, county needs separate statements of amounts for each listed.

John Gaddy, public in attendance: regarding part two of Resolution #198 of 2004, asked if mowing of the roadways could be extended to later in the year as opposed to during prime flower growing season (mid-June to late July) in order to reestablish vegetation (wildflowers).

Supervisor Gabriels said Resolution #198 of 2004 was geared specifically at the costs associated with the snow removal and mowing, not with the time-frames for mowing. Town will need to check with Tim Coon to see if his forces will be available in September time-frame, J. Gaddy will follow-up with letter.

RESOLUTION #27

Councilman Saris moved, seconded by Councilman MacEwan to accept snow and ice removal services with Warren County for 2005 in the amount of \$83,306 as specified in Resolution #198 of 2004 Schedule A Rate form, with the intent of leaving the mowing component open for further discussion on time frames. All favorable. Motion carried.

Regarding proposal for Sand for Seniors Policy which has been distributed to the Town Board, the current policy states age limitation at 65. Tim Coon would like to lower it to 62. He is looking for specific term of mechanical distribution of the sand, not manual.

RESOLUTION #28

Councilman White moved, seconded by Councilman Andersen to accept the change in the Sand for Qualified Seniors policy by lowering the age from 65 to 62 and also to accept the change in verbiage to permit "mechanical spreading of sand." All favorable. Motion carried.

Donohue's report on groundwater – Mohican Hill Road – sewer plant impact – No meeting by NYS DEC scheduled yet.

Regarding the Highway 1988 F800 single axle dump truck which has been declared surplus and given to the Sewer Dept the board weighed the options of sealed bids.

RESOLUTION #29

Councilman Andersen moved, seconded by Councilman Saris to set the threshold for sealed bids on the surplus 1988 F800 single axle dump truck at \$3,000 with the understanding that the sealed bid deadline will be in time for March TB meeting. Deadline will be set by Town Clerk Kathy Simmes. All in favor. Motion carried.

Regarding Rainbow Beach Tax Certiorari case: Counsel reported that he has attempted for 6 weeks to get Monica Duffy to give a final okay. Counsel advised Mike Hill to send proposal to Mr. Beebe.

Regarding Brickner easement w/ Town: Supervisor Gabriels received e-mail from Alex Rhodes of CT Male. The contractor expanded perimeter of easement, value of easement was \$5,000. Mr. Lash is offering \$3,000 and he will talk to Brickners. Town installed at no cost to Brickners a water line, Town has also paid Brickners \$2,000 for lost revenues. Question is if the first easement was ever signed and recorded. Councilman Andersen suggested having an informal meeting with Brickners to discuss options. Counsel questioned if engineers done with the taking. Supervisor Gabriels said that is his belief, although some beautification still needs to be done. When Supervisor Gabriels returns from vacation the week of February 14th, a meeting will be arranged.

Regarding the problems at the Highway Garage: Supervisor Gabriels has been in contact with Mr. Kruger regarding a proposal on repairing "floating concrete pads" at the Highway Garage, still waiting for his proposal. No word from Mr. Ritz on leaking roof.

Regarding Board of Health and Water Commissioners: two sets of septic variances requested were received (Joanne Vanstone and William & Helen Schwartz). Two sets of plans on each of these pieces provided for Board to review. Public notice has already been generated and distributed by the Town Clerk. The item needs to be put in as a matter of course at the March agenda. There is no need for a public hearing on this matter.

Regarding referrals from Code Enforcement Officer: Barracks/Smith matter. Counsel said Officer M. Nittmann did excellent job on Smith/Barrack and the situation is still pending, and will be kept on the March meeting agenda. Nicoletti noise ordinance: the matter is scheduled for the middle of February for a court date. Nicoletti representative, Atty. Joe Nichols is satisfied with Counsel's proposal. He told counsel Nicoletti's would be signing it, but have not as of January 26th. Supervisor Gabriels questioned adequacy of our noise ordinance. Counsel is dissatisfied and will provide letter to Town Board. Counsel also added that the Nicoletti complaint, has no one named on the documents, which is an oversight. Matter was tabled.

New Business:

Regarding Peebles Tax Certiorari Case: Counsel recommends refund proportion of county and town taxes with understanding school taxes will be paid for 2005. Counsel added the amount changed from \$680 to \$630, \$50,000 reduction in assessment resulted in refund of \$10 per \$1,000 in round numbers; basically refunding \$200-\$250. Counsel: County treasurer will figure out precise refund amount to be paid on county and town taxes.

RESOLUTION #30

Supervisor Gabriels moved, seconded by Councilman Andersen to enter into an agreed stipulation in the matter of Peebles vs. Town of Bolton Tax Certiorari Proceeding which would include an approximate \$200-\$250 refund to tax payer for the January 2005 bill for County and town taxes with no refund for school taxes. All in favor. Motion was carried.

We need to amend the 2005 budget to include a specific line item under account #A7140.4, recreational contractual for youth recreation service programs in the amount of \$1600. Money is already in the budget, but specific expense items need to be put in recreational portion of budget.

RESOLUTION #31

Councilman White moved, seconded by Councilman MacEwan to include a specific expense item in the Recreation budget #A7140.4 for Youth Recreation Service Programs. All in favor. Motion carried.

Regarding Code Enforcement Officer Mitzi Nittman's position and salary, she is reaching the end of her 3-month probationary period. Discussion followed concerning her appointment to full-time and to raise her salary by \$.50/hour.

RESOLUTION #32

Councilman Saris moved, seconded by Councilman Andersen to make Code Enforcement Officer Mitzi Nittman's position permanent full-time and to increase salary by \$.50 cents per hour retroactive to January 31, 2005 and no change in benefits. All in favor. Motion carried.

RESOLUTION #33

Councilman MacEwan moved, seconded by Councilman White to authorize Supervisor Gabriels to sign the document reflecting the correction on Tax Map # 213.1-1-56 Lower Brereton Homeowners Association, reduction from \$127.34 taxes to \$0 taxes as approved by our Assessor and Michael Swan (WCRPTS) as the value has already been assessed proportionately among the homeowners. All in favor. Motion carried.

Regarding James LaFoy's (Highway Dept.) request to be paid for 40 hour of 80 hours credited for 2005 vacation time. Supervisor Gabriels stated that Mr. LaFoy gets 2 weeks vacation every year, starting on January 1st of each year. The Board was in agreement that this is quite early in the fiscal year to be requesting compensation for vacation time just accrued. Councilman Andersen said this topic needs to be reviewed at the time of next contract negotiations.

Councilman Saris will talk to Tim Coon regarding the situation and report back to the Board. Matter was tabled.

Regarding representative delegate for NYS Association of Towns February Meeting: Town Clerk K. Simmes was appointed to attend the meeting in January, but will not be attending the meetings.

RESOLUTION #34

Councilman Andersen moved seconded by Councilman White to designate Donna Boggs as official delegate for NYS Association of Towns Annual Meeting in February. All in favor. Motion carried.

Regarding contract between Local Development Corporation (LDC) & NoRoWal, which would include lot line adjustments: Counsel said moving toward second draft of contract, which Board Members would probably be receiving via e-mail in next two days and said Town Board needs to work with Board-selected surveyor (VanDusen & Steves LLC) to come up with lot line adjustments. Supervisor Gabriels said his understanding is that the lot line adjustments would be based on historical lot lines of those portions before being merged into one big one. Counsel expressed concerns: received photocopy of an old deed that makes him suspicious that there is other property perhaps owned by Lambs individually, so need a survey to determine accuracy. Counsel feels a representative from VanDusen & Steves LLC should be at the site with Town member. Councilman Andersen said a large aerial photo was mailed to Mr. Lamb, and in speaking with him today, Mr. Lamb is going to mark the lot lines on the aerial photo based on what he feels the original lot lines on the deed represent. Counsel said the returned aerial photo will tend to encompass everything the corporation owns and perhaps something more and that is what will be drawn up in a real survey. He added that the Town is walking into this, in essence, as purchasing stock, not buying real estate. Councilman Andersen offered to go to site with Mr. Steves. Counsel: second draft contract shows owner as Bolton's LDC and shows seller as Mr. and Mrs. Lamb, because they are selling their stock, not real estate. Councilman Andersen reassured Board that Mr. Lamb is waiting for receipt of the aerial photo and would like another copy via overnight mail to him if not received by Wednesday, February 2, 2005. Supervisor Gabriels requested that in his absence, any e-mails received from Counsel on this matter will be forwarded by Donna Boggs to Councilmen Saris and Andersen. In addition, Donna Boggs will make hard copies and distribute to Board Members and members of LDC for their review and consideration.

Regarding authorizing attorney to propose revisions to 200-84, Alternative Remedies, to clarify procedural aspects of this provision: Counsel has discussed with Ellen George of APA and APA is resistant to some aspects. Counsel is not comfortable with present ordinance, saying it has a lot of short cuts. Counsel will continue to work on, no resolution is necessary to allow him to do this.

Regarding the authorization of appraisal of NoRoWal Marina property and proposed property line adjustments for LDC: Supervisor Gabriels said the Board looked at three bids for surveying the NoRoWal property and decided on VanDusen & Steves on Tuesday, January 25, 2005.

Supervisor Gabriels said the Board checked with them and sent a letter to them agreeing to their proposal. He added the Town also needs find an appraiser for the lot line adjustments and the four lots at the top of the parking lot. Counsel questioned the intention of the appraisal. Councilman Saris clarified saying it has to do with the lot line adjustments, so if it is presently worth \$4.5 million, and we want that to be the same value after the lot line adjustments, and that the appraisal is to demonstrate that the Town is doing nothing suspicious by the lot line adjustments. Counsel wants to get lot line adjustments first, then will discuss appraisal with Dick Bartlett. Upon Counsel's reported findings, the Board can select appraisal service knowledgeable of what they are doing.

Regarding Lincoln's birthday holiday hours for Transfer Station: discussion of Transfer station being closed Friday, February 11th or Saturday, February 12th (because it is the actual holiday) or open both days running short staffed. Staff is willing to go either way, although hesitant to work short staffed, but will abide by Board's decision.

-
RESOLUTION #35

Councilman Andersen moved seconded by Councilman Saris to close the Transfer Station on Friday, February 11TH for Lincoln's birthday. Donna Boggs will inform Lisa French and send proper notices. All in favor. Motion carried.

Regarding the water leak in front of Rogers Park: two options available: (1) can dig in frost or (2) wait for thaw. Councilman Saris: let it remain as long as crew can keep up with it, otherwise deal with it now. Councilman White added that in John Perry's report, the only way to fix is to jack hammer 3 feet down, but will be very difficult given frost line. Board agreed unanimously to let it go at this time.

Regarding Town Hall Telecommunications: Supervisor Gabriels said the Board attempted to have a conference call this morning, which was less than modern. He suggested the Board needs to look into a new phone system with voice mail, for which costs are not in the budget. Supervisor Gabriels said the current system is inadequate and the Board agreed there is a need to look into costs of new system. Donna Boggs will check the budget for funding for a new phone service

Regarding the Salt storage shed: Supervisor Gabriels and Tim Coon went to the Warrensburg DPW building to look at their shed which is 1500 ton capacity, and cost approximately \$150-\$175K. Supervisor Gabriels and Tim Coon are estimating Bolton needs a salt storage shed with a 300-500 ton capacity, which would approximately be 1/3 of aforementioned cost, if the Board likes the design. Councilman Saris: has seen the building and his only criticism is the color (silver) and material from which it is made. He added it would be nice to have something that somewhat matches the existing Highway Garage. Tim Coon will be asking representative of the building manufacturer for a more precise quote and additional information on the options to the Town.

Regarding the proposal from Recreation Commission for a summer day camp, that will cost the Town \$5,000 in unbudgeted funds, based on 40 kids participating. Councilman Andersen

discussed the program with Recreation Commission member Don Volkmann, who feels there is a need to provide morning and afternoon programs for area kids who don't have anywhere to go. Councilman Andersen added that it sounds like the program costs may be more like \$8,000, based on conversations that indicate the Recreation Commission may need more staff for this program. Councilman Saris said the program will probably have no problems filling the numbers and that there is definitely a need for this type of program for children during the summer, as most residents work, and kids need something to do and need structure. He added that he feels the project would be extremely well received by the community. Councilman White fully agreed but brought up the matter of the Town's current insurance covering a program of this nature or if an additional binder would be needed. The question was raised if the program should be open to residents and non-residents. Counsel said recreation fees from major subdivisions and also money from civil penalties are possible revenue sources for this program, although he did suggest the Board not tie civil penalties to summer recreation programs. Councilman White said he supports the program, pending insurance review. Steve Preuss, Recreation Director for Bolton indicated that at the January Recreation Commission meeting, the original total cost was approx \$7,700 (\$1,620 for each of 4 adult staff members) and \$1,000 for bussing and \$200 for equipment and supplies. S. Preuss added that it is possible they can absorb the bussing and equipment costs in the approved Recreation Dept. Budget. He added that they had changed the fee structure: originally \$60 per child, but some felt that this would be hard for families with more than one child, so now they implemented a tiered structure: \$60 for first child, reduced cost for second, further reduction for the third child, leading to a family cap. S. Preuss said a couple of difficulties are determining amount of revenue from registration fees; actual demand and sibling structure for participation. He added that this being the pilot year of the program, they are estimating 30-40 children involved, and if approved, they will solicit parent feedback this year, and then adjust accordingly next year. Councilman Andersen feels the \$60 is minimal for registration. S. Preuss discussed the idea for this program with Ray Chandler from Lake George, who runs a similar summer program with a registration fee of \$30 (to make sure parents are committed to program). With this information, S. Preuss wants a program that is reasonable to parents, accessible to all families, but bump it up in order to increase revenue and payback to program costs. S. Preuss said it is unanimous with the Recreation Commission, which feels there is definitely a demand for it. On the question of affecting pre-existing Recreation Commission programs, S. Preuss said the Day Camp portion will feed into and out of the pre-existing programs (ex: tennis will remain open to all members of the community as a drop-in program free-of-charge, however the Day Camp students will be brought over to tennis for that option). Upon the question of varied activities such as baseball, volleyball, etc., S. Preuss responded by saying the Day Camp program will have a good variety of activities available to the kids that will be mapped out by the staff each morning giving age appropriate activities across the spectrum, catering to the age groups encompassing 1st-6th grades. S. Preuss added they are looking at Veterans Park for field activities. Councilman White said this program would have more of an opportunity to expand its horizons if the Town had more recreational areas (sport fields and hiking trails) available. Councilman White added that the Town talked about resurfacing the basketball court at Veterans Memorial Park and replacing backboards. In response to Councilman Saris question on additional limitations other than age groups, S. Preuss said ideally, he would like to keep it similar to the recreation program that currently exists for "members of the Bolton Community" (includes resident, non-resident and part-time residents) keep it vague and accessible. Councilman Saris raised the issue of the Town taxpayers won't

want to see neighboring communities drop off their kids and head back to their respective towns, excluding Town taxpayers of available slots. S. Preuss will distribute through the Bolton School and will look at putting the cap at 40 kids in the initial year. He added that if the program hits maximum occupancy, then maybe Bolton residents get first dibs, but will need to run the first year and get feedback as to where attendees are coming from. S. Preuss added that there has not been a plan on how to make summer residents aware of the program available, but feels it is a situation that can be addressed when and if it comes about. In response to the question raised as to how Lake George's program can be run at such a low registration fee, S. Preuss said he is not sure, but believes it must be a subsidized program or in their budget as an activity of their Recreation Department.

RESOLUTION #36

Councilman Andersen moved, seconded by Councilman White to approve the request for \$7,500 for the Recreation Committee (to be taken from the mortgage tax funds), with stipulation that these funds are only for this specific day camp program with any remaining funds being returned to the town, a cap of 40 kids and pending insurance coverage and perhaps any state licensing. All in favor. Motion carried.

After the resolution was passed, the following additional comments were made on the Summer Day Camp program: Councilman White feels it is a good idea and he likes it, but it is unfortunate that the Town of Bolton does not have recreation fields, but hopefully will have in future. Councilman Saris added this is a great example of a program that recreation fees for major subdivisions could fund. Counsel suggested giving the Planning Board positive reinforcement for their efforts and success in this realm, and added that when the Town did implement the policy, it was left there stalled, John Gaddy was instrumental in the enforcement and when it was enforced, the Town dealt with attorneys and developers at the podium saying it was unconstitutional. He added that two months ago, the NYS State Court of Appeals approved it as being entirely constitutional and the test case was \$1,500 per lot for recreational fees (the current for Bolton is \$400 per lot for recreation fees on a major subdivision if the sub-divider does not, in their plans, provide a park or park land within that subdivision). Councilman Saris added that those people filling the lots are likely the people who will use the recreation program. Councilman White suggested S. Preuss advertise the Day Camp Program in the Adirondack Journal and also asked S. Preuss to look into the costs of replacing backboards (fixed vs. adjustable stantions) and resurfacing the court at Veterans Memorial Park, which will be done by the Town.

RESOLUTION #37

Councilman White moved and Councilman Saris seconded to approve signature and payment thereof in the amount of \$8,786 to Lash for change order #2, which includes portable hoist, A-frame roof control panel and concrete generator pad, which has been approved by Alex Rhodes. All in favor. Motion carried.

RESOLUTION #38

Councilman Andersen moved seconded by Councilman MacEwan to make payment to Lash Contracting estimate #4 in the amount of \$8346. If paid, the Town would retain \$9,983. All in favor. Motion carried.

Public in attendance:

☐ Steve Preuss asked if the Town Board has any information on the tennis courts next to firehouse for the summer recreation program, as there was a problem last year. S. Preuss was told to check with school.

☐ Bob Weisenfeld re: Bell Point Shores engineering report prepared by Tom Jarrett of Jarrett-Martin Engineers. B. Weisenfeld said 6 items are referenced from the May report: it disturbs him that of the 6 items, only 1 has been fully corrected. He feels the state of compliance is still partial and added it was good that work was done on roadway surface and stormwater ditches before the snow came, but there is a continuing problem on the level of compliance. B. Weisenfeld added that on item #6 re: siltation into the Lake once again being witnessed. He feels the situation requires some follow-up: (1) believes calendaring the stormwater reports should be a task for the new code enforcement officer, (2) re: siltations, he observed it is a jurisdiction trigger under stormwater ordinance. Paraphrased a section re: siltation prohibiting landowners from creating by failing to maintain conditions which result in siltation of bodies of water, (3) questioned applicability of stormwater ordinance, and he is (4) afraid that if the conditions are noted as being unchanged then the wrong message has been sent. COE ought to look at the compliance.

Regarding Sand and Salt Policy: Counsel asked what happened to the sand & salt policy he proposed? Supervisor Gabriels said it was adopted at the end of December 2004.

RESOLUTION #39

Councilman Saris moved, seconded by Councilman Saris to pay the Lake George Watershed Conference Bills in the amount of \$9,520.42. All in favor. Motion carried.

RESOLUTION #40

Councilman MacEwan moved, seconded by Councilman White to pay the Town bills. All in favor. Motion carried.

Councilman Saris moved seconded by Councilman Andersen to adjourn the regular meeting and enter executive session at 10:00 pm to discuss water district land and legal issues. All in favor. Motion carried.

Councilman Saris moved, seconded by Councilman Andersen to adjourn executive session and reconvene the regular meeting and adjourn at 11:02 pm. All in favor. Motion carried.

Transcribed by:

Respectfully submitted by,

Jennifer Torebka
Recording Secretary
2/15/2005

Kathleen Simmes
Town Clerk