

Bolton Town Board

Regular Meeting

June 1, 2010

Supervisor: Ronald Conover
Councilman: Robert MacEwan absent
Councilman: Owen Maranville
Councilmember: Deanne Rehm absent
Councilman: Gregory Smith
Town Clerk: Patricia Steele
Counsel: Michael Muller

Call To Order: 7:00 pm

Pledge: Councilman Greg Smith

Supervisor Conover requested a moment of silence in the memory of Lori Anne Simmes.

Minutes: Approve minutes of Regular Meeting of May 4, 2010.

RESOLUTION #120

Motion by Councilman Maranville to approve the Town Board minutes of May 4, 2010.
Seconded by Greg Smith. All in Favor. Motion Carried.

Public Hearings: None

Announcements:

- The Bolton Library will hold an open house on June 29 between 6 and 8pm. Supervisor Conover encouraged all Town members to attend to see the fine work and people at the Library. Additionally they will be holding a tour of Saratoga Battlefield and a River Cruise on June 5th. There are a few tickets left so please contact the Library.

Board of Health: None

Public in Attendance:

- Kathy Bozony, Lake George Waterkeeper

Kathy Bozony provided a presentation of the growing concern of algal blooms in Lake George. She stated that she wanted to emphasize the importance of shoreline buffers and fertilizers/pesticide restrictions to the Bolton Town Code similar to Queensbury and what the Town of Lake George is trying to implement. She stated that she is providing a brief overview of the presentation that she is providing all summer.

Kathy Bozony stated that Lake George is considered an Oligotrophic lake that was classified by NYS DEC in the early 1970's, specifically as a Class AA special drinking water quality. They tend to emphasize the classification as a source of drinking water because they rely on the lake's water for human consumption. The standards also identify that these waters shall contain no phosphorous or nitrogen in amounts that will result in growth of algae, weeds and slimes that will impair the waters for their best usages. Lake George's Class AA special designation has not been re-evaluated in almost 40 years. There is increased evidence that the waters are impaired, specifically for drinking, swimming and boating. Lake George is seeing an increase in algae, which is a natural part of the environment but when it grows in large quantities covering the natural vegetation, rock and surface of the lake it is called an algal bloom. It is a symptom that excess nutrients are feeding the algae.

Kathy Bozony stated that she has been swimming in Lake George since 1970 and in the past 2 summers she has snorkeled in over 60 sites around the lake. She provided pictures of what native plants and rocks in the water should look like. She also provided pictures of those native plants covered in algae. She stated that an oligotrophic lake will naturally age by accumulating nutrients and sediment over the years. She stated that they could rationalize that the changes that they are seeing in Lake George are expected; except for the fact that lakes naturally age over thousands of years not within a human generation. The changes in the lake over the last 5-10 years are not a natural process but rather an accelerated aging referred to as cultural-eutrophication. Cultural-eutrophication is the result of chemical enrichment of the lake by human activity in the watershed. People and land use and the decisions that they make only accelerate the process.

Kathy Bozony provided photographs of her site visits around the lake. She stated that these pictures show the accelerated growth of the algae in Lake George that she has never seen before anywhere, let alone in Lake George. She stated that the use of fertilizers is a land use activity that promotes algae growth. A fertilizer includes nitrogen, phosphorous and potassium and is used to boost non-native vegetation that might not otherwise survive the elements in this region. Fertilizers intended for the lawn and garden flow off the land and into the lake with every rain storm.

Kathy Bozony stated that if they look at the labels on fertilizer someone could buy phosphorous-free fertilizers. Although phosphorous is a limiting nutrient in Lake George all components feed

the aquatic plants and algae in the lake. Many fertilizers including phosphorous-free fertilizers are combined with harmful pesticides. The majority of these fertilizers and pesticide combine products that are reported to be toxic to fish and aquatic invertebrates, and are used in great quantities around the lake. She provided some names of fertilizers and pesticides commonly used around the lake. She stated that even mulch can contain chemicals that can alter their environment. The use of these commonly used products is alarming around Lake George. From 2003-2005 within the Town/Village of Lake George and Bolton Landing there was over 91,000 pounds of pesticides and almost 4,000 gallons of pesticide applied by licensed applicators; these are professional landscapers and licensed applicators that are required to report their applications to the EPA. However, these figures do not take individuals purchases or applications.

Kathy Bozony stated that although the caution signs are printed on the label is not easy to read the small print. It is important to know that only the active ingredients and their related hazards are reported on the label. The EPA does not require disclosure of the harmful chemicals that may be included in the inactive ingredients or how it will affect the wildlife and environment.

Kathy Bozony stated that planting native trees, shrubs and flowers on your property you eliminate the need to fertilize or use pesticide because native plants thrive in our environment without any special attention. Grass clippings left on the lawn after mowing will generally provide all of the nutrients which a lawn requires, specifically nitrogen. She provided pictures of algal blooms just off of un-buffered maintained properties.

Kathy Bozony stated that restricted the use of fertilizer and pesticide use around the lake and requiring the plant of a shoreline buffer would reduce nutrient loading which unnecessarily feeds the aquatic plants and algae. She stated that there are a lot of homes that have maintained lawns, planted to the lake without buffer protection. She indicated that of the pictures she chose, they all are of homes with seawalls, so without any native vegetation there is nothing to hold those soils in place. She provided pictures of other homes that did provide some shoreline buffering but not enough and showed a picture of a home with adequate shoreline buffering. She indicated that this home has retained all of the natural vegetation which has not only managed more effectively but has also enjoyed privacy for both the homeowner and many that appreciate the experience of a pristine scenic lake. She stated that ledge rock on many properties around the lake decreases the ability to planted vegetation to effectively root after the land has been cleared. The natural hard surfaces accelerate stormwater run-off which cannot be managed on this type of terrain. Natural shoreline vegetation is one of the most effective ways to protect Lake George's water quality.

Kathy Bozony concluded in saying that the Waterkeeper supports the use of native vegetation that requires no fertilizers or pesticide use and that the planting of a varied height mixed

vegetation shoreline buffer resembling the natural vegetation that grows around the lake. A vegetative buffer will hold the soils in place and lessen the impact of heavy rains pounding on the ground as the canopy of the trees softens the rain fall and protects the lake from stormwater run-off that carries sediment with nutrients and pollutants. Vegetation utilizes nutrients; their deep roots pull water into the soils for cleansing and re-charges the ground water. They feel that for best water quality protection the largest buffer that can be created would be best. Water quality protection is everyone's responsibility and should be their goal.

Supervisor Conover thanked Kathy Bozony for her presentation. Kathy Bozony stated that she hopes that this will start some discussions about shoreline buffering and restriction of pesticides.

- Rolf Ronning

Rolf Ronning stated that last month he requested a few things from the Town and in return the Town agreed to allow him to have a 1 year extension of the repair to see if the ski area would be moving forward with the condition that the PB agreed. He stated that he had hoped to go before the PB to discuss some basic concepts regarding the ski resort. He brought Saratoga Associates to make a presentation but the PB did not allow for such presentation. He has already made contact with the APA and an initial meeting has been set up to discuss the idea further. He stated that the planning of the ski area will be very expensive and his investors would like to see the Town support before investing.

Rolf Ronning stated that he feels that he has come up with a good idea and people in Town seem supportive. He stated that the PB would not even look at the map due to the violation. He stated that the PB wants him to fix the road but he does not feel that it would be wise to do that because if this ski area does happen there will not even be a road. He is requesting the TB to amend their resolution to grant the extension for 1 year, without the condition of having PB agree, so that he can see about moving forward with the ski resort.

- Zandy Gabriels

Regarding the ZBA's meeting with Local Planning Assistant Specialist APA, Brian Grisi, Zandy Gabriels has concerns about the differences between the Town and APA variance criteria. He stated that the Town's variance criteria was established in Town law and pursuant to legislation passed in 1992. In comparison the APA uses criteria established in their executive law that was passed some 35 years ago which uses different standards. Zandy Gabriels stated that Brian Grisi indicated that the APA looks at the variance criteria in almost the same way, but the APA uses a different step of evaluation that includes practical difficulty and unnecessary hardship. Brian Grisi also commended the Town on applying the Town law criteria and APA criteria when considering variances. Zandy Gabriels suggested to the TB that they consider a resolution to be

forwarded to the Governor and various elected officials, including Curt Styles, which says that they need legislation that would provide that the APA and other State agency use the same variance criteria as established in Town law. This would help get everyone on the same page with variance criteria.

Zandy Gabriels stated that he suggested this to Brian Grisi after the meeting and Mr. Grisi agreed that it might be a good solution to solving their multiple government approach to this. Zandy Gabriels feels that it would be intriguing to get the APA to agree to this because the APA has 3 other pending bills to amend the APA act. He stated that about 10 years ago the LGPC was encouraged to do the same thing and they agreed to do that. They passed a resolution, everyone in the basin agreed with it, it got down to the Governor's office and for some reason never got out of the Governor's office at that time. That was 10 years ago, with a decade of change, the variance criteria serves the Town very well. He feels that all State agencies should use the same criteria; all it would take is a legislative act.

Regarding Clay Roberts' correspondence on making Woodshire Estates a well free zone, Zandy Gabriels stated that he thinks the Town already has a resolution on this but what they are missing is a long term contractual relationship between the Town water district properties and Woodshire Estates. Woodshire Estates lies outside of the water district line but they get municipal water based on a 35 year old decision of the TB at that time. It is not a problem, but they are still outside the water district and there is nothing in writing; only moral obligations to one another. Woodshire Estates do not have a transportation corporation or facility. This has been a long outstanding issue of those residents that are outside of the water district and receive municipal water but don't have anything in writing. He stated that the Town has not expanded the water district lines because it is a very costly and expensive proposition.

Correspondence:

- Lake George Park Commission notification of application for Vessel Offering Food and Beverage.
- Adirondack Park Agency notification of complete application and formal review for MJ Real Estate Holdings, LLC in the Town of Bolton.
- Letter from Brian Grisi, Local Planning Assistance Specialist, APA, thanking the Bolton Zoning Board for the opportunity to meet with them.
- Richard Miller regarding operating hours for Norowal Marina- this item has been referred to Norowal Marina for a response.
- Robert W. Slozak inquiring about condition of property at 824 Trout Lake Road and what is being done- this has been referred to Code Enforcement and Counsel Muller.

- Time Warner Cable regarding possible changes to services/changes that may happen in the near future.
- Correspondence from C.T. Male Associates regarding classification of Edgecomb Pond Dam.
- Adirondack / Glens Falls Transportation Council regarding 2010-2011 Unified Planning Work Program.
- New York State Office of Parks, Recreation and Historic Preservation regarding listing of the Gates Homestead on the National Register of Historic Places.

Supervisor Conover stated that this is a wonderful thing for the Bolton landmark.

- Time Warner regarding franchise fee of \$2,498.72 for March and year to date of \$7,230.03.
- Adirondack Park Local Government Review Board regarding request for \$250 funding this year and budgeting \$250 contribution next year.
- Daniel Daniger expressing opposition to any street light on the Coolidge Hill and Brereton Road intersection.
- Correspondence Jean Ann Redman, Department of the Treasury, Internal Revenue Service regarding Employment Tax Examination.
- Rod and Tina Klami expressing opposition to street light at Coolidge Hill Road and Brereton Road.
- New York State Department of Transportation Notice of Order regarding 30 MPH speed limit in the Bolton Hamlet (order effective upon installation of necessary traffic control devices).- referred to Counsel Muller for any further action that may be required.
- Clayton Roberts regarding Well Free Zone for Woodshire Estates.
- Kathy Barrie, Warren County Civil Service regarding correct title of position as Wastewater Treatment Plant Operator, legislation to follow.
- Stan Cianfarano, Warren County Historical Society letter regarding membership support.
- Notification from Vinnie Palazzo regarding a birthday party on June 26, 2010 from 1-5pm.
- Notification from Anchorage HOA and the Crisps, regarding a HOA get-together on July 3, 2010 7-10pm, in which there will be some music played.

Committee Reports:

Councilman Robert MacEwan

Transfer Station- Total receipts \$6,383. The metal pile was cleaned up and 2 loads were removed. 5 buckets of batteries were taken to the County. Thanks to the Parks Dept, spring

clean-up went well. The Highway Dept picked 35 loads. Spring clean-up card usage from 5/15-5/30 totaled \$1,971 value.

Water Dept- 6,379,780 total gallons filtered, for an average of 205,794 gallons/day

Councilman Owen Maranville

Police-They patrolled 3,010 miles and used 266 gallons of fuel. They have been doing geese eradication at Veteran's Park on a daily basis. Councilman Maranville requested that he be put on that permit as well. An itemized list of all calls answered is available for review.

Assessor- On May 1st the 2010 Tentative Assessment Roll was filed with the Town Clerk and notice of the same was posted on the Town Bulletin Board as well as published in the Post Star newspaper. Tentative tallies are as follows:

- a. Parcels 3,625 vs. 3,612 last year
- b. Total Assess Value \$1,097,016,707 vs. \$1,091,682,053 last year
- c. Town Taxable \$1,057,068,032 vs. \$1,051,478,252 last year + \$5,589,780

During May, he received notice that his Tentative Equalization rate was 65% which matches his stated level of assessment. This means from 7/1/08 thru 7/1/09 that values have dropped 11.5%.

On Thursday, May 27, our Board of Assessment Review met from 2-4pm and 6-8pm to hear Grievances. This year the Board heard and deliberated on 10 Grievance complaints.

During May as in recent years, assistant Deb MacEwan's schedule has returned to a two day (four hrs/day) schedule. She will continue to cover for him when he takes vacation days or attend training during summer and fall months.

Justice-

Hon. Harry Demarest took in \$14,435; Hon. Edward Stewart took in \$11,135. Total monies forward to the Town of Bolton \$25,570. An itemized list is available in the Court.

Councilman Gregory Smith

Sewer Department- They took in 5,326,770 gallons of waste water for an average of 171,131 gallons/day. Monthly samples were mailed in and were returned with no violations. All beds are dry except for the ones in use. They had a sewer plug at Dula Place, the line was full of roots. They had the alarm system fixed at the Norowal Station and had pump maintenance performed on the North and South Station. They mailed in the 5 day report to DEC for the spill by the Library. They cleaned the equalization tank and grit chamber. Pumped all the sludge of the

clarifier, it needs proper pumps. The pumps that they are using took 5 days to do this job and it should only take 2 days. The sludge pumps are in need of repairs. Luke Dague is back to work. Casella hauled 40,000 gallons of liquid sludge. They are still having problems with the uniforms, but they are working on that.

Park Department- Councilman Smith stated that he would like to commend the Parks Department on a job well done in preparation for Memorial Day Weekend. All of the parks and Main Street looked great and they worked very hard on that. He also thanked Kubricky for the fine paving job that has been done. The Parks Department has been busy working on the parks, Main Street, as well as all of the buildings that the Town owns. He stated that these guys have a lot to do and they get it done with only 4 full-time employees.

The Parks Dept is also taking care of the Little League field. The dugouts and concession stand were pressure washed and should be stained sometime this month. The fields look the best they have in a long time. The water is on for the first time in 2-3 years and working properly. Councilman Smith stated that he was pleased to have received 2 thank you notes from the Little League. One letter was addressed to the TB thanking the Town for paying their annual dues; which allows them to keep the registration dues lower to be sure that they won't leave any children out. The other letter was from Yankee Concession Stand staff thanking the Town for putting a deck on the concession stand to allow better use of the concession area. He stated that it is important for these things to be done because it provides a great place for playing and watching little league.

Supervisors Report:

Receipts: \$662,190.43

Disbursements: \$584,661.25

- Warren County Sales Tax report for April up 10.5%.
- Mortgage Tax Report Bolton: \$83,657.72.
- Warren County Occupancy Tax Receipts for April \$67,915.97 (April 2009 \$68,226.65)
- Time Warner Franchise fee for March \$2,498.72
- Tim Coon and Supervisor Conover met with John and Deb Gaddy and Amie and Bill O'Rourke on New Vermont Road as discussed at our last meeting to review road work planned in their area and County Engineers toured the job with Tim and Supervisor Conover this afternoon. There is some business to follow.
- Letter from David D. Waage, 24 Mohican Road thank you for Bolton Volunteer Fire Company response.

Supervisor Conover read the letter for the record.

- Update on Green Fiber (cardboard)

Supervisor Conover stated that Green Fiber will continue to pick up newspaper but will be unable to take cardboard because of the amount. He stated that they indicated that they had to make too many trips to pick it up so they will have to make alternative plans for the cardboard.

Old Business:

- Woodshire Estates
- Lower Brereton Road
- Lake George Camping
- Bixby Road
- Street light request for corner of Brereton Road and Coolidge Hill Road (request withdrawn).

New Business:

- Legislation, if required, authorizing Highway Superintendent to place 30 mph signs in the Hamlet of Bolton.

Supervisor Conover stated that he would like to refer this to Counsel Muller for his review and advice.

- Resolution authorizing change order #2 for piles on Pier Project in the amount of \$49,970.68 with a project completion date of August 7, 2010.

Carl Schoder gave a brief update of the project status. He stated that at the last TB meeting he indicated that they had encountered some issues with installation of the fender piles due to some boulders which at the time they thought was to be bedrock. Due to this problem they have had to change their technique for installation of the fender piles. He stated that he had asked the contractor to come up with a change order price. Carl Schoder stated that the first quote came in about 12% higher than what they are looking at now. He stated that they were able to negotiate it down to the current figure. This unfortunately has also caused a delay. He stated that they did look at alternatives, including eliminating the piles. However, in speaking with the large steamboat companies, they expressed their dismay if those piles were to go away, because they are not sure how they would bring their boats in. They also looked at other techniques and the bottom line was that it would not be that much less expensive to use a different type of material or technique.

Supervisor Conover asked if the August date is 100% completion. Carl Schoder stated that they are working with the contractor to have final completion by August 7th. However, there is an interim date of July 1st, which will allow the use of the dock facilities via a temporary access ramp from the beach.

RESOLUTION #121

Councilman Smith moved, seconded by Councilman Maranville to authorize Change Order #2 for piles on Pier Project in the amount of \$49,970.68 with a project completion date of August 7, 2010. All in Favor. Motion Carried.

- Resolution changing title of Waste Water Treatment Plant Laborer position to Waste Water Treatment Plant Operator and appointing Luke Dague to this position.

RESOLUTION #122

Councilman Maranville moved, seconded by Councilman Smith to change the title of Waste Water Treatment Plant Laborer position to Waste Water Treatment Plant Operator and appointing Luke Dague to this position. All in Favor. Motion Carried.

- Resolution declaring as surplus 1995 Chevrolet 1GBHK34NXSE247038 1-ton pickup with plow (Sewer Dept), 1996 Ford 2FTHF26H1TCA65401 pickup F250XL, 4 wheel drive, dual gas tanks (Transfer Station), 1987 Ford Ambulance 1FDKE30L8HHA09818 (Water Dept) and authorizing going to bid without reserve/as is or if no bids disposal.

RESOLUTION #123

Councilman Smith moved, seconded by Councilman Maranville to declare the 1995 Chevrolet 1GBHK34NXSE247038, 1-ton pickup with plow (Sewer Dept), 1996 Ford 2FTHF26H1TCA65401 pickup F250XL, 4 wheel drive, dual gas tanks (Transfer Station), 1987 Ford Ambulance 1FDKE30L8HHA09818 as surplus and authorizing to go out to bid “as is and without reserve” and if no bids are received allow for disposal of same. All in Favor. Motion Carried.

- Authorize Supervisor to retain Schoder River Associates services for stormwater issues not to exceed \$3,000.

Supervisor Conover stated that pursuant to his meeting with Town Highway Superintendent, Tim Coon, Schoder River Associates, Warren County Highway Superintendent, Bill Lamy and residents John and Deb Gaddy and Bill and Amie O’Rourke regarding the culvert on New Vermont Road near Bette’s Pond, he stated that he would like to retain Schoder River Associates

services to look at this culvert. There are issues associated with it that go beyond the capabilities of the Highway Dept. He feels that it would be wise to have a professional engineer come in and address these issues. He stated that Carl Schoder has a lot of experience in this area and was recommended by a number of people who are familiar with the type of issue that they will be encountering there.

Supervisor Conover briefly explained the situation that is occurring and stated that it needs to be addressed quickly before a storm could do some serious damage. He stated that he is not sure how much it will cost at this point but would like to initially set a threshold not to exceed \$3,000.

RESOLUTION #124

Councilman Smith moved, seconded by Councilman Maranville to authorize the Supervisor to retain the services of Schoder River Associates to advise the Town on water and drainage issues associated with the culvert on New Vermont Road in an amount not to exceed \$3,000. All in Favor. Motion Carried.

Public in Attendance

- Zandy Gabriels- regarding retaining Schoder River Associates.

Zandy Gabriels stated that at the last meeting they were considering hiring a professional engineer to look at all of the stormwater for roadside clearing. He asked if Schoder River Associates would be used for that as well. Supervisor Conover replied that for the moment Schoder River Associates will only be used to address the issues regarding this culvert on New Vermont Road. Last month, the issue of the one culvert has been taken care of and removed. He stated that he also has to talk with the County Engineers regarding their observations of this area. If they feel that they need additional services he will come back to the TB with that request.

With regard to funding \$250 to the Adirondack Park Local Government Review Board, Zandy Gabriels strongly suggested that they encourage the Board to contribute.

- Rolf Ronning

Rolf Ronning stated that he was wondering if there would be any action based upon his words he spoke earlier.

Supervisor Conover stated that any Board member can introduce a motion or resolution at any time during this meeting, it could be seconded and acted upon. He stated that if any Board member here were to introduce a motion suggestion relative to his proposal, they are free to do that.

Transfers:

RESOLUTION #125

Councilman Smith moved, seconded by Councilman Maranville to authorize the following transfers:

FROM	TO	AMOUNT
General Fund		
19904 Contingency	to 12204 Supervisor	\$3,150
19904 Contingency	to 19404 Purchase of Land	\$ 875
Sewer District		
81302 Treatment Equipment	to 81102 Administrative Equipment	\$ 50
Community Development		
UDAG	to Rogers Park Pier Project	\$20,000
Rogers Park Docks	OSI Payment of	\$192,356.10

All in Favor. Motion Carried.

Pay Bills:

RESOLUTION #126

Councilman Maranville moved, seconded by Councilman Smith to authorize payment of the following bills:

May Mid Abstract:	Purchase Order#	Amount
General	598-600,602-610,612,614-615	\$4,079.45
Highway	205	16.54
Water	125-126	1,370.36
Sewer	129-132	3,464.61

Street Light	601,611,613	348.93
Conservation Park	545	80,012.80
June Abstract:		
General	546-597 & 616-641	44,681.01
Highway	184-204 & 206-214	22,822.63
Water	114-124 & 127-132	3,606.70
Sewer	116-128 & 133-137	7,016.79
Rogers Park Dock Equipment	5	192,356.10
Rogers Park Dock Contractual	4	2,540.05
Tourism	7-8	7,480.00

All in Favor. Motion Carried

Executive Session: Contractual Matter

RESOLUTION #127

Councilman Smith moved, seconded by Councilman Maranville to enter into Executive Session at 8:05pm with no action from the Board. All in Favor. Motion Carried.

Adjourn:

Respectfully submitted by:
 Patricia Steele
 Town Clerk

Respectfully submitted by:
 Kristen MacEwan
 Recording Secretary