

TOWN OF BOLTON

Town Board Meeting

June 3, 2008- Minutes

PRESENT: Supervisor Kathleen Simmes, Councilmen Owen Maranville, Robert MacEwan, Jason Saris, Councilmember Deanne Rehm, Town Counsel Michael Muller, Town Clerk Patricia Steele and Zoning Code Enforcement Officer Mitzi Nittmann.

ABSENT: None

Meeting Called to order 7:02 p.m.

Pledge: Counsel

Welcome Everyone

Announcements:

Memorial Day has come and gone and I understand business in Town did well.

Congratulations to the Bolton Fire Company for 90 years of service to the Town.

Congratulations to Wesley "Junie" Huck who was named "Citizen of the Year" by the BCS Parent Teachers Organization for his service to the youth of our community

We celebrated earlier this evening the 100th birthday for Nellie Wurzbach and Harry Detrick

Public Hearing:

To amend Chapter 125-5D Stormwater & Erosion Control, Section 150-3C Subdivision of Land and Chapter 200-8C Zoning to add the latest Illustrated Book of Development Definitions which shall be available to supplement and assist in the application of the provisions of this Chapter whenever this Chapter shall fail to provide its own definition or meaning. WCPB approved.

Supervisor Simmes asked if Counsel has heard from the APA on this matter. Counsel replied no. He stated that in the past and currently in this situation, they have allowed the APA more than a reasonable amount of time to respond and they have accepted that the APA has gotten notice and did not object and the Town proceeded. Supervisor Simmes asked Counsel to explain the proposed change. Counsel provided a brief explanation of the proposed change. He stated that the Town's stormwater regulations and subdivision regulations do not necessarily have meanings for everything and this is a helpful tool that is used in the industry to provide additional sources of definitions and/or meanings. He believes that the Illustrated Book of Development Definitions is already in use in the Zoning Office and it is something he uses as well. This amendment would allow for a specific reference in the code so that the Town has the authority to use it when Town code is lacking a definition or meaning. Councilmember Rehm stated that both the PB and ZBA have approved its use.

Resolution # 98

Councilmember Rehm moved, seconded by Councilman Maranville to close the public hearing to amend Chapter 125-5D Stormwater & Erosion Control, Section 150-3C Subdivision of Land and Chapter 200-8C. All in Favor. Motion Carried.

Resolution #99

Councilman Saris moved, seconded by Councilman MacEwan to accept the amendment to Chapter 125-5D Stormwater & Erosion Control, Section 150-3C Subdivision of Land and Chapter 200-8C Zoning to add the latest Illustrated Book of Development Definitions which shall be available to supplement and assist in the application of the provisions of this Chapter whenever this Chapter shall fail to provide its own definition or meaning. All in Favor. Motion Carried.

Presentation to Kelsey Kneeshaw, Julia Mosscrop and Carly Snyder

Supervisor Simmes presented a resolution recognizing the achievement of Kelsey Kneeshaw, Julia Mosscrop and Carly Snyder for their participation the Girl Scouts and receipt of the highest scouting honor of the Gold Award.

Resolution # 100

**RESOLUTION RECOGNIZING THE ACHIEVEMENTS OF
KELSEY KNEESHAW, JULIA MOSSCROP AND CARLY SNYDER**

Whereas, Kelsey Kneeshaw, Julia Mosscrop and Carly Snyder have been members of Bolton Girl Scout Troop #96 since 1995

and

Whereas the Girl Scouts of America have been enabling young women to "GROW STRONG" for 100 years

and

Whereas, the Girl Scout organization promotes community service and recognizes efforts that improve the quality of life for women with its highest honor – the Gold Award

and

Whereas Troop #96 organized and hosted a Breast Cancer Awareness event at the Sagamore

and

Whereas Ms. Kneeshaw, Ms. Mosscrop and Ms. Snyder have earned Scouting's most significant achievement award for this project.

Now, the Bolton Town Board does pause in its proceedings to recognize Carly, Julia and Kelsey for their efforts AND to congratulate them for earning the Girl Scout's Gold Award AND to praise them for being exceptional role models for other young Bolton women. We wish them continued success!

Councilmember Rehm commented that there is nothing more pleasant for her as a woman to find young women who are as focused and poised as these three young women are. She looks forward to seeing all that they can do in the future.

Public in Attendance

Rolf Ronning- Zoning Change

Rolf Ronning stated that he owns the remaining portion of the subdivision called Westwood Forest West on Hendricks Road. He stated that currently the subdivision access road divides the industrial zone RIL3 and residential RR10 zone. He stated that he is requesting to change the RR10 zone to industrial RIL3. He explained the proposal on the provided map. He stated that he has had some interest from individuals interested in having a small business operating out of their home which includes uses such as restoring old boats, building Adirondack furniture or possibly a campground. He stated that industrial zone would be a great place for any of these types of business. The benefits gained would be that 1) it opens up business opportunities for people in Bolton, 2) the area is well screened, 3) it will not affect any neighbors and 4) it is close to the Northway. He stated that when he presented this to the TB the last time they asked that he go before the PB for their recommendation. The PB gave a favorable recommendation with the conditions that there be no more than 7 lots and that he would prohibit tattoo parlors or adult entertainment. He stated that he is unsure as to what he needs to request or ask of the TB. Counsel stated that he would ask the TB to direct Counsel to prepare the papers necessary to draft the change to the zone. He continued that the Town and the applicant would enter into an agreement that would bind him to the requirements that were specified by the PB. Counsel asked if he could provide a metes and bounds description for the property. Rolf Ronning stated that the description is all of those lots in the RR10 zone less the 25 acre lot. Supervisor Simmes asked if that is what the PB approved. John Gaddy and Sue Wilson replied yes.

Mrs. Johnson owner of Adirondack Extreme Adventure stated that Rolf Ronning stated that this would not affect anybody, but it will affect their business to have industrial business across the street. They are an eco-friendly park; they chose a wooded area for their business and she is concerned about having buildings or industries across the street. She stated that they are opposed to the proposed change.

Jason Saris stated that he understands that overall density of the Town is cast in stone. He knows that they can trade densities and wonders where they can trade out this change in density so the overall density for the Town remains the same. Counsel stated that he makes a good point and he had not given that much consideration and he knows that this will be one of the challenges before the APA. Rolf Ronning stated that he has stipulated that there will not be more than 7 lots and that should solve that problem. Counsel agreed that it seems to address it. Councilman Saris asked if they are not going to change the density then why are they changing it to RIL3. Rolf Ronning replied that in a 10 acre zone a campground is not allowed as a Type 2 use, but it is allowed in the industrial zone. Councilman Saris asked why they couldn't make it a 10 acre light industrial zone. Rolf Ronning stated that there is no such zone now, but he would not have a problem with that. Counsel explained the allowed uses, accessory uses, uses for Type 1 and 2 with special use permits for the RIL3 zone. Councilmember Rehm stated that when the APA reviews this they are apt to enlarge the area because they do not like to do a map amendment for one property owner and they will look for a logical geography to create boundaries. She stated that she is uncomfortable with deed covenants prohibiting certain uses because they could be changed. Counsel agreed that they could be changed by those who have the benefit of the covenant, but they could create a covenant that includes the Town of Bolton as one of the beneficiaries of the covenant. Councilmember Rehm stated that if they created another industrial zone that recognized 10 acre lots, already adult entertainment would not be allowed there because it is allowed in the RIL3 and not the new RIL10, that might make her feel more confident.

John Gaddy of the Bolton PB stated that Rolf Ronning agreed that there was not to be any more than 7 lots but there was no discussion of trailer parks or campgrounds. He stated that the PB felt that there had been some sort of discussion between his neighbors and their expanded use of this proposed area. Rolf Ronning stated that there has been some discussion between Dave Johnson and himself. Mrs. Johnson stated that he only came to them this afternoon. Rolf Ronning stated that he also approached him last fall about Lot 8 for additional parking and other things, but that both times were just discussion. John Gaddy stated that the PB also stated that there was also a condition that each of the lots are to have site plan review, which allows the Town another layer of review.

Supervisor Simmes asked if any of the Board members would like to make a recommendation to send it on to the APA. Councilmember Rehm stated that she wouldn't mind making the recommendation however it is a formal process in dealing with an amendment and the APA. She stated that they could set a course of action to move forward, but she suggests that they ask that some APA representatives sit down and discuss how the process works. Councilman Saris stated that they could tie this in with the code changes and have the Elan Group look at the proposed change for their input and make this part of the amendments to be approved at one time. Rolf Ronning replied that he understands his point, but feels that could take longer than he would like. He continued that he has someone very interested in the campground idea and the RR10 zone does not allow this type of use. He knows that there is going to be a public hearing and all he is asking for is a recommendation on how to proceed.

Councilman Maranville asked what will happen to the 25 acres above his proposed line. Rolf Ronning replied that if the lands were to be used for a campground that area would be used as a common area for recreation. Counsel stated that the RIL3 that Rolf Ronning seeks and the RR10 that it presently is both permit campgrounds by site plan review. He furthered reviewed the zoning uses for both zones and indicated that a campground is listed under Type 2 use with a special use permit for both zones. Rolf Ronning stated that a campground is just one idea, and that there are also other business opportunities that are not allowed in the RR10 zone. Supervisor Simmes asked if this change was approved would the PB have site plan review for these lots. Counsel stated that most of the types of use that Rolf is suggesting are listed in Type 2 use with a special use permit which all require PB approval.

Supervisor Simmes asked Mrs. Johnson if there was something specific that she would be against going into that area. Mrs. Johnson replied that she would be opposed to some type of manufacturing building that would be visible. Rolf Ronning stated that he would stipulate that if there were to be that type of building that it would not be visible from their property.

Sue Wilson of the Bolton PB stated that when this was presented to the PB, she and John Gaddy recall, that there was to be no further subdivision for all of those properties including the 25 acre lot.

Counsel stated that the TB needs to give a recommendation to Rolf Ronning so he knows if and how to proceed. Supervisor Simmes asked if Rolf Ronning will have to come up with more of a description before they can send it to the APA. Counsel replied that if the TB conceptually approves the proposal, then he would encourage Rolf to put the details in writing so that they can process it by sharing with the APA and the Warren County PB. He stated that he would also like to include the Elan Group in the process as well. Councilman Saris suggested that before they get themselves into a lot of work that they discuss this with the Elan Group in keeping with their overall plan for the Town. Councilmember Rehm stated that this is an opportunity for Rolf Ronning, the PB and Zoning Office to sit down and put together what he wants, review what the proposed zoning ordinance may offer already and if it is not adequate, put a plan together. She feels that a lot of this discussion can go on without the TB's action and that the TB would not take any real action until they have a formal plan. Counsel agreed. Councilmember Rehm suggested that Rolf Ronning take some time to detail his plan/proposal and talk with the Elan Group, Counsel and Pam Kenyon. Rolf Ronning stated that he cannot be specific with the types of use because he does not know who the buyers could be. Councilmember Rehm replied that they are not asking him to be specific

about the potential uses/buyers, but rather what lands and what zone he desires. Counsel agreed and encouraged him to get something in writing that states the specifics that have already been discussed. He stated that upon receipt of that he will share it with the TB for approval. If approved he would start to share the same information with the APA, WC PB and adjacent municipalities. He stated that he would expect him to prepare a SEQR application to go along with this proposal and then it would be put on public notice for a public hearing. Once the public hearing closes then the TB can act and make a decision. Rolf Ronning asked how is he supposed to fill out the SEQR form without knowing what the potential use will be. Counsel replied that he would fill it out with the thought of all the potential allowable uses. R. Ronning stated that it sounds like site plan review. Counsel stated that the ordinance was created by a local law and if he wants to amend it he has to do it by local law which includes the SEQR.

Supervisor Simmes asked if Councilman Saris would be willing to present this proposal with the Elan Group at the next Zoning revision committee meeting. Councilman Saris replied yes he would ask them to review it. Supervisor Simmes asked if there are any proposed changes for the RIL3 zone. Councilman Saris replied that there are no proposed changes in boundaries in that area but there are some proposed changes in the allowable uses. R. Ronning stated that he will get detailed information to Counsel to begin the application process.

Bob Sinnott- Thunderbird Motel

Bob Sinnott stated that he was hoping that there would have been a little more progress with regard to the Town's riparian rights since the resolution that was passed at last month's meeting. Since then two letters have been sent, one of which was signed by 11 people that are property owners in the area requesting the removal of the dock. He stated at that meeting he sensed that Counsel had some reservations to move it forward to the action stage and since then he has done some research and he is prepared to present information that should put some of those reservations to rest. He stated at the last meeting Counsel was concerned about proving ownership of the road. Counsel agreed. Bob Sinnott stated that he found the "Map of Lands of Ellen M. Hollenbeck" prepared by Leslie W. Coulter dated December 1, 1949 and filed in the Warren County Clerk's Office on December 8, 1949, which provides metes and bounds and proves ownership of the road. He used the map to explain the specific metes and bounds. He stated that the boathouse seems to be in the same location today as it was in 1949. His point of providing the map is to show that the riparian rights existed at that time the same way they do today. Unless the boathouse could be shown to precede the public ownership of this strip of land, it is encroaching on the riparian rights. He stated that if he were to research back further, at some point they would find ownership in the public hands with no boathouse. He stated that he and other land owners are requesting that the docks on the boathouse be removed because they did not exist in 1949 or 1979. The Thunderbird claims that the docks were added about 25 years ago. He is asking the Town to enforce the rights under the riparian waters and remove the dock. He stated that as the deed information shows on the survey, there is 66 feet of very valuable Lake George shoreline that the Thunderbird is using for personal financial gain which is illegal. He stated that their request for the removal of the docks is based on the riparian rights issue as well as a safety issue.

Mr. Chiraboga responded to Bob Sinnott's comments. He stated that they are not questioning the ownership of the Town road. The presence of the boathouse pre-dates the 1949 map because it is over 100 years old. He stated that there is documentation in historical books and in Blue Mountain Lake Museum. He stated that the south dock was built between 1978 and 1988 with LGPC permits, so it was done in good faith. He explained that the LGPC has restricted docking on that dock stating that there was to be no overnight use. He stated that they have also only used that dock for safety reasons and it is the only dock that is available 24 hours a day 7 days a week. The boathouse is the original boathouse in the original footprint and the only thing that has changed is the deck which replaced an ice damaged roof. With regards to the dock coming from the Town property shown on the map that Bob Sinnott provided he does not know anything about. He does not think the intention of the use of that road is to make it

public access so that is a mute point. The geology over the years has made that area unusable. His point is that a right is not to force someone to take action. The Town should reserve their riparian rights on that parcel, but he questions whether the Town needs that dock or space. He does not understand why suddenly it is an urgent issue to remove his dock which would affect the marina business and his resort. With regard to safety, the area is already zoned at 5mph and they do their best to make sure that guests and renters are compliant with that. Supervisor Simmes asked what the LGPC is requiring on that dock currently. Mr. Chiraboga stated that the LGPC previously allowed for them to receive boats on that dock to unload and then put it into another slip and now they will not allow any boats at all. Supervisor Simmes asked if there have been a lot of accidents in this area. Mr. Chiraboga replied that the Thunderbird has never had any violations and no accidents that he is aware of. Councilmember Rehm commented that after visiting the site the other day she felt that if they were to remove the south finger of the dock that they would not be losing revenue since they would be losing only one useable space. Mr. Chiraboga replied that he would actually be losing three spaces if the side of the boathouse is only to be used for emergency access. Supervisor Simmes asked Bob Sinnott if there have been a lot of accidents in that bay. Bob Sinnott replied no.

Councilmember Rehm asked if anyone knew what distance into the water the LGPC concerned themselves with, with regard to riparian rights. Counsel stated that he was not familiar with the LGPC regulations, but the common law is the riparian rights are extended out to a point that is useful or reasonable. Mr. Chiraboga stated that is why he mentioned that if the Town would at some point want to use their beach front for a dock they would have to do some dredging or install a long dock. Councilmember Rehm asked what the distance was from the shoreline at the access road to the south dock. Mr. Chiraboga replied that he was not sure but they could figure it out on his map.

Counsel stated that he took and still takes the position that a deeded ownership is preferred, but it does not diminish the Town of Bolton's property right. He stated that the maps provided by Mr. Chiraboga and Mr. Sinnott show clear defined boundary lines for both the northerly and southerly property of the access road. He stated that the argument is persuasive that the property in between the neighbor to the north and south, someone owns it and it must be the Town of Bolton.

Supervisor Simmes stated that she believes the TB is in agreement that they have riparian rights but personally she is not willing to make Mr. Chiraboga take down the dock. It has not been proven that there is a safety concern and she feels that there is plenty of room to maneuver boats and gain emergency access if necessary. Councilmember Rehm agreed that she felt that there was enough room for maneuvering in and out of the area. However, she agrees with Mr. Sinnott's concern that Mr. Chiraboga is gaining financial enrichment on riparian rights. She stated that she is not interested in moving the boathouse or giving up that space on the south side of the boathouse. Mr. Chiraboga replied that he could understand if this area was used for a public beach, but it is restricted use for emergency access only and he feels that it makes a difference and should be taken into consideration. Councilman MacEwan stated that they have a similar situation in Town and he agrees with Councilmember Rehm about someone using something public for private financial gain. He stated that if they are to allow Mr. Chiraboga but not allow this other individual it would be contradictory. Supervisor Simmes stated that she feels that they are different because Mr. Smith's dock is on Town property right from the shoreline and into riparian waters.

Dennis Murphy stated that since this is second time that the Town is dealing with riparian rights issue this year he suggests that they set up a fee schedule if they find out that public land is being used illegally. This money gained could be dedicated towards the Conservation Club. Supervisor Simmes stated that has been discussed and as she understands it, if they do something like that they would have to put it out to bid. Counsel agreed. Councilmember Rehm stated that is a similar situation to LG Camping because if the proposal was for the use of the riparian rights on the north side of South Brereton Road someone would have to be able to get onto that to get to something there. The Town would not let them across their land, so the only party that could get to use the riparian rights on the north side of that would be Mr.

Chiraboga. Counsel agreed that if the Town Board had determined the limits and parameters as to what is available for lease and it doesn't include any right of access, there is only one logical bidder and he is not sure it would hold up in a Court of law if it were to be challenged.

Robert Nemer stated that he believes that these riparian rights belong to the people of the Town of Bolton and the TB represents the people. He also stated that the letter from the 11 families should be taken into consideration in making their decision.

Ray Oliver stated that in the application for a permit with the LGPC you have to meet the general specification before you can get a permit. One of those things is that you have to have permission to use another person's land, private or public. However, the LGPC went ahead and issued the permit even though they are infringing on the Town's riparian rights. He stated that he has photographs of Mr. Chiraboga using all of the docks on the south side of the boathouse. He stated that they have tried to put signs up to prohibit docking, but the signs are not effective and do not work. He stated that he has contacted the LGPC to police this but they have been unable or unwilling to do so. He requested that the TB require Mr. Chiraboga to remove the docks on the south side of the boathouse and to put up some sort of fence prohibiting further encroachment.

With regard to the allegations of the Thunderbird's activities, Mr. Chiraboga stated that there are piles of pictures sent to the LGPC, regardless if the boat is there for a few minutes or suddenly, the neighbors think that they are going to park overnight. He stated that he doesn't feel that this will be an issue anymore because the LGPC has required them to cut the posts and paint "No Docking" on the docks. With regards to signage, he stated that the permit has no provisions for signage on that dock, but they have put signs up voluntarily. He feels that they are working with the spirit with what is intended in that bay with the LGPC and Town. They do not want to abuse any privilege or take advantage of anyone or anything. He stated that all of the letters have been about concerns of congestion in the bay and that they are expanding their business, none of which are true. He requested that they be allowed to continue their operation as they have been for the last 30 years.

Councilman Maranville asked what they used the dock for. Mr. Chiraboga replied loading and unloading. Councilman Maranville asked if that part of the dock were to be removed would it matter. Mr. Chiraboga replied that they would lose two slips. Councilmember Rehm asked if they could configure a dock on the north side of the boathouse. Mr. Chiraboga replied no because they have the beach there and it is extremely shallow in that area.

Robert Nemer stated that Mr. Chiraboga has rights as well. They are not challenging the boathouse at this time. He stated as a taxpayer in the Town of Bolton they have their riparian rights and they are requesting the TB listen to them. He stated that if he had an issue with one of them and his rights were in dispute he would be standing there saying the same thing. He stated that he has personally had to deal with this issue with a neighbor and was asked to move his docks.

Dave Dougal stated that the LGPC gave Mr. Chiraboga a permit to have a dock. He has been to a number of meetings for the Town and the LGPC and sometimes when a question is presented he gets an answer that it is not their department it is someone else's jurisdiction. He stated that they gave Mr. Chiraboga a permit to have a dock but it did not show regards for the Town's riparian rights and it is a clear violation.

Resolution #101

Councilmember Rehm moved, seconded by Councilman Maranville that Mr. Chiraboga and the Thunderbird Motel remove the L-shaped dock from the south side of the boathouse by July 3, 2008 and that the boathouse be left for their use with no prohibition on usage. Councilman Saris abstained. All Others in Favor. Motion Carried.

Councilmember Maranville commented that there needs to be increased communication with the LGPC because this is the second incident in one year and these problems should be avoided from the start.

Supervisor Simmes stated that the only reason she voted in favor of this motion is that they have another situation coming up with the same kind of problem and if she votes no on this, then she would have difficulty moving forward with the other issue. Councilmember Rehm commented that with the unrestricted use of the side of the boathouse, if they are creative with the space that they should be able to keep the same number of boats.

Zandy Gabriels stated that he had several comments:

With regard to the above issue they have another encroachment problem at

Rainbow Beach as well. He explained the situation further. Councilman Maranville suggested that they have Dave Rosebrook get them some maps of all of the Town's property especially on the lake and to discuss this information with the LGPC. Counsel stated that the LGPC should know that the Town is not in favor of them granting permits that extend beyond the riparian rights of the owner/applicant. Although the LGPC has stated that they never approve permits to allow docking or the use of riparian waters of the adjacent land owner, but then they proceeded to allow the permit. Zandy Gabriels commented that the Town really no longer uses this property and suggested that they may want to sell the property reserving the right for a dry hydrant.

Zandy Gabriels understands that the Bolton Water Department has a new email address which is great, but it is a yahoo account. He encouraged the Town to get set up with Lori LaGoy and change the address to one that is similarly used throughout the Town. It is a governmental address and free of charge.

Zandy Gabriels stated that he feels that now is the appropriate time to consider re-assessment to bring the equalization rate from 65% to 100% in the hopes that they will have more stable real estate prices for the ensuing years. He stated that Dave Rosebrook did a great job last time in 2004 and feels that he will do a great job again. He stated that it takes a TB decision to proceed on this in concurrence with the Town of Lake George to get this done in 2008. Supervisor Simmes stated that Dave Rosebrook's report responds to the question of performing a Town revaluation for next year. She read that before the next meeting he will be addressing the pros and cons of doing one and he will make a recommendation. If they decide to proceed the State will need a letter of support from the Town Board. The decision will need to be made by August and Supervisor Simmes stated that it will be taken under advisement.

With regard to the road repair on the E. Schroon River Road, Zandy Gabriels stated that there is a section of the road that is dug out with clay down to 5 ft well below the frost line. The job is moving along and people are going to be happy with it. He stated that he was talking with Tim Coon, Highway Superintendent, and he has indicated that there are 2-3 other areas on that section of road that also have sub-bases of clay and large rocks. He stated that he asked Tim if he was going to be able to repair those sections as well and Tim Coon indicated that he is running into a budgetary problem. He is maxed out on his budget for E. Schroon River Road and indicates that the additional repairs would cost \$30,000-40,000. Zandy Gabriels encouraged the TB to somehow find the additional money to fund this project so that road will last for a long period of time. Supervisor Simmes responded that Tim Coon has not come forward about having a budgetary problem or discussed anything with this Board about them stopping him.

Laura Saffer- Harris Property/Ball Field proposal-

Laura Saffer asked if there has been any further discussion on this matter. Supervisor Simmes replied no but they are trying to set up a meeting next week. Supervisor Simmes indicated that the letter from Ricky

Dodge was his suggestions for what should be done with the lower ball field and nothing to do with purchasing other land. Laura Saffer stated that she would like to reiterate that the community voted against the Harris project.

John Gaddy- Dry Hydrant Request

John Gaddy stated that he is once again requesting the installation of a dry hydrant on his property on New Vermont Road. The request had been taken to heart by the WC Soil and Water and they have surveyed the area and marked a spot for the location. There are a number of developments being proposed in the area and he feels that it would be a good neighborly thing to do. He stated that the last he has heard is that Tim Coon, Highway Superintendent, is reluctant to install this dry hydrant unless the existing beaver dam is removed. He stated the beaver dam has been there for about 20 years and the water level seems constant. The water seems to have enough depth for a pipe that would work as a dry hydrant and he hopes that they can get around to doing it because it would be a real community asset. Supervisor Simmes stated that she would talk to Tim Coon when he returns from vacation.

Correspondence:

State DOT letter changing to a 45 MPH zone on Route 9N five tenths of a mile north of Sagamore Road to County Route 11

Copy of change orders for Phase 2 of WWTP improvements for installation of baffles in secondary clarifier and for installing rafter tails and roof decking

Correspondence from Ricky Dodge with ideas for the school ball field

Office of the Attorney General questionnaire that needs to be filed regarding certain professional jobs.

Hudson River Valley National Heritage Area correspondence: They will begin restoration of the Henry Knox Cannon Trail markers in June.

HHHN health advisory committee meeting set for June 16th at 4 pm

Mortgage tax check is \$112,669.97.

Request from Robert & Sylvia Phillips to use Rogers Park dock to depart and return on July 17th.

Request from Annette Saris to hold over 41½ hours of vacation

WC Soil & Water regarding the municipal use of the hydro seeder

Notice from Holland Co. Inc. that the cost of liquid aluminum Sulfate is rising from .935 to \$1.14 per gallon effective June 1st.

Copy of Highland & Co. regarding a price for replacement of a circulator pump. Chet feels this can be held off for awhile.

Notice from Pumpernickel's for a liquor License renewal

NYS Real Property tentative Equalization Rate for Bolton is set at 60.50

Robert Sinnott letters requesting the removal of a dock owned by the Thunderbird Motel that encroaches on the Town's riparian rights.

Request from Mitch & Ina Monroe regarding metering their well water

Copy of WC DPW letter to USEPA requesting a categorical exclusion from environmental review requirements regarding the replacement of the force main near Norowal.

NYS Office of Parks Rec & Historic Preservation: Bill Gates has applied to place the Gates Homestead on the National Historic Register. The Town has the right to comment.

Memo from Village of Lake George regarding the camera inspection equipment that is available.

Letter from Supervisor to residents of Lakeview Terrace regarding their water leak. Repair needs to be accomplished by June 15th.

Mr. Palazzo letter regarding Planning Office staff

Thank you note to Water & Sewer Depts. for being so helpful with a recent water and sewer problem

Jarrett-Martin Eng. Letter re: Bell Point Shores Homeowner's Association Norwood Dr. Maintenance: Work still needs to be accomplished to bring into compliance

Counsel explained that this is consistent with their approved site plan and subdivision approval in which they were to provide two reports annually, one in the spring and one in the fall. He understands that with a few minor corrections that they have addressed these issues and things are working well. Supervisor Simmes asked if Mitzi Nittmann should be enforcing that these things are done. Counsel replied yes.

Councilmember Rehm stated that the last paragraph reads that there are still direct or nearly direct discharges of stormwater into Lake George. Counsel stated that Mitzi Nittmann is saying that this report is actually reporting that which has been a consistent but minor problem for a year and a half.

LG Watershed Conference on Water Quality Management & Resource Conservation scheduled for June 18th at Fort Wm Henry

Adirondack Regional C of C Regional Water & Sewer summit meeting June 12th at 7:00 p.m. at BOCES

Zoning Issues

Rosamund Butler septic: Fax from Chris Gabriels dated today stating that Carl Schoder will review the plans next week.

Mitzi Nittmann stated that this is late and they have been given a long time. Supervisor Simmes asked if any of the TB has a problem waiting another week. The other TB members agreed.

Counsel has sent copies of an onsite Wastewater local law for review

Counsel urged the Board to review carefully and to be aware that this would require a lot of inspections. He stated that this law is in effect in the Town of Johnsburg. Councilman Saris asked who does the inspections and what kind of staff is involved. Counsel replied that he did not know but he could find out. He continued that this would involve routine record keeping inspections by a trained individual and certified with the State to do these things. Councilman Saris stated that if they are headed in that direction they will need to create their own infrastructure to support it.

Harold Raven Jr. notice that an action has been commenced and is pending in Supreme Court

Harrington- Regarding his violation of our zoning ordinance.

New Business

For Discussion Purposes only

Bixby Beach is on schedule for June 9th. The delay is due to the trench box not being available presently. The fence line on the Miller side is in bad shape. I would like to discuss replacement possibilities.

Supervisor Simmes stated that she would like to discuss the possibility on sharing the cost to replace the fence. She requested that she be allowed to look at prices so that they can decide if they want to share the cost.

Mr. Foy request to lower speed limit in Town to 25 MPH. DOT says enforcement is better way to handle it. It is 30 MPH now. Supervisor Simmes spoke with Jim Neumann and he doesn't feel there is a speeding problem in Town, especially now.

The Board discussed the matter and concluded that enforcement would be the best way to handle it and did not feel that changing the speed would do much good.

Lagoon Manor HOA request for reimbursement of repair to water and wastewater system. The amount is \$10,600.

Supervisor Simmes stated that in the meeting that she had with them, Mr. Waehner had no problem with this. Counsel stated that he is recommending that Lagoon Manor HOA's engineer should coordinate with the Town engineer to be sure that all details are there and they are rightfully entitled to that money. Councilmember Rehm commented that awhile back the HOA was amending their PUD and wondered if that was coming before the TB for approval. Counsel stated that he is not sure where the HOA is in their progress, but it should come before the TB.

Resolution #102

Councilmember Rehm moved, seconded by Councilman MacEwan to reimburse Lagoon Manor HOA \$10,600.00 from the escrow account providing that the Town Engineer grants his approval. All in Favor. Motion Carried.

Mr. Ronning request to rezone his property in Westwood Forest West. It was sent to the PB and they gave a favorable recommendation. Next step if the Town Board is agreeable, we would have to send to the WC PB and to the APA for their input.

Warren County adopted the Cold War Veteran's exemption. Would we like to have a Local Law adopting it for Bolton

Councilmember Rehm stated that this is the legislature for Veterans that didn't qualify for combat but served during the peace time periods. It is not a large benefit; it is 15% with a maximum of a \$12,000 exemption and in Town that is not that big of a deal. She stated that from an assessment point of view, it moves the tax levy from one party to another who doesn't have an exemption. She continued that recently there has been a lot of discussion about property taxes and tax caps. She stated that the assessment community is trying to encourage the legislature to do away with exemptions and make benefits as an income tax credit that way it does not impact the community and it is a statewide base. She stated that the County has adopted this exemption and if the Town does not the individual may still apply for the County exemption and get the benefit for their county tax only. She suggested that they have a public hearing on the matter.

Resolution #103

Councilman Maranville moved, seconded by Councilman MacEwan to hold a Public Hearing on July 1, 2008 on Local Law #1 of 2008 "A Local Law providing for an exemption to Cold War Veterans from Real Property Taxation. All in Favor. Motion Carried.

Resolution #104

Councilmember Rehm moved, seconded by Councilman Maranville to refund subdivision filing fee in the amount of \$25 to Gary LaVoy. All in Favor. Motion Carried.

Note: Four sound permit applications have been approved. Anchorage Association for July 5th Rainbow Beach Association on June 21st and Gregg Reilly on July 20th and Twin Pines on June 14th. All are within the allowable timeframe and all have notified adjoining neighbors.

Estimate from Alpha drilling & blasting to blast rock in roadway on Sky High Road Cost is \$7750.

Supervisor Simmes explained the issue. She stated that Tim Coon, Highway Superintendent was supposed to be getting bids for the project, but some have indicated that they are too busy or it is too small a job to do. Supervisor Simmes stated that she will continue trying to obtain more bids and asked if the Board is interested in remedying this problem. Councilmember Rehm stated that she would support the effort as long as they go through the proper channels to get bids for the project.

Request from Annette Saris to hold over 41½ hours of vacation until 2008.

Resolution # 105

Councilmember Rehm moved, seconded by Councilman MacEwan to grant approval to Annette Saris to hold over 41 ½ hours of vacation time through 2008. Councilman Saris abstained. All Others in Favor. Motion Carried.

Monroe Water Issue-

Supervisor Simmes stated that John spoke to her when she was Town Clerk that he was that Mr. Monroe has a well but he is in the sewer district. Recently she requested that Mr. Monroe put a water meter on his well water so that they could record what he is sending into the sewer and pay for it. Mr. Monroe has a problem with that because if he is filling his swimming pool or watering his lawn it is not water that is going into the sewer system. Councilman Saris stated that the sewer rates take watering lawns into account because that is what everyone else does. Councilmember Rehm stated that when the water and sewer rates were set up it was based on engineers telling them that a typical household returns 80% of water that comes in. Councilmember Rehm stated that they should meter the well and find out what his consumption is and help Mr. Monroe understand that the rates are set up to consider lawn irrigation.

Resolution #106

Councilman Saris moved, second by Councilman MacEwan to require Mr. Monroe to install a meter on his well. All in Favor. Motion Carried.

Transfer Station burning: We will not be burning at the landfill. No commercial tandem or dump truck loads of brush accepted. Al Dague has agreed to learn how to use the chipper and will be chipping brush.

Supervisor Simmes stated that she does not feel that they should be burning at the transfer station any longer and at some point they will be stopped from doing that anyway. They will not be allowing tandem or dump truck loads of brush at this time because they do not charge for this and they cannot chip all of this brush. If they decide to allow it at a later date, they should consider charging for the loads. Councilmember Rehm asked what they intend on doing with the chipped wood. Supervisor Simmes stated that is up for discussion.

Resolution #107

Councilmember Rehm moved, seconded by Councilman MacEwan to authorize a pay increase for Al Dague to \$11.04 for added job responsibility at the transfer station. All in Favor. Motion Carried.

There is an opening on the Recreation Commission. We will place a notice on the website and at school. Deb Gaddy has said she would like to serve on the committee.

Councilmember Rehm asked if they need to recognize Sue Huck's resignation. Supervisor Simmes replied yes.

Resolution #108

Councilmember Rehm moved, seconded by Councilman Maranville to acknowledge and accept Sue Huck's resignation from the Recreation Commission. All in Favor. Motion Carried.

Old Business

Highway Road agreement: Waiting for the Highway Superintendent to complete

Algonquin agreement

Resolution #109

Councilman Saris moved, seconded by Councilmember Rehm to accept the two year, \$20,000 Algonquin Sewer Agreement. All in Favor. Motion Carried.

Time Warner Cable Franchise- Supervisor Simmes stated that this will need further discussion.

Finch lands

Councilmember Rehm asked if they have made this information public other than the presentation at last month's meeting. Supervisor Simmes stated that she has spoken to anyone that may be affected by this and asked that they come forward with any questions or concerns and so far she has not heard anything. Councilmember also raised John Gaddy's request to run utility lines through the old County Route 11 right-of-way and wanted to know if any decision has been made. Supervisor Simmes replied that she has not heard anything as of yet. Councilmember Rehm asked if they know what the State land classification will be. Supervisor Simmes stated that it is forest preserve and didn't think there was much of a difference. Councilmember Rehm stated that some forest preserve do not allow for snow mobiles and she recommends that if the TB votes in favor of this proposal that they condition it so that utilities could be included on the old right-of-way and that they encourage their holdings to be classified as wild forest. Supervisor Simmes stated that she will find out more information for next month's meeting.

Anton Cooper stated that he joins the Cat Mountain Tract with Finch Pruyn. He stated that he logs the property and does not want to be affected by this change. Supervisor Simmes stated that it should not affect anything that he is doing.

Smith encroachment still needs to be addressed.

Supervisor Simmes stated that she believes that Wayne Smith is willing to come in for a meeting. Counsel stated that he would be present and suggests that Wayne Smith's counsel be present as well. However, he feels that it should not include all Board members because that would require public notice. Councilmember Rehm stated that she would attend the meeting with the Supervisor.

Veterans Park dock was damaged by ice. Chris Gabriels has made a minor repair and will be finishing other repairs to make it usable for the summer. Insurance Co. said make the repairs and give them an estimate for replacement. We are waiting for that from Chris.

Chris Gabriels stated that the dock will be fine, but he is more concerned with the excessive dredging that they tried to accomplish directly adjacent to the dock. He is concerned that they have created a hazard for the younger kids swimming in that area. He stated that he understands that the Town was

waiting for it to settle in itself but it has not and they will be having swimmers starting in the next few weeks. He suggested filling it in with dirt. Councilman Maranville asked if Vinny Posterero has expressed concerns about this. Chris Gabriels replied yes. Councilmember Rehm asked if they will need a DEC permit for filling this area. Chris Gabriels replied yes, but they should get one quickly since they are dealing with a health and safety issue.

Supervisor Simmes stated that she also had Chris Gabriels look at their main pier because it has been brought to her attention that the upper timbers are very loose. Chris Gabriels stated that he is working on an estimate, but in the meantime is trying to come up with a solution to at least make it safe until we replace the pier.

Transfer station compactor needs repairs: Estimate from Jim Palazzo.

Councilman MacEwan explained the issue. Supervisor Simmes stated that she has received the estimate from Jim Palazzo and that they will need to go out to bid for this repair.

Storage building for usable items at transfer station.

Supervisor Simmes stated that she and Councilmember Rehm have recently viewed a storage shed for usable items at the transfer station in Burlington Vermont. She stated that she has spoken to Lisa French who indicates that some of the stuff that she gets is beautiful and in great condition and would like to have somewhere to put it. She feels that they could buy a reasonable storage building for these items and is something that the community has a need for. Lisa indicated that she would be willing to monitor what is put into the building. Councilman Maranville asked if they could use the Highway Department building. Supervisor Simmes stated that no one would be there to monitor it. Councilman Maranville stated that he cannot justify spending money on that.

Resolution #110

Councilman MacEwan moved, seconded by Councilman Saris to research purchasing a storage building for usable items at the Bolton Transfer Station. Councilman Maranville opposed. All others in Favor. Motion Carried.

Heating System for Town Hall

Supervisor Simmes stated she had Sean Price from Highland and Co. look at the quotes and he says that the most expensive one is the most efficient way to go.

Motion filed in Supreme Ct. requesting discontinuance of the action against the Town of Bolton brought by Agnes Nolan re: Lake George Camping Equipment lawsuit

Committee Reports

Councilman Saris

Town Clerk- Total local shares- \$11,559.81, non-local revenue- \$365.36, Total State, County and Local revenue- \$11,925.17.

Sewer Department- Took in 5,948,340 gallons of waste water for an average of 191,882 gallons a day. Upgrades are done and they are working on the tank. After performing maintenance on the pumps at the Norowal Station they found that one needs to be rebuilt. The generators have been serviced. They

hauled 46,500 gallons of liquid sludge. They are waiting for some parts for their master meter from Allen Control but in the meantime they are working with it on manual. They did have some pH violations due to the upgrades at the plant. Manhole at Congers Point has been relined. They responded to a sewer leak at Congers Point, but it is not Town sewer. Supervisor Simmes stated that she has noticed a sewer odor by Rogers Park. She spoke to Chet Dagle about it and he is attributing it to all of the rocks that they took out of the trickling filter have that odor. She stated that he indicated that he is going to try and put some kind of odor control on those rocks to see if that helps.

Councilmember Rehm

Recreation Department- The Town calendar should be mailed around June 20th. The staff is pleased that Chris Gabriels is working on the Veterans Park dock. Sue Huck's resignation has been submitted. She feels that Deb Gaddy would be a great asset to that committee but knows that there are other people that are interested as well.

Senior Citizens- Councilmember Rehm stated that she spoke with Tom Mihalics, president of the Bolton Seniors Club and they may be looking to send a name to the recreation committee. She has received information on activities for the summer and in July they are planning trips to each of the three productions that the Lake George Youth Theatre have

at Lake George High School. They are going to the NYC to the Museum of Natural History. They are also offering a defensive driving course. She will get more information on that and post it on the website.

Library Board- Councilmember Rehm extended kudos to Councilman Saris. They have just released their Bolton Free Library Plan of Service and Mr. Saris is part of the committee that worked on that. Their circulation is up considerably for the month over last year.

Councilman Maranville

Assessor- He stated that they have covered some of the information on the report already but added the following. On May 1st the tentative assessment roll for 2008 was filed with the Town Clerk and notice of the same was placed in the Post Star. During May the Assessor is obligated to be in attendance with the roll for four occasions, each being for a period of 4 hours and one occasion had to be on a Saturday and one had to include a time between 6:00 and 8:00 p.m. He sat on the roll on Saturday May 17th from 4:00 to 8:00 p.m. He has received confirmation that their tentative equalization rate is at 60.5% and this is anticipated and matches the State level of assessment. On Thursday, May 29th the Board of Assessment Review met to hear grievances and as in previous years there was very little activity and the Board only heard two complaints granting small reductions. They also ratified two corrections authorized by him.

Councilmember Rehm asked if the Assessor could now do some appraisal work on the water district land. Councilman Maranville stated that he did not see why not and would ask Dave Rosebrook to do so.

Police Dept.- They patrolled 3,430 miles, used 226.8 gallons of fuel. Answered 3 burglaries, 1 criminal mischief, 4 trespass, 1 theft of services, 2 disorderly conducts, 1 harassment, 1 loitering, 2 domestic cases, 1 missing person, 2 alarms, 1- 911 hang-up, 3 noise complaints, 1 suspicious vehicle, 2 animal complaints, 1 property check, 4 civil complaints, 4 parking complaints, 9 traffic tickets, 1 boating incident, 3 assists to State police, 3 assists to WC Sheriff, 7 assists to EMS, 2 assists to motorists, 1 assist to the fire department, 1 assist to NYS Forest Ranger, 2 auto accidents, 2 misc. complaints, 1 criminal arrests, 3 warnings, 1 parking ticket, 1 Court security. The traffic lights were changed from flashing to full cycle on May 15th. The car radio identifiers are now programmed and are now functioning. The Bolton Fire department has given them 2 rescue bags, life jackets and fire extinguishers which have been placed in service in both patrol vehicles. All members attended the spring firearms training and

qualification given by the WC Sheriffs Department. Councilman Maranville stated that he also has comments about the Police Department on Memorial Day and they were all positive.

Justice Dept- Hon. Harry Demarest- \$4,705.00 and Hon. Ed Stewart- \$3,601.00

Total- \$8,306.00. Itemized lists are located in the Court.

Councilman MacEwan

Transfer Station- Councilman MacEwan indicated that they covered most of this earlier in the meeting. He stated that total receipts \$6,949.

Supervisor Simmes stated that she has contacted Mr. Bradway because she has been expecting a contract from him to pick up metal and scrap from the transfer station. She told him that if he is not ready to get a contract to the Town that she will call the next person on the list. Counsel stated that in fairness to Mr. Bradway, he thought that was something that he was supposed to do and he completely forgot. Supervisor Simmes stated that Mr. Bradway will be meeting with her on Wednesday, June 4th at 10:00 a.m. to present his contract. She stated that she would like to let him know that at the sewer plant there is a lot of scrap metal and copper that he may be interested in. This could make money for the sewer department.

Water Dept- 7,661,543 gallons of water made with an average of 248,00 gallons/day. The pond is over the spillway. They have been busy replacing several main valve boxes and vacuuming dirt out of the main valve boxes in the distribution center. Several leaks and various service lines were repaired at Congers Point, Melody Manor, Norowal Marina and Jack Robinson's. All bacteria samples came back satisfactorily. Southworth Milton performed the yearly service on the water plant emergency generator and that came back satisfactory. Regular maintenance has been done around the plant. Time Warner has hooked up their internet connection and they are working on complying with the EPA for their raw water line.

Supervisors Report

Receipts: \$711,521.16 Disbursements: \$397,614.69

The Hamlet sustainability grant committee has had their second productive meeting. The members are Ron Conover, Hal Heusner, Jeff Strief, Jeff Anthony, Jeff Tennent, Sue Wilson, David Boyd, Bob Gebo and myself. Our next meeting is June 26th at 4:00 p.m.

Resolution # 111

Councilmember Rehm moved, seconded by Councilman MacEwan to approve Ron Conover, Hal Heusner, Jeff Strief, Jeff Anthony, Jeff Tennent, Sue Wilson, David Boyd, Bob Gebo and Supervisor Kathy Simmes as the Hamlet Sustainability Grant Committee members. All in Favor. Motion Carried.

Supervisor Simmes stated that she attended the occupancy tax meeting and someone made a list of people that have not received money and there was some leftover money. She stated that she made a motion for additional money to be given to the Sembrich Museum and it was accepted and they will receive an additional \$3,000.

Councilmember Rehm asked if the Town or the Police Department could put the pedestrian signs in the cross walks again. Supervisor Simmes stated that two of the signs were stolen, but the new signs have been put on the side of the road. They have put up 4 signs and they still have 4 more to put up. She stated that the State also has signs up as well.

Pay the bills

Resolution #112

Councilman Maranville moved, seconded by Councilman MacEwan approved to pay the following bills for June 2008:

General \$51,704.22

Highway \$37,324.68

Water \$12,363.09

Sewer \$13,759.45

Lighting District \$2,127.32

All in Favor. Motion Carried.

Transfers:

Discussion of a resolution made in December 2007 to transfer \$25,000 from the general fund to the water department. Supervisor Simmes feels that the bill should come out of the Water Department at this time. Councilmember agreed.

\$11,000 to sewer from general fund

Resolution #113

Councilmember Rehm moved, seconded by Councilman Saris to approve the advance of \$11,000 from the general fund to the sewer. All in Favor. Motion Carried.

Executive Session 10:04 pm

Resolution #114

Councilman Maranville moved, seconded by Councilman Saris to adjourn to Executive Session to discuss personnel issues. All in Favor. Motion Carried.

Adjourn

Resolution #115

Councilman moved, seconded by to return to regular session and adjourn the meeting at 10:45 p.m. All in Favor. Motion Carried.

Respectfully submitted by: Respectfully submitted by:

Patricia Steele Kristen MacEwan

Town Clerk Recording Secretary