

Pledge of Allegiance - Councilman White

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

Announcements:

- ❑ Dr. Sandra Neirswicki-Bauer has been appointed to the Hudson Headwaters Health Network Advisory Committee
- ❑ Town of Bolton ZBA has been sued by Dolores Kunker (Isle Harbor Homeowners), papers received 12/12
- ❑ Town Board has signed a contract with ELAN for PB & ZBA training on the Comprehensive Plan
- ❑ Town Board encourages ZBA & PB members to meet with Zoning Administrator and Town Counsel toward finalizing outstanding proposed zoning amendments and moratoriums
- ❑ Bolton Free Library will sponsor a presentation about George Reis on Wed, January 21 at 7 pm at the Town Hall
- ❑ Town has received a federal grant to construct a roof over the clarifier at the Wastewater Plant
- ❑ Conservation Park facility will be demolished and re-built on the existing foundation
- ❑ Meal site menu is available

Public in attendance:

- ❑ No comments

Correspondence:

- ❑ Article 78 Petition against the ZBA on behalf of Dolores Kunker (Isle Harbor Homeowners)
- ❑ Notice from Selective Insurance - they will not defend us in Kunker (Isle Harbor Homeowners) lawsuit
- ❑ Correspondence between Town Engineer Tom Nace and Counsel re: repairs to floating concrete pads at Hwy Garage
- ❑ Letter from Bolton Senior Citizens re: new president John Consaga
- ❑ Letter from Time Warner re: video equipment for school
- ❑ Letter from Time Warner re: dispute between the company and affiliates, possibly resulting in the discontinuance of Fox Sports and the MSG networks
- ❑ Notification from State Comptroller's Office re: sewer and water cost allocations
- ❑ Letter from LG Watershed Conference re: 2004 agenda
- ❑ Copy of e-mail from Tracy Clothier of LA Group to Army Corps of Engineers inquiring about permit status for construction of 2 new docks at Rogers Park
- ❑ Notice of Violation from NYS DEC for high nitrate levels at the Wastewater Treatment Plant
- ❑ Letter from John Caffrey, Esq representing LGA re: ZBA's recent granting of variance to Robert Parotta, who has an outstanding violation on a separate parcel
- ❑ Copy of Long Island Power Authority's reduced lighting program, provided by John Gaddy who wishes to see the Town adopt a similar policy
- ❑ Notification of LG Village peace officer program involving ACC students

- Memo from Tom Jarrett to Bell Point Shores HOA re: maintenance of Norwood Drive
- Letter from Dr. Brian Quinn of NW Bay encouraging Town to support ban of PWC's on Lake George
- Letter from Bill Remington re: activity of County DPW
- End of year newsletter from WC Economic Development
- Post-closure monitoring report for the Landfill
- John Consaga stopped by Supervisor Gabriels' office and indicated an interest in the code enforcement officer position

Reports:

Councilman White:

ASSESSOR:

- The office has been updating deeds and transfers and working on property re-evaluations. Position to replace Frank Leonbruno on the Board of Assessment Review needs to be done by the March meeting.

WATER DEPT:

- Gallons made: 7,023,731. Pond level is over the spillway.

POLICE DEPT:

- Miles patrolled: 855 miles. Fuel used: 81.7 gallons. Officers White and Howse investigated 1 criminal report, 2 accident investigations, 5 emergency medical response, 1 assist to other agency, 1 fire dept assist, 1 motorist assist, 4 court security, 3 alarms, and 6 misc complaints.

Councilman Saris:

HIGHWAY DEPT:

- Tentative agreement reached in contract negotiations.

SEWER DEPT:

- The Plant took in over 7,000,000 gallons of wastewater for a daily average of 226,295 gallons. Temporary plastic cover has been placed over the clarifier. 60,000 gal of liquid sludge hauled away. Mr. Dagles commended for extra hours worked on Christmas Eve handling high water alarms.

TOWN CLERK:

- Total local shares: \$5,934.19. Non local: \$152.51. Total state, county and local revenues: \$6,086.70

Councilman Andersen:

PLANNING OFFICE:

□ Permits applied for: 15 Certificates of Compliance / 7 Wastewater disposal systems / 3 Variances / 1 Site Plan Review / 1 Subdivision. 100 miles traveled. A/R: \$852.45. Outstanding issues: *Hubbell-Greenmeir*: illegal subdivision - Counsel has been requested to send letter in effort to expedite this matter. *Mavros*: a new warrant has been issued re: deck built without building permit. P. Kenyon requests Town Board move swiftly in hiring a code enforcement officer.

RECREATION DEPT:

□ Ski program at Gore extended 1 week due to poor conditions this week.

PARK DEPT:

□ Busy with snow removal and work on police barracks.

Supervisor Gabriels:

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SUPERVISOR:

□ Organizational meeting held at the County. Supervisor Gabriels thanked Bolton citizens for electing him for another 2-yr term.

Councilman MacEwan:

TRANSFER STATION:

□ A/R: \$3,068. Frank French and Barbara Dommaschk thanked for assistance during H. Nittmann's vacation. L. French would like C&D ramp repaired ASAP.

Unfinished Business:

Correspondence regarding repairs to the floating concrete pads at the Hwy Garage: Counsel reported that Town Engineer Tom Nace is of the opinion that Architect R. Jones Associates should have anticipated the problem. Counsel feels the next step should perhaps be to obtain estimates for correcting the problem and present the figures to R. Jones Associates. Clerk of the Works H. Koster has indicated that the construction techniques applied at the site were not necessarily uncommon, and he is hopeful that problems may be alleviated now that the excavation on the bank behind the building is completed. After a brief discussion, the Board decided to have Mr. Nace do a cost analysis on repairing the floating concrete pads at the Hwy Garage, and put R. Jones Associates on notice of the Board's continued concern in addressing the matter.

RESOLUTION #17

Councilman Andersen moved, seconded by Councilman MacEwan, to engage the services- not to exceed \$2,500- of Town Engineer Tom Nace to do a cost analysis on repairing the floating concrete pads at the Hwy Garage. Mr. Nace is requested to provide the Board with his recommendation on the best method of repair. If Mr. Nace indicates the cost of his services will exceed \$2,500, the Board will revisit the issue. All in favor. Motion carried.

RESOLUTION #18

Councilman Andersen moved, seconded by Councilman Saris, to authorize Julie Denison to act as marriage officer within the Town of Bolton pursuant to NYS Domestic Relations Law §11-C, for a 2-year term. All in favor. Motion carried.

Supervisor Gabriels stated that Councilman Andersen is still working on the proposed ATV ordinance.

RESOLUTION #19

Councilman Saris moved, seconded by Councilman White, to offer Barry Burns the opportunity to fulfill his \$114 debt to the Town (for costs associated with euthanizing his dog) by performing community service at a rate of \$9.27 per hour, or be taken to Justice Court. All favorable. Motion carried.

Supervisor Gabriels asked the Board to provide him feedback on the Spring Clean-up Voucher system by next month.

Regarding the issue of signing the proposed stipulation in conjunction with the Rajeski zoning violation (accessory structure exists without a principal structure), the Board tabled the matter, as not all Councilmen had a chance to review the latest amendments. Counsel indicated his satisfaction with the document.

No new information was received regarding the replacement of the broken sewer line near the north pump station. Bids for the repair work came in significantly higher than estimated by engineer.

Regarding the request by Theta Curri for a name change of Congers Point North to Seamans Lane, the Board will notify Congers Point Association President Richard Drake for the Association's feedback.

Regarding repairs to the C&D ramp, the Board discussed obtaining estimates. The idea of the Parks Dept doing the repairs was raised. It was the Board's consensus that the matter be dealt with soon, in light of potential liability issues. G. Mumblow will be asked to do a cost estimate and indicate to the Board if his dept would be able to do the work.

Councilman Saris indicated that P. Kenyon is in the process of trying to schedule training sessions for ZBA and PB members as follows: Lisa Nagel (implementation of Comprehensive Plan) and Counsel (basic roles as Board members). Ms Nagel has asked Councilman Saris and Councilman Andersen to begin assembling a citizens committee to review the Comprehensive Plan and begin implementing it .

Interviews to fill the vacancy on the Planning Board (by resigning member Kathi DiMauro) were scheduled for Tuesday, January 13, 2004 at 9 am at the Town Hall. Donna Boggs will be asked to notify applicants.

Regarding the request of John Caffrey (representing LGA) for the ZBA to revisit the

issue of granting a variance to Robert Parrotta, who has an outstanding violation on a separate parcel, Counsel wishes to review the escrow agreement in greater detail (see Resolution #147 passed 06/21/00). Counsel feels that regardless of the specific terms of the agreement, Mr. Parrotta needs to be notified of his non-compliance and the Board's intention to utilize a portion of the escrow funds to accomplish compliance. The Board tabled the matter to gather facts and review options.

New Business:

The Planning Board will be requested to give recommendations to the Town Board on adopting the 2 proposed moratoriums (tattoo parlors and adult entertainment establishments) and proposed amendments to the zoning. Counsel will distribute final drafts to each PB member with signature lines for members to sign if in support of moratoriums/amendments. Also must discuss proposed change in zoning ordinance's time to file Article 78 to comply with Town Law #282 (Bolton ordinance specifies 60 days, Town Law #282 specifies 30 days).

Don Roessler gave a presentation on the Orange County Choppers, who wish to use Veterans Park for a motorcycle demonstration during Americade weekend (June 7-12).

RESOLUTION #20

Councilman White moved, seconded by Councilman Saris, to grant permission to Orange County Choppers to use -but not exclusive use of- Veterans Park to host their motorcycle demonstration from June 7th through the 12th including vending (t-shirt and food sales), pending further details regarding security and traffic safety measures. All favorable. Motion carried.

Supervisor Gabriels noted that last year the Town spent \$450 on NiMo's digital towpath with the intent of beginning a very basic Town of Bolton web page. This was never implemented. The Board is being solicited by NiMo to engage in a contract again for 2004, at a cost of \$475. The idea of Lara Mazzeo doing the data entry for the web page was discussed. Based on recent conversations she's had with Ms Mazzeo, Town Clerk Simmes suspected she would not have time to do this. The Board decided to offer the data entry work to Ms Mazzeo prior to asking anyone else. Payment of the \$475 fee will be included in the regular Town bills.

Town Clerk Simmes is going on vacation beginning January 19 for 2 weeks, during which time meter readings would normally be calculated and billed accordingly. After a brief discussion the Board made the following motion:

RESOLUTION #21

Supervisor Gabriels moved, seconded by Councilman Andersen, to utilize estimated meter readings, based on the same period as last year, for the February 2004 water and sewer billing statements. All in favor. Motion carried.

RESOLUTION #22

Councilman Andersen moved, seconded by Councilman White, to authorize Supervisor Gabriels to appoint a delegate and alternate to represent the Town at the NYS Association of Town's

Meeting in New York City scheduled for Sun, Feb 15- Wed, Feb 18, if Councilman Saris and Court Clerk Annette Saris are unable to attend. All in favor. Motion carried.

RESOLUTION #23

Councilman Andersen moved, seconded by Councilman MacEwan, to authorize the Supervisor to sign a contract with Engineer Carl Schoder of Schoder-River Associates at an estimated cost of \$16,475 for engineering work associated with replacing the bridge/culvert at the base of High Nopit View, pending review and approval of the contract by Counsel. All in favor. Motion carried.

Supervisor Gabriels noted that Architect Jim Miller of Northfield Design has submitted a revised fee proposal of \$30,000 (10% of estimated construction cost) for architectural and engineering design work on the Conservation Park facility, due to the changes in the scope of work required, which includes fees for the structural engineering.

RESOLUTION #24

Councilman Saris moved, seconded by Councilman Andersen, to enter into a contract with Architect Jim Miller of Northfield Design for \$30,000 for architectural and engineering design work for the construction of the Conservation Park facility, pending Counsel's review and approval of the contract. All favorable. Motion carried.

RESOLUTION #25

Councilman White moved, seconded by Councilman Andersen, to grant Assessor Dave Rosebrook's request to carry over his 3 remaining vacation days to 2004. All favorable. Motion carried.

Supervisor Gabriels opened the only 3 bids received by the Town for Pressure Release Valve station repair work as follows:

<u>Bidder</u>	<u>Base bid</u>	<u>Alternate bid</u>	<u>Total</u>
Tom Kubricky	\$ 2,938	\$3,312	\$ 6,250
Kubricky Construction	\$ 9,600	\$2,400	\$12,000
Tom Flaherty Associates	Total bid (no breakdown)		\$ 7,800

The Board will discuss the bids at a special meeting on Tuesday, January 13, 2004 at 8:30 am. The Board will have CT Male review the bids.

RESOLUTION #26

Councilman White moved, seconded by Councilman Andersen, to schedule a special Town Board meeting on Tuesday, January 13, 2004 at 8:30 am. All in favor. Motion carried.

Regarding a failed septic at the Jensen residence at 509 New Vermont Road, Councilman Andersen stated that the Jensens hired an engineer to design a new septic system. According to Zoning Administrator Pam Kenyon, the engineering work is complete, but the Jensens are not

responding to the engineer's calls. Given the urgency of the situation in that the septic has actually failed, P. Kenyon is seeking the Town Board's assistance in encouraging the Jensens to address the matter promptly. Counsel advised that a notice of violation be issued immediately. While at the site with Town Engineer Tom Nace and the Jensens, Councilmen Andersen and Saris indicated to the Jensens that the Town Board would hold a special meeting to address the problem, as it was determined that a septic variance would be required.

RESOLUTION #27

Councilman Saris moved, seconded by Councilman Andersen, to adjourn as Town Board and convene as the Board of Health. All in favor. Motion carried.

RESOLUTION #28

Councilman Saris moved, seconded by Councilman Andersen, that the Town Board acting as the Board of Health, authorize Counsel to issue a notice of violation to Christian and Renee Jensen for the failed septic on their property at 509 New Vermont Road. All in favor. Motion carried.

RESOLUTION #29

Councilman Saris moved, seconded by Councilman Andersen, to re-convene as the Town Board. All in favor. Motion carried.

Councilman White was informed by the Police Dept and Hwy Superintendent Tim Coon that there is a problem with residents parking along Maple Street and Stewart Avenue during snowstorms, interfering with plowing. He suggested a notice be printed in the paper and a letter be sent to the residents along these streets to enforce the snow plowing ordinance. It was noted that the Town in the past has allowed these residents to park in the Town Hall parking lot during plowing times.

RESOLUTION #30

Councilman White moved, seconded by Councilman MacEwan, to send a letter to the residents of Maple Street and Stewart Avenue, and any other Town roads based on the need, advising them of the snow emergency Local Law #1 of 2001 that is in effect. These residents will be allowed to park in the Town Hall parking lot during snowfalls to assist the Hwy Dept in snow removal operations. All in favor. Motion carried.

Councilman Saris spoke with the Town's insurance agent Dave Stotler re: the issue of insurance coverage on valves. Water Plant Operator John Perry will be asked to provide an inventory of valves.

The Board is still researching options for a new audio system for the Town Hall meeting room.

RESOLUTION #31

Councilman Andersen moved, seconded by Councilman White, to authorize Counsel to defend the Town Board and ZBA in the Article 78 proceeding brought against the ZBA by Isle Harbor Homeowners Association. All in favor. Motion carried.

The Board requested that Counsel contact Atty Cathi Radner, who is representing the Town in the Greenmier-Hubbell illegal subdivision case, to find out the status of the proceedings and to attempt to expedite a resolution to the matter.

Public in attendance:

□ No comments

RESOLUTION #32

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

Councilman Andersen moved, seconded by Councilman Saris, to enter executive session at 10:10 pm. All in favor. Motion carried.

Executive workshop re: negotiations with Bolton Central School

Councilman Andersen moved, seconded by Councilman Saris to return to regular session and adjourn the meeting at 10:30 pm.

Transcribed by:

Respectfully submitted by,

Melanie Quigan
01/14/04

Kathleen Simmes
01/14/04