

REGULAR MEETING  
BOLTON TOWN BOARD

June 4, 2013

Meeting Call to Order: 6:30 pm.

Pledge: Cheryl Bolton

Regular Meeting:

Supervisor: Ronald Conover  
Councilman: Robert MacEwan (absent)  
Councilman: Owen Maranville  
Councilmember: Cheryl Bolton  
Councilmember: Susan Wilson  
Town Clerk: Jodi Connally  
Counsel: Michael Muller

Minutes: Approve Minutes of Town Board Meeting held May 7, 2013

**RESOLUTION #129**

Councilmember Bolton moved, seconded by Councilmember Wilson to approve the minutes of Town Board meeting held May 7, 2013. All in Favor. Motion Carried.

Approve Minutes of Special Town Board Meeting Held May 23, 2013

Supervisor Conover stated that this item will need to wait until Councilman MacEwan is present to vote on this item.

**Public Hearing on outdoor sound amplification permit for EUMC at Rogers Pier on 7/14/2013 from (9:00 AM– 10:00 AM). Communications: Gloria Gallo**

There were no public comments.

Supervisor Conover explained that this is a permit for EUMC at Rogers Pier, an organ will be playing. It is a public park and people are welcome to gather there. This is just a one-time event. One letter was received from Gloria Gallo who indicated that she had no problem with this one event but would not want to have it occur on a regular basis. He stated that the request is for a singular event.

- Resolution regarding sound amplification permit for Emmanuel United Methodist Church at Rogers Park Pier for Service on 7/14/2013 from 9am to 10am (electronic keyboard to accompany hymns).

**RESOLUTION#130**

Councilmember Wilson moved, seconded by Councilmember Bolton to approve the sound amplification permit for the Emmanuel United Methodist Church at Rogers Park Pier for service on 7/14/13 from 9am-10am. All in Favor. Motion Carried.

**Public Hearing regarding outdoor sound amplification permit request by George D. Pieper, for a wedding reception on September 7, 2013.**

- Resolution regarding sound amplification permit request, George D. Pieper, 38 The Back Road for a wedding and reception on September 7, 2013 From 5:30 to 11:00pm.

Councilmember Wilson stated that she has intimate knowledge of this parcel; her son was married at this location 5 years ago. It is a 34 acre parcel surrounded by vacant or seasonal residences. There are full time residences around but due to the size of the parcel they are at least 1800 feet from the tent set up. They may hear some sound but it will be enclosed in the tent.

George Pieper stated that he received 2 letters from neighbors; both indicating that they took no issue with the event.

**RESOLUTION#131**

Councilmember Bolton moved, seconded by Councilmember Wilson to approve sound amplification permit for George D. Pieper, 38 The Back Road for a wedding and reception on September 7, 2013 from 5:30 to 11:00pm. All in Favor. Motion Carried.

**Public Hearing on outdoor sound amplification permit for sound amplification permit for Laura Costello for August 10, 2013 at Somewhere In Time. Communications: Alex Jeyschune**

Supervisor Conover read the following correspondence with regard to all applications for Somewhere in Time:

- Jane Bozzone who indicated that violations to the covenant that was recently filed with the applicant's deed were observed and documented. Also complaints of noise and numerous other issues.
- Lawrence and Carolyn O'Connell opposed and also documenting violations and issues.
- Alex Jeyschune, President of the Diamond Ridge HOA who was opposed to the applications.

Dan Daniger, 73 Coolidge Hill Road, stated that his house is approximately 1500' from the property and he can hear the noise at his home. It does go past the 10pm and it is loud.

Linda LoPiccolo, neighbor stated that it has been awful dealing with this property and the events. She has been to every meeting and written letters on every application. The property owner has not and will not comply with Town regulations. The police have been called on numerous occasions for noise and going past the 10:00 pm time limit. Both Canoe Island Lodge and Somewhere in Time had weddings on June 1st. At 10pm Canoe Island Lodge shut down and nothing more was heard. She has never had a compliant against Canoe Island Lodge. At Somewhere in Time it went past 10pm and the noise didn't stop until 12:30am. They could even

hear music loudly from the beach. The signs that she has posted do not keep wedding guest from going onto her dock. She stated that they cannot be directly outside of their house because the music is so loud all the time. Additionally, guests are using their path to go down to the lake.

Mike Polyak, 19 Coolidge Hill Road, with regard to the sound curtains on the south side. He stated that the applicant should have considered putting them up on all sides because the sound is traveling up the hill to the neighbors on Coolidge Hill. He stated that he understands that these were probably booked quite some time ago and he does not want to mess up anyone's plans but he would appreciate the applicant also considering the neighbors to the north.

Laura Costello and her groom Brett stated that they are supposed to be married on August 10<sup>th</sup>. They have already talked to their DJ and indicated that 10pm would be the latest that they could have music and the DJ has agreed to stop at that time. The wedding will end at 10pm. The DJ has a copy of the noise ordinance and has agreed to be below the decibel level. She stated that she is aware of the path down to the lake. They want to follow the rules and not have to worry about the neighbors calling the police. They only have 2 months before the wedding and are extremely concerned.

Carolyn O'Connell, neighbor, stated that she is opposed to any noise permits. She has raised her children here and now has her grandchildren and other guests that visit. She stated that the music is so loud it makes it difficult to enjoy the outdoors or have the windows open. She has never complained about a neighbor until now. The party continues even after the music stops. She asked to have the nice atmosphere back and to not grant the permits.

Holly Whipple, neighbor, stated that these events continue to be an ongoing problem and concern. Even when the police are called the music gets lowered but the party continues and it happens at every event. She lives here year round and has 2 small children that are up all night during these events. She called the police at 9pm because the music was so loud she couldn't even hear her TV. Ms. Whipple stated that she is disappointed these weddings continue to get approved and there is no consequence for disregarding the rules. It's gotten to the point where they are selling their home. She asked the Board to deny the applications so that it can end.

Bob McNally, representing Mr. Gramegna, stated that his comments are intended for all applications on the agenda tonight. The complaints that they have been hearing are somewhat of a carryover from last year because there are some facts that are being stated that are not true. Mr. Jeyschune's letter has comments that are unfounded and not justified. He argues that this is a B & B and that no one lives there full time, but the volume, the book, that describes a B & B does not require year-round residence. It is a facility that rents rooms and has a provision for a meal and a staff person is available. Bob McNally stated that the town ordinance does not define a B & B. There was a staff member present on June 1<sup>st</sup> and did see that the provisions set forth in the conditions from the PB were complied with. Mr. Jeyschune also complains that this is more than a B & B, but the applicant has approval to host weddings, events in association with the B & B. Mr. McNally states that the Planning Board Approval says the operation of Somewhere in Time shall only be permitted to host weddings, social gatherings, and similar events. The applicant should be able to have things that typically occur at a wedding including music which can be heard and sometimes amplified.

Bob McNally stated that this is not going to occur every weekend and has not occurred every weekend. These contracts were entered into a long time ago, before the new ordinance was passed and before the new requirement of having people come here to apply was actually an issue. He stated that he has been involved since January to work with the Town and hammer out a plan for these events and to set up the proper provisions for them to occur. Any application should be considered on its own merits and not based on the past.

With regard to Mr. Jeyschune stating that 8 people were on the beach, Bob McNally stated that there is no provision in the TB approval that says guests of the B & B or Carriage House can't go on the beach that Mr. Gramegna owns. There is nothing in the TB approval that prevents guests of the B & B or Carriage House from using the beachfront. It says "Somewhere in Time shall be prohibited from staging, hosting or conducting any social event or social gathering at the shore area or common beach area." Those that complained about these people using the beach, only found 8 people using the beach, they were not drinking, partying or playing music. They were doing nothing wrong. The neighbors spoke with them and were told that 81 people were at the wedding. Mr. McNally goes on to say that these individuals entered into contracts last year and now have to lose the opportunity to have a wedding because of generic complaints about things in the past. These people did nothing objectionable, and to object to the issuance of a permit for sound because people went on the beach is going beyond the purpose and intent of this ordinance. With regards to trespassing on the beach, they have taken steps to keep people off the neighbors properties.

With regard to parking complaint on lot 1, Bob McNally stated that the applicant owns lot 1 and parked his car and a friend's car on lot 1. These were people that were not attending the wedding. The permit only requires that guests and visitors park on premises. The TB permit states that the on-premises manager shall assure that guests and visitors are directed to park on premises. With regard to parking overflowing onto Diamond Ridge Road, Bob McNally stated that there is a 25' ROW from the center line of the road. He stated that he is unsure where that is on the applicant's property but if the cars are hanging over slightly into the ROW it is going beyond. No one parked on that road. There were people there to make sure no one parked on that road this year. Mr. McNally stated that there is demonstrated hostility and animosity by the HOA and they are looking for a reason to shut this down.

With regard to constant events, Bob McNally stated there are just 3 events. The applicant has already agreed not to host events from June 15<sup>th</sup> to September 15<sup>th</sup>.

With regard to music all night long, Bob McNally stated that the music ended at 10pm and will end at the time the permit states. The animosity that is here is palpable and the neighbors just don't want this business at that location but it is approved. He stated that you have to drive quite a bit up the road to find neighbors on Diamond Ridge, there are thick woods in between this property and those on Coolidge Hill; the closest neighbors are to the south. He stated that sound carries from time to time. The applicant wishes to comply with the ordinance and continues to do so.

Bob McNally stated that a lot of disputes are largely private. He stated that each application should be reviewed on its own merits.

Lawrence O'Connell stated that Mr. Jeyschune is an astute businessman, smart and honest. John Gramegna has put the individuals having the events up for the permits, which is really unfair. He feels the neighbors should not be put in a situation to deny young people their wedding application. He believes Mr. Gramegna has no regard for his neighbors. With regard to the animosity, he stated that he would like nothing better to get along with Mr. Gramegna. When Mr. Gramegna first moved here he talked about retiring here to run a B & B. Not long after that more and more construction was occurring at the property and he indicated that he wanted to "suck some bucks out of this place". This is a new season and he understands that the town is trying to work with him. June 1<sup>st</sup> was the first test and he failed. The sound curtains were not down and the noise was extreme. He is not a good neighbor. He is parking on lot 1 with different cars at different times. Mr. O'Connell provided pictures and video of evidence of parking on lot 1, which the Town Board accepted and discussed. He is not using sound curtains because people don't like them. He does not want to approve any of the events because Mr. Gramegna cannot manage them.

With regard to the use of the beach, Carolyn O'Connell stated that there really is no beach. Additionally, the path to get down to the lake is shared by the neighbors. She is concerned that if someone is trespassing on their property to get to the lakefront and falls, the liability will fall on her and the other home owners. Lawrence O'Connell stated that he recalls that when a wedding is taking place there is not to be use of the beach area. Only B & B guests are allowed to use the beach.

Holly Whipple stated that the events have been stopping more at 10pm but they are not in compliance with the decibel level which is the issue. It is supposed to be at 75 and it is definitely a lot higher than that.

Bob McNally stated that he does not know if the police were called because no charges were brought. No action resulted so he does not feel that it should be considered. He also feels that some of these complaints are unfounded and raising ancient history and should not be addressed with regard to this application.

Supervisor Conover closed the public hearing.

Supervisor Conover stated that the previous approvals were by the PB relative to site plan review of this particular activity. The PB in making its determination, identified a number of activities or events currently under contract that should be allowed to take place. They did set limitations for any future events, being these events would not be able to take place next year because there are no events allowed from June 15 to Sept. 15. The PB has approved those specific dates already under contract as well as the September 26 & 27th. He stated that the PB approved these events to honor the contracts that had been in place for some time and it would not be reasonable to change due to time. There is at least one more event that will be coming before this Board. The PB in approving the gatherings, does not have jurisdiction to approve amplified noise. He stated that we do not hand out noise permits in any significant number nor do people request them in any

significant number. There are 2 restaurants in the business district that requested sound permits this year but again they are in commercial zones and comply with the time permitted.

Supervisor Conover stated that we have people contracted to hold their special events for Somewhere in Time which go back to March, April, May and June of 2012. However they are not contracts of the use of the B & B. Counsel Muller stated that the contracts do not include use of the B & B. There are sub-contracts for chairs, caterers, etc. The approval was not to give leniency to Mr. Gramegna but rather help those individuals that entered into this contract and did not have the proper knowledge. The applicant was clearly in violation when he entered into these contracts but they have gotten through it. Even though these were approved, they would have to comply with the new condition as well as comply with the new noise ordinance. He stated that Mr. Gramegna sent his customers to apply for the noise permits immediately thereafter and he worked with Mitzi to process them and get them before the TB.

Supervisor Conover asked for some clarification of the use of the beach area. Counsel Muller explained that it was just there to prohibit weddings or events on the shoreline, but it was not intended nor worded to prohibit those using the B & B to use the shoreline. It is a deeded covenant right that Mr. Gramegna has. If they intrude upon the rights of others, it is a private problem and it is not something the Town wants to promote but it is not something we can solve either.

With regard to parking on lot 1, if it is just Mr. Gramegna's vehicles, then there is no issue. If it is for overflow parking, it is not permitted nor was it ever intended for overflow. The applicant and representatives have assured the Town that adequate parking is capped at a 45 cars. The applicant has also indicated that if overflow parking was necessary he would find other parking and shuttle those guests into the site. Parking on that lot is an APA and covenant issue.

Counsel Muller stated that the findings of fact were a collaborative effort. He shared them with all parties involved and it was altered and amended numerous times. If there are any conflicts in the draft minutes and final version, it is the findings that would control. There were dates bouncing around, if that date did not get into the final draft, it is not an event that was approved by the PB.

Supervisor Conover asked what will prevent the Town from being in the same position next year. The code only requires 45 day notification for sound amplification permit, but it was never intended to deal with anything quite like this. Counsel Muller commented that now we are discussing the noise ordinance and how it applies. He explained that in the earliest versions they talked about reoccurring applications. They also discussed limiting them, however it did not make it into the final ordinance. He stated that it might be something that they want to discuss and add to the ordinance.

Councilmember Wilson stated that at the last TB meeting the May 25<sup>th</sup> and June 1<sup>st</sup> events were approved solely for the applicants who were innocent bystanders in the matter. She stated that she is prepared to make a resolution to approve these sound amplification permit with the following conditions: 1) that the sound be no longer than 6 hours in one day and 2) no later than 10pm. She is not insensitive to the neighbors as she has been wrestling with this issue for weeks.

Councilmember Wilson stated that she would also like to make a resolution to authorize Counsel Muller to put Mr. Gramegna on notice that beyond the current approvals, this TB has no intention of giving him sound amplification permits at Somewhere in Time within 60 days of each other and no later than 10pm. They can look at changing the noise ordinance in the future but she would like this done now. Counsel Muller asked if Councilmember Wilson is looking to approve all events on the agenda tonight with those conditions. Councilmember Wilson replied yes. With regard to the letter to Mr. Gramegna, Counsel Muller stated that it would not be an abuse of their discretion to send the notice given the amount of public comment received and heard tonight.

Supervisor Conover stated that before moving forward with approvals he would like to be sure that there are no further comments regarding the other applications.

Dan Daniger requested lessening the decibel level to less than 75. He sympathizes with those individuals that have booked but does feel that the sound level and time should be limited to 10pm. Counsel Muller stated that earlier versions of the noise ordinance had it at 50 but science showed that 50 decibels was too low. Councilmember Wilson stated that the 50 decibels is a normal conversation.

Lawrence O'Connell asked that the sound curtains are lowered for the events.

Councilmember Bolton stated that she agrees that the events need to be limited to one day and that it needs to end at 10pm. She would also like to see the curtains on all sides to meet the needs of the neighbors.

Supervisor Conover stated that we do have an additional date coming up that the Board should be aware of.

Councilman Maranville asked if the Code Enforcement Officer is going to enforce the curtains. Supervisor Conover replied that it is something that can be checked prior to the events. Mr. Maranville does not feel that he can support the events taking place as Mr. Gramegna has led the Town astray and disappointed families. He stated that we need to remember that there is a permitting process. Mr. Gramegna has shown little to no respect for the town regulations and has orchestrated potential for disasters on their very important day. It is hard to say no to these weddings but weddings are not before them, we are reviewing the sound. He feels he cannot support this because he believes it will continue to happen no matter what restrictions we put on him.

Supervisor Conover stated that he will not vote for any future applications, setting aside the one that the PB has already approved that will be on next month's agenda, that are past 10pm, beyond 1 day, or events that are within 60 days of one another. We are going to allow these weddings to take place, many are Bolton families. The neighborhood has been seriously affected. Supervisor Conover read from the findings of fact. Mr. Conover acknowledged the amount of people that had turned out for tonight's meeting and also the large amount of correspondence he has received. He read aloud the Planning Boards findings. "The applicant represents that the conduct or hosting of events at the Bed And Breakfast in 2013 and in all subsequent periods of time shall be social

gatherings and events hosted in conjunction with the occupancy and use of the premises as a Bed and Breakfast. Termination and cessation of the operation of the Bed and Breakfast so that the premises may be used solely for the purpose of a venue for social gatherings, events, weddings, receptions and the like without Bed and Breakfast occupancy and without the supervision by the on-premises Bed and Breakfast management shall not be conducted.” Mr. Conover also read aloud Section B under Conclusions of Law, “Approval should not be construed as permitting the rental, licensing, contracting, or arrangement between the owner of the premises and any tenant, licensing or party or unsupervised Bed and Breakfast occupancy. Their use of the premises as a commercial enterprise ,or venue for the social gatherings, weddings, receptions, reunions or similar events are not held in association with a reasonably considered part of the operation of the Bed and Breakfast.”He stated that these events that are to be conducted at Somewhere in Time are to be held in conjunction with the B & B. Mr. Conover said that he will not support any future applications that don’t meet the standards that he believes are reasonable to maintain the quiet enjoyment of this and any neighborhood. Councilman Maranville stated that we are setting a precedent and there is a lot of potential for this happening elsewhere in town. Supervisor Conover stated that the PB chairman made it very clear that their approval was not for the Bed and Breakfast but rather for those individuals holding the events who have found themselves in this situation through no fault of their own. Councilman Maranville asked if they can be notified of contracts that might have noise permits. Counsel Muller stated that CEO is asking for the contract when the applicants are applying for sound permits.

With regard to Councilman Maranville’s comment about setting a precedent, Councilmember Wilson stated that the ordinance states that the Board will consider the location, proximity, nature, time of day, prior number of applications in the past year and prior experience with applicant or agent, so she feels that it is not setting a precedent because each application is looked at individually. Councilman Maranville disagreed and stated that we are not looking at this applicant’s past experience, as Mr. Gramegna has blatantly abused it, in years past and even in the last few weeks.

Supervisor Conover stated that we may want to put something in the letter relative to timely submittal of noise permit applications in the future.

- Resolution regarding sound amplification permit by Laura Costello for August 10, 2013 from 4 pm to 10 pm at Somewhere In Time for wedding reception.

**Public Hearing on outdoor sound amplification permit for Tom Orvis for wedding at Somewhere In Time from 8pm -12pm on June 22, 2013.**

- Resolution regarding sound amplification permit by Tom Orvis for wedding at Somewhere In Time from 8 pm to 12 pm on June 22, 2013.

**Public Hearing regarding sound amplification permits by Kristen Armer and Jesse Malone at Somewhere In Time for September 21 and 22, 2013.**

- Resolution regarding sound amplification permits by Kristen Armer & Jesse Malone, sound amplification permits at Somewhere In Time for September 21 & 22, 2013 from 4 pm to 10 pm, Band amplified music 2nd day from 3pm till 9 pm.

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**RESOLUTION #132**

Councilmember Wilson moved, seconded by Councilmember Bolton to approve sound amplification permits for Laura Costello on August 10, 2013, Tom Orvis on June 22, 2013 and Kristen Armer and Jesse Malone on September 21 or 22<sup>nd</sup>, 2013 with conditions 1) No more than 6 hours in one day, 2) nothing later than 10pm and 3) curtains are utilized during these events. Councilman Maranville opposed. Supervisor Conover, Councilmember Wilson, Councilmember Bolton ayes. Motion Carried.

There was discussion of the letter to Mr. Gramegna. Timely notification of when he is planning the events should be required. Counsel Muller will draft a notice to Mr. Gramegna that will include the Board's requests of a time limit of no more than 6 hours, no later than 10pm and timely notification of applications. He stated that he will work up a draft and provide it to the Board for review. Councilman Maranville stated that we should not be pressured into this letter as Mr. Gramegna has pressured us into these applications. He would like to put some time and thought into it.

Holly Whipple asked what the neighbors' process is now because there have been no consequences. She says she has called the police 3 or 4 times. Supervisor Conover stated that there has been ample discussion this evening to limit Mr. Gramegna in the future. The permits will not be handed out as easily, nor will they be approved for the summer. From a law enforcement perspective, it is difficult. There are provisions in the code for fines.

Joann Polyak, Coolidge Hill, asked why Mr. Gramegna would allow such times that go beyond the noise ordinance or why no fines have been issued. Supervisor Conover stated that he is not sure but it is extremely unfortunate to find themselves in this position. Counsel Muller stated that when complaint comes in, we can substantiate it and bring it before the justice court to issue the fine. He stated that if there are further offenses there are additional fines and could potentially face being shut down in civil court in Warren County.

Councilmember Wilson stated that the Town has recently purchased 2 units to test the noise decibel level which will help with their enforcement of the ordinance. Counsel Muller stated that the decibel meters can track the levels, but training will be necessary in order to operate them properly. Mr. Muller stated that with decibel meters we will have science to back them up which will help with enforcement.

Supervisor Conover stated that a lot of work has been done to keep these events out of the summer months and to limit the time and amount of events occurring in the year. So the neighborhood should see a difference.

Public in Attendance:

Dan Daniger, 73 Coolidge Hill Road, thanked the TB for upgrading the dog and noise ordinances. They are well written and he has seen his fair share of occurrences. Those ordinances are only going to be worth the paper written on if they are enforced properly by the Town. He said he has a zoning complaint and a noise complaint in the pile now. With regard to the noise ordinance, he stated that the frequency and not necessarily the decibel level has a lot to do with the noise levels. He stated that he has experienced his windows shaking. He is not sure how to quantify or qualify the amount that is allowable but it should be thought about.

Correspondence:

- Thomas McGurl regarding Park Attendant and manner in which Dogs in Veterans Park issue was handled.
- Request by Court Clerk to carry unused vacation time to 2013.
- Deanne Rehm request for debris piles to be picked up and for bicentennial black-eyed Susan to be planted.
- New York State Department of Taxation and Finance, Office of Real Property Services regarding Tentative Equalization Rate for Bolton at 100.
- Dylan Walrath regarding GMS registration and nomination for Adirondack Park Economic Development Strategy nomination.
- Copy of letter from Mayor Robert M. Blais to LGPC thanking the Commission for their efforts regarding mandatory boat washing, inspections and treatment and encouraging the exploration of ways to fund the program other than putting the cost on any one group.
- Laura Costello, sound amplification permit at Somewhere In Time for August 10, 2013 from 4 pm to 10 pm, DJ for wedding.
- Tom Orvis, sound amplification permit for wedding at Somewhere In Time from 8 pm to 12 pm on June 22, 2013.
- Kristen Armer & Jesse Malone, sound amplification permits at Somewhere In Time for September 21 & 22, 2013 from 4 pm to 10 pm, Band amplified music 2nd day from 3pm till 9 pm.
- Robert P. McNally, Attorney requesting consideration for outdoor amplified noise permits for May 25 and June 1, 2013 weddings at Somewhere In Time.
- The Sagamore Resort, notification of request for fireworks display permit for June 27, June 28, July 4, at 9:30pm and July 5, 2013 at 9:15.
- Susan A. Picarillo, State Office of Emergency Management regarding withdrawal closeout of FEMA 1993 DR NY.
- Robert Phillips request to drop off and pick up kids and counselors at Rogers Park dock on Friday, July 12, 2013 for Double H Hole in the Woods (depart 9:30 a.m. and 10:30 a.m. and return 3:30pm and 5:00pm).
- Adirondack Park Agency, APA Project Permit 2012-134, Richard and Lynn M. Kudlack issued 5-15-13.
- Adirondack Park Agency, APA Project Permit 210-147A, Pinnacle Wireless USA, Inc., Florida Towers and AT&T Mobility-Upstate NY issued May 30, 2013
- John S. Mucha, Time Warner Cable regarding SDV (Switch Digital Video and additional services and channels televised via SDV.

- Richard E. Weber, III, APA notice that on May 15, 2013 the agency conditionally approved project no. 2012-134, Richard and Lynn Kudlack.
- Sound amplification permit request, George D. Pieper, 38 The Back Road for a wedding and reception on September 7, 2013 From 5:30 to 11:00pm.
- Michele Perosi-Froehlich expressing concerns and opposition to Foy Inn proposal on Allen's Alley.
- Gloria Gallo and Family support for EUMC Methodist Church service on July 14, 2013 but opposed to weekly service on the pier.
- Request for Fireworks Display Permit, Credit Union Association of NY, Alonzo Fireworks Display, 6/15/2013, 9:30 off Green Island in the area of Sagamore Resort.

Committee Reports:

**Councilman Robert MacEwan (was absent but report was included in minutes)**

Water Department- Actual flow through the plant before deductions 9,262,600. Flow after deductions 7,979,003. CL2 used 130 lbs. Orthophosphate 2/3 used 23.2 gallons. Soda Ash used 1,200lbs. PC2300 used 94.6 gallons. Pond level over spillway. May was a busy month. Our monthly water samples came back satisfactory. Had a water leak on the 8" transite pipe down on the south end. Had Ellsworth come in and fix it. They did a good job from start to finish. They have a very good crew. We had one service line hit by contractor on a Sunday 5/5/13 at 27 Horicon Ave. No dig request from Dig Safely New York. Replace rod and box on service line down at 4871 Lakeshore Drive, Heldman's residence. Turned water service back on for a few more part timers. John has been busy at the plant repairing different things. Plant is getting old. Been busy cutting grass around the plant and cutting grass around the hydrants. The cemetery had a leak on their service line, the line consists of plastic galvanized and copper. They are going to replace line. They fixed it temporarily for now.

**Councilman Owen Maranville**

Police- patrolled 2,960.2 miles and used 205.6 gallons of fuel. All members received training and certification for CPR/AED, all valid for 2 years. Per request Chief James Neumann appeared at Bolton Central School for a per-prom assembly and Officer Keane provided security checks during all prom related events. Officer Keane provided assistance in the school evacuation drill as well. Traffic lights were turned on May 15<sup>th</sup> and were reset once during a storm related power outage. Chief Neumann, Officers Keane and Kobor provided traffic control and coverage during the Memorial Day Parade. An itemized list of calls answered is available for review.

Highway- Working on Edgecomb Pond Rd, cutting trees, ditch work to get ready for paving, installing new culverts, ready for blasting. Patch black top various roads. All roads have been swept. Grading and raking dirt roads. High Peaks finished the tree removal on Potter Hill Road. Stock Piling item 4. Ground up Thunderbird Road, drew in item 4.

Justice Court- Hon. Harry Demarest took in \$5,450, Hon Edward Stewart took in \$3605. Total monies forwarded to the Town totaled \$9,055. Itemized lists are available for review in the Courts. Councilman Maranville commented about the drop in revenue since the State Police moved out of Bolton Landing.

Assessor- During May the computer file was continuously kept up to date to keep up with deed transfers and address changes. With regard to sales, there have been 9 more arms-length sales to report, making it 46 totals since July 1, 2012. On May 30<sup>th</sup> the Board of Assessment Review met from 2-4pm and 6-8pm to hear grievances. There were 16 grievances that were received and reviewed by the Board, 7 of the grievances were actions continued from last year and are in court for settlement or determination. The Board had the determination meeting immediately following and concluded all cases by 9pm. Dave has spoken to Counsel Muller after reviewing incoming expense data from one of the last years' cases in hopes to get a settlement. There was no WCAA meeting this month.

**Councilmember Susan Wilson**

Library- Movie night with the Sembrich at 7pm for the following dates: June 24<sup>th</sup>, July 8 and 22, August 12 and 26<sup>th</sup>. There is no cost for admission.

Code Enforcement- 16 page report, 24 site visits.

Seniors- There is information posted on the Town website regarding upcoming events.

Conservation Park- The plans in May for the Community Clean-up Day were cancelled due to the inclement weather. They are going to do it again this Saturday from 9am-5pm.

Councilmember Wilson stated that she has had several people approach her regarding having a dog park in Bolton. She is going to set up a committee to look into the possibility of finding a place. Councilman Maranville stated that he has been interested in this idea for some time. He stated that Pat Steele was a big advocate of this idea and may have done some research.

**Councilmember Cheryl Bolton**

Recreation- May meeting was cancelled. Camp enrollment is at 31, staffing is set for the season. Calendars are going to print next week. The Director is very thankful for her new computer. She has been busy updating numerous policies and procedures. June 5<sup>th</sup> is the annual Bolton Boat Cruise picnic starts at 5:30pm in Rogers Park and the cruise will board at 6:30pm and will go from 7:00-9:00pm.

Bolton EMS- The report is available from Jodi- need recruitment. They have had 2 resignations and they are looking to hire some paid staff to cover the calls. She will provide more information at the next meeting. She is going to meet with them to discuss the issue further.

Clerk's Office- The window has been extremely busy with both guests and community members. Many people taking advantage of the transfer station spring clean-up cards. Water bill cycle is near completion. They have been handling a number of wedding and other licenses in the Clerk's Office. With the park open they have an increased revenue. They have been fielding a lot of calls regarding reservations for the parks.

Parks- Getting ready for summer. Mowing schedule, updating tennis courts for rec program and community, bathroom facilities work. Have hired 2 part time staff, 3 days a week to better assist with the mowing.

Supervisor Conover stated that the mowing and care of the cemeteries look great.

Councilmember Bolton stated that they are looking to transfer the truck from the Water Department over to the Parks so they can send the other crew to mow. Supervisor Conover stated that he was thinking that they would move the 1 ton- truck from the Highway over to the Parks Department.

Supervisors Report:

- Receipts: \$934,548.45
- Disbursements:\$422,895.24
- Warren County Sales Tax: April +4.8% year over year.
- Tree Removal Contract for Potter Hill Road was completed on time and on budget
- Historical Society Building Stain Project underway, on schedule, cleaning and preparation of surface largely complete.
- Thunderbird Road project nearing completion
- 2013 Highway Improvement Program (Potter Hill Road, Edgecomb Pond Road, Two Parking Lots). Edgecomb Pond Road Project well underway, blasting contract being handled by Britton Drilling and Blasting Services (entire length from Potter Hill Road to Finkle Road will be improved).
- Assessor position, notice published
- Brush pile removed at Transfer Station by Don Kingsley Construction at a cost of \$1,231.
- Occupancy Tax Receipts for June payment, 2013; \$115,774.87.
- First Payment Mortgage receipts tax: \$103,149.73

Supervisor Conover stated that this is a good number. He indicated that the next payment is usually close in amount so if that is the case it will be significantly above last year.

- 1st Quarter TWC franchise fee to Bolton: \$8,287.49.
- Bolton Memorial Day Parade was wonderful, perfect weather, big thank you to everyone involved in making the ceremony and parade memorable.
- Big thank you to Willie Bea McDonald and the volunteers and members of the Bolton Business Council – flowers and banners look great.
- Traffic cones appeared to work very well at Heritage Village Road
- Bolton Rescue Squad
- Big thank you to Kristen MacEwan who is stepping down as Bolton Minute Taker.

Councilmember Wilson stated that she has done a wonderful job and has been wonderful to work with. There have been issues at different meetings and she has handled them very well.

Old Business / Tabled Resolutions:

- Dry Hydrant on New Vermont Road (Spring 2013 Project)

New Business:

- Resolution authorizing Town of Bolton to support online petition to encourage Amtrak to promote “Green Travel” options and allow bicycles on Amtrak trains that travel from New York City to Canada sponsored by the Adirondack Regional Chamber of Commerce.

**RESOLUTION#133**

Councilman Maranville moved, seconded by Councilmember Bolton to authorize Town of Bolton to support online petition to encourage Amtrak to promote “Green Travel” options and allow bicycles on Amtrak trains that travel from New York City to Canada sponsored by the Adirondack Regional Chamber of Commerce. All in Favor. Motion Carried.

- Resolution authorizing Supervisor and Town Clerk to advertise for bid for storm water work on New Vermont Road.

Supervisor Conover stated that they have received a grant for this project but they will be using some town crews. However with the Town crews busy with other projects they thought it might be best to go out to bid for the work.

**RESOLUTION#134**

Councilmember Bolton moved, seconded by Councilman Maranville to authorize Supervisor and Town Clerk to advertise for bid for storm water work on New Vermont Road. All in Favor. Motion Carried.

- Resolution authorizing Court Clerk to carry 36 hours of vacation into 2013.

**RESOLUTION#135**

Councilman Maranville moved, seconded by Councilmember Wilson to authorize Court Clerk to carry 36 hours of vacation hours into 2013. All in Favor. Motion Carried.

- Resolution regarding DOS Grant Agreement Project Management Services:  
Supervisor Conover explained that Bolton was the sponsor for the 2009 grant for 900,000 which was received 3 years later. The contract has since been executed, the resolution is to enter into a professional contract with Dave Decker to administer the grant agreement. Dave Decker gave a brief history. He explained that this was applied for in 2009 it was approved in 2012 and finally signed this year. He provided handouts to explain the activities that will be taking place. Supervisor Conover stated that for the Bolton projects they will not be advancing the costs, they will have to wait for reimbursement from the state.

Dave Decker provided information of the work plan. The grant was for \$900,000 with a 50/50 match. All members of the Coalition provide the 50/50 match, some of which is in cash contributions and the rest comes from in-kind services. He stated that some projects have already been done, now they can be paid. The actual contract has an effective date of April 1, 2011, so work since then can be paid for. Some of the tasks have already been completed. The salt barn is one of the projects for the town. This is coupled with another grant received through Sen. Little's office. There will be 2 barns built and shared by the Towns in this basin. Supervisor Conover asked if they could bid it out to include their first shipment of salt. Dave Decker replied yes. There are several projects dealing with invasive species. The Finkle Brook Project. Supervisor Conover asked if the milfoil project is new. Dave Decker replied yes.

He provided further details about the basin wide projects including basin wide invasive species both terrestrial and aquatic.

**RESOLUTION #136**

Councilmember Bolton moved, seconded by Councilman Maranville  
**RESOLUTION AUTHORIZING PROVISION OF YEAR 2013 PROGRAM AND PROJECT MANAGEMENT SERVICES RELATED TO "LAKE GEORGE – PLAN FOR THE FUTURE" GRANT FUNDING AND EXECUTION OF AGREEMENT #C007005 WITH NEW YORK STATE**

WHEREAS, the environmental health and overall quality of life in the Lake George Watershed area is critical to the social and economic well being for the Town of Bolton, Warren County and the region in general, and

WHEREAS, the protection, preservation and proper management of water quality within the basin is an essential ingredient to maintaining this revered natural resource as a key to the social and economic vitality of this region, and

WHEREAS, the Town of Bolton has been an active participant in developing the critically important water quality management plan, and

WHEREAS, the adopted document, entitled, "Lake George – Plan for the Future" identifies numerous recommendations and actions as being critical to pursuing the objectives of preserving, protecting and enhancing the water quality throughout the Basin, several of which will require the engagement of contract services to execute these recommendations, and WHEREAS, by previous Resolution, the Bolton Town Board authorized submission of the Environmental Protection Fund Application for State Assistance Payments – Local Waterfront Revitalization Program, dated September 30, 2009 in response to New York State's solicitation of Financial Assistance Grant, and

WHEREAS, the NYS Department of State recently awarded to the Town of Bolton, on behalf of all participating municipalities in the Lake George Watershed Coalition (LGWC), \$900,000 in matching grant funds for implementation of the Local Waterfront Revitalization Program for 2009-2010, such funds to supplement an announced series of water quality improvement projects, and

WHEREAS, the Town Board wishes to also authorize a Year 2013-14 Agreement with David J. Decker, P. E. & Associates for the provision of program and project management services in connection with the Town's grant award, and

WHEREAS, a copy of a proposed Agreement between the Town and D.J. Decker & Associates has been presented at this meeting,

NOW, THEREFORE, BE IT RESOLVED, that the Bolton Town Board hereby accepts the \$900,000 in matching grant funding to be received from New York State for implementation of the Environmental Protection Fund Application for State Assistance Payments – Local Waterfront Revitalization Program, Year 2012-2013 program as more specifically set forth above, in the interest of advancing the important work of protecting the preservation of water quality of Lake George, and authorizes and directs the Town Supervisor to execute a Grant Agreement and any other associated documentation and take any other action necessary to effectuate the terms of this Resolution, and

BE IT FURTHER RESOLVED, that the Town Board further approves of the Agreement for Services between David J. Decker, P.E. & Associates and the Town of Bolton substantially in the form presented at this meeting for the provision of program and project management services relating to grant funds received by the Town, and

BE IT FURTHER RESOLVED, that the Town Board further authorizes and directs the Town Supervisor to sign the Agreement and further authorizes and directs the Town Supervisor, to take such other and further action necessary to effectuate the terms of this Resolution.

All in Favor. Motion Carried.

- Resolution approving use of Rogers Park for drop off and pick up kids and counselors at Rogers Park dock on Friday, July 12, 2013 for Double H Hole in the Woods (depart 9:30 a.m. and 10:30 a.m. and return 3:30pm and 5:00pm).

**RESOLUTION#137**

Councilmember Bolton moved, seconded by Councilmember Wilson to approve use of Rogers Park for drop off and pick up kids and counselors at Rogers Park dock on Friday, July 12, 2013 for Double H Hole in the Woods (depart 9:30am and 10:30am and return 3:30pm and 5:00pm). All in Favor. Motion Carried.

- Resolution regarding temporary parking permits for Town Parks. Supervisor Conover stated that he does not know what the original purpose was for these permits but he has found that they can be acquired for \$1.00 for a certain period of time that allows unlimited access to the park. He feels that this should be stopped at this point. If people want to access the park they should pay the access fee. Councilmember Bolton stated that she agrees with the Supervisor also and does not see the use for them.

**RESOLUTION #138**

Councilmember Bolton moved, seconded by Councilmember Wilson to no longer issue temporary permits and solely issue the permanent permits. All in Favor. Motion Carried.

- Resolution approving 2013 water sampling contract with Darrin Fresh Water Institute at a lab cost of \$725 for the summer and \$45 per additional sample as requested.

This is a contract we enter into every year. This allows for Darrin to have additional testing as well where we feel it's needed.

**RESOLUTION#139**

Councilman Maranville moved, seconded by Councilmember Wilson to approve 2013 water sampling contract with Darrin Fresh Water Institute at a cost of \$725 for the summer and \$45 per additional sample requested. All in Favor. Motion Carried.

- Resolution regarding amendment to noise ordinance.

Councilmember Wilson stated that after the new noise ordinance was passed it was brought to her attention by a staff member that the new ordinance prevents someone from playing a radio in their own backyard. She spoke to Counsel Muller and he had a suggestion to add to the noise ordinance which would prevent this from happening. She read the following amendment: Noise which is projected, or increased in volume or sound intensity by application of a separate electronic source and is regulated by this ordinance is not intended to include a limitation of sound sources from non-amplified musical instruments, non-amplified human voice and shall not include sound emanating from a standard radio, cd player, dvd player, television or similar device when utilized for personal entertainment.

She recommended that it is added to the ordinance but it would need to be opened up to a public hearing next month. In addition to that she does feel that we should charge for a sound permit.

She understood that when the applicants applied for a noise permit it was the applicant's responsibility to notify all the neighboring properties within 500 feet. However that is not always happening and she would prefer that this responsibility become the Town's so that all neighbors are properly notified. However in order to cover expenses and time for that she does feel that a \$10 charge should be included for the permit. She also feels that the Code Enforcement Officer should handle these sound permits and remove this responsibility from the Clerk's Office. Councilmember Bolton agreed that the Clerk's Office should know their responsibility in the matter. Plus there will be revenue coming in, so it needs to be decided. Councilmember Wilson stated that her thought is that it will all be handled through Planning since they have the information. Councilman Maranville agreed that it is a good idea. Councilmember Bolton agreed but stated that a process needs to be in place.

Supervisor Conover suggested that Councilmember Wilson draft up a resolution regarding this matter to present to the Board so that they can consider legislation.

- Resolution authorizing delivery truck loading and unloading area adjacent to Town Hall from 7:00am till 7:00pm, Memorial Day to Labor Day.

Supervisor Conover stated that the idea is to have a spot close to 9N. He stated that once it is established it can be given to the restaurants to give to their distributors as an option. Any opportunity to get the trucks off the road would be a benefit. There was discussion about the hours, it was decided that 7:00am-5:00pm would be best. There was also discussion about the time frame and it was decided that it would go from Memorial Day through to Columbus Day. Supervisor Conover stated that he will talk to Counsel Muller and Tim Coon about this and see what we can do.

Councilman Maranville asked about addressing the end of Stewart Ave entering onto Route 9N. Supervisor Conover stated that on Goodman Ave there is some signage preventing people from parking from approximately the ATM machine to the corner. We could do something similar on Stewart. He has already spoken to the business owners on that corners and they agree that something needs to be done. There was further discussion about backing off the parking from the corner on both sides and making it no parking here to corner. Supervisor Conover stated that he will try to do some research on this matter and bring it back to the Board. He also complimented the improvements alongside the Marketplace.

#### **RESOLUTION #140**

Councilman Maranville moved, seconded by Councilmember Wilson to authorize delivery truck loading and unloading area adjacent to Town Hall from 7:00am till 5:00pm, Memorial Day to Columbus Day. All in Favor. Motion Carried.

- Resolution regarding appointment to Minute Taker position.

#### **RESOLUTION #141**

Councilman Maranville moved, seconded by Councilmember Wilson to enter in executive session. All in Favor. Motion Carried.

**RESOLUTION#142**

Councilmember Bolton moved, seconded by Councilmember Wilson to appoint Kate Persons as Minute Taker. All in Favor. Motion Carried.

- Resolution to authorize the Supervisor to purchase sub-base and top soil for the new field.

**RESOLUTION #143**

Councilmember Bolton moved, seconded by Councilman Maranville to authorize the Supervisor to purchase sub-base and top soil for the new little league field. All in Favor. Motion Carried.

Public in Attendance

Transfers: None

Pay the Bills:

**RESOLUTION #144**

Councilmember Bolton moved, seconded by Councilman Maranville to approve payment of the following bills:

	<b>Voucher</b>	<b>Amount</b>
<b>May Mid Abstract 5/29/13 5A</b>		
General	589-595 597-601 603-607	\$3590.08
Highway	203	17.35
Sewer	102-105	3274.03
Water	24 & 25	1204.95
Lights	596, 602, 608	319.53
<b>June Abstract 6/15/13</b>		
General	522-588 609-638	\$57,282.63
Highway	182-202 204-227	81,868.23
Sewer	95-100 106-115 117-119	12,469.73
Water	112-123 126-133	6,472.16
Conservation Club	4	276.00
Special Facilities		
Tourism	6-8	1000.00
Vets Park Capital Project	6&7	14,167.93

All in Favor. Motion Carried.

Adjourn:

**RESOLUTION #145**

Councilman Maranville moved, seconded by Councilmember Bolton to adjourn at 9:14pm.

Minutes respectfully submitted by:

Jodi Connally  
Town Clerk

Kristen MacEwan  
Minute Taker