

STATE OF NEW YORK
COUNTY OF WARREN
TOWN OF BOLTON

Present: Supervisor Alexander G. Gabriels III, Councilmen Scott Andersen, Rob MacEwan, Jason Saris, Edward White*, Town Counsel Michael Muller, Town Clerk Kathleen Simmes

* arrived at 7:30 pm

Pledge of Allegiance - Town Clerk Kathleen Simmes

Supervisor Gabriels had listed on the agenda a public hearing for the proposed Adult Entertainment/Tattoo Parlor Local Laws as well as amendments to the Zoning Ordinance. During a motion made by Councilman Andersen to adopt these laws/amendments, K. Simmes informed the Board that a public hearing(s) had never been scheduled for these items.

RESOLUTION #56

Councilman Andersen moved, seconded by Councilman Saris, to schedule three public hearings beginning at 6:30 pm on April 6, 2004 for the following amendments to the Bolton Code: 1) Article XVIII Regulation of Adult Entertainment Businesses; 2) Article XIX Tattoo, Body Piercing, Branding and Scarification Regulations; and 3) Technical Revisions to Bolton Code. All favorable. Motion carried.

Supervisor Gabriels opened the regular meeting at 7:10 pm.

Announcements:

- Public hearing being held this evening from 5-7 pm at the Queensbury Town Hall for the NYS Adirondack Snowmobile
- March 25th marks the 205th Birthday of the Town of Bolton
- Repairs at the PRV station on Horicon Avenue are scheduled for April 8th
- The Town is awaiting the results of the Boys Varsity Basketball sectional game currently in progress
- Vandalism to the Town's 1-ton pick-up truck occurred early Saturday morning in Veterans Park. An investigation is underway.
- Ed Sheridan is giving a presentation on his trip to Napal at the library this evening
- Meal site menu and other public informational material is available at the Town Hall

Public in attendance:

- No comments

Correspondence:

- Schedule of public hearings from DEC for the Adirondack Snowmobile Plan
- Letter from Mark Rehm re: John Miller's request for a right-of-way over Town property off Brook Street
- Letter from Tom McGurl re: water backing up in a culvert near his home on Trout Lake Road
- Note from Assessor Dave Rosebrook advising that the timber cutting/stumpage tax issue has been resolved on the Masters/Santo property (tax map #199.00-1-20.2)
- Signed copy of Rajeski stipulation addressing zoning violation (tax map #213.13-1-44)
- Letter from James Harrison of the Darrin Fresh Water Institute re: fish habitat assessment at Conservation Park Pond
- Request from Greg Smith and others encouraging the Town to extend the days of operation at the transfers station
- Letter from Counsel re: DOH review of Cobblestone Subdivision
- Letter of concern from Mohican Hill resident David Waage re: ice build-up near his home
- Post-Star article re: outdoor furnace use
- Copy of Adirondack Snowmobile Plan in electronic format
- Letter from Counsel re: lawsuit involving Moonlight Management (Lake Ridge Subdivision)
- Notification from WC re: sale of an asphalt maintainer to the Town
- CD rom of WC Comprehensive Emergency Plan
- Letter from Hwy Garage Contractor A. Ritz requesting release of funds being retained by the Town
- Letter from Dorothy Belair encouraging the Town to repair the C&D ramp at the Transfer Station, as its current condition poses safety concerns
- Correspondence from WC DPW re: change orders for the new building over the clarifier
- Letter from John Weber of Capital Financial Group, Inc soliciting business from the Town
- Letter from the Algonquin re: their water consumption as it applies to their sewage expenses with the Town
- Letter from Ed Frank inquiring about the Town's progress on various citizens' requests to address disturbance problems in and around the Dula parking lot
- Notice from APA re: Local Government Day scheduled for Thurs & Fri, March 25 & 26
- Copy of form letter from Assessor to property owners re: reassessments
- Regional economic impact statement from GF Civic Center
- Stewart Brook watershed report from LGA
- Letter from NYS Office for Technology re: statewide wireless network
- Permit notification from APA re: Greer single-family dwelling APA rural use land on E. Schroon River Road
- 2003 Community Action Annual Report from Time Warner
- Community Preservation Corp Annual Report

Reports:

Councilman Saris:

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TOWN CLERK:

- Total local shares: \$5,783.25. Non-local: \$75.65. Total state, county and local revenues: \$5,858.90

SEWER DEPT:

- The Plant took in 3,561,975 gals of wastewater for a daily average of 122,826.7 gals, and hauled 30,000 gals of sludge away. No DMR violations at the Plant this month. New building constructed over clarifier.

HIGHWAY DEPT:

- The Dept has been busy with road maintenance.

Councilman Andersen:

PLANNING OFFICE:

- Permits applied for: 4 Certificates of Compliance / 1 Wastewater disposal system / 4 Variances / 1 Site Plan Review / 0 Subdivision. 100 miles traveled. A/R: \$630.10. Outstanding issues: *Hubbell-Greenmier*: illegal subdivision - P. Kenyon has requested copy of survey of proposed agreement between parties. She reiterates her request for the Town to hire a code enforcement officer as soon as possible.

RECREATION DEPT:

- Continued success with attendance of programs and events. Erin Davis hired as part-time assistant. Dedication honoring Tommy Colgrove planned at the recreation ballfield this spring.

BUILDINGS & GROUNDS DEPT:

- Dept reports problems with trash and misuse of the Veterans Park during the winter months; suggests hiring staff to oversee park use on weekend mornings and perhaps charge for parking, as is done in summer.

Councilman White arrived at this point and announced that the Bolton Boys Varsity Basketball team won their sectional game by 1 point.

Councilman White:

ASSESSOR:

- Total Town assessment for prior year: \$593,725,130. Current assessment: \$996,344,051. Several calls received at Town Hall re: new assessments.

POLICE DEPT:

- Miles patrolled: 943 miles. Fuel used: 113.8 gallons. Officers White and Howse investigated 2 criminal reports, 3 motorist assists, 2 assists to other agencies, 1 security alarm, 9 traffic tickets, 4 warning tickets, 5 parking tickets, 4 auto accident reports, 4 court security, 4 emergency medical assists, and 4 misc complaints and 1 appearance ticket.

WATER DEPT:

- ❑ Water made: 7,152,461 gals. Work to begin on PRV station on Horicon Ave.

JUSTICE COURT:

- ❑ A/R: \$9,545.

Councilman MacEwan:

TRANSFER STATION:

- ❑ A/R: \$3,686. Johnson Auto Crushers indicate that they no longer accept refrigerators containing Freon. Board must decide how to handle disposal of refrigeration units/Freon. There is an individual in the Queensbury area who will dispose of such material for a charge of \$15 per unit (prefers 10 units or more per pick-up)

- Supervisor Gabriels

- SUPERVISOR:

Total receipts: \$229,666.87. Total disbursements: \$329,995.45.

RESOLUTION #57

Councilman MacEwan moved, seconded by Councilman White, to authorize Transfer Station staff to charge \$15 disposal fee for any item containing Freon brought to the transfer station. All favorable. Motion carried.

- *Unfinished Business:*

RESOLUTION #58

Councilman Saris moved, seconded by Councilman Andersen, to authorize Engineer Carl Schoder to submit High Nopit bridge replacement plans to appropriate regulatory agencies to obtain permit approvals, prior to seeking bids on the plans. All favorable. Motion carried.

Regarding John Miller's request for a right-of-way over Town property off Brook Street, Counsel indicated that Mr. Miller's attorney, Mark Rehm, has supplied the necessary documentation for the Board to move forward on the matter, specifically to begin the process of scheduling a permissive referendum.

Councilman Andersen indicated, as he has at previous meetings, that he believes the Planning Board several years ago passed a resolution prohibiting public access from Brook Street to Potter Hill Road through Mohican Heights. As a procedural measure, the Board will send direct notice to all affected residents prior to scheduling the permissive referendum.

RESOLUTION #59

Councilman Andersen moved, seconded by Councilman Saris, to notify residents adjacent to John Miller's property, and other interested parties including the Town of Bolton Planning Board, of Mr. Miller's request for a right-of-way over Town property off Brook Street. All favorable. Motion carried.

Councilman Saris gave the following update on the proposed land exchange between Bolton Central School and the Town involving a 55-acre parcel off of CR 11 (which the school intends to use for athletic field expansion) and a strip of land along Route 9N south of the fire house. The property owner of the CR11 property has given the school a deadline for making a decision. The school is planning on giving the owner a letter of intent, and wishes to continue negotiations with the Town. The Town is still pursuing an appraisal of both properties.

RESOLUTION #60

Councilman Saris moved, seconded by Councilman White, to re-authorize the statutory installment bond in the amount of \$29,715 (January 27 minutes Resolution #37 incorrectly stated \$29,725 - light bar at \$105, not \$115) with Evergreen Bank for 3 years at a rate of 3.6% for the 2004 GMC Yukon for the Police Dept. All favorable. Motion carried.

RESOLUTION #61

Councilman Saris moved, seconded by Councilman Andersen, to re-authorize the statutory installment bond in the amount of \$26,686.84 with Evergreen Bank for 3 years at a rate of 3.6% for the 2004 Ford F350 1-ton for Highway Dept. All favorable. Motion carried.

RESOLUTION #62

Councilman Saris moved, seconded by Councilman MacEwan, to hire Mr. Devoe of Professional Building Inspections, at a cost not to exceed \$500, to inspect the floating concrete pads at the Highway Garage and obtain estimates for repairs of the same. Counsel will contact Mr. Devoe so that a written inspection report with associated estimates can be available for the April 6 Town Board meeting. All favorable. Motion carried.

The Board discussed the new Transfer Station spring clean-up policy re: renters and commercial properties. K. Simmes will contact the Town of Chester to see how they handle the matter.

The Board discussed the Brickner easement that is still needed in order to begin the sewer rehabilitation work.

RESOLUTION #63

Councilman Saris moved, seconded by Councilman White, to accept the low bid submitted by Lash Contracting in the amount of \$147,000 to install the new sewer line, using an easement obtained through the Brickner property. All favorable. Motion carried.

RESOLUTION #64

Councilman Saris moved, seconded by Councilman Andersen, to proceed with the purchase of materials at a cost of approx \$4,500 to repair the C&D ramp at the transfer station. The work will be performed by Town Highway and Parks Dept personnel. All favorable. Motion carried.

Councilman Saris and Councilman Andersen will be meeting with Lisa Nagle of ELAN on Thursday, March 11 to discuss the upcoming training session for Planning and Zoning Board members on the Comprehensive Plan. Ms Nagle has developed a curriculum for the training session, the dates for which will be scheduled this month.

Regarding the outstanding stormwater remediation work required of Robert Parrotta (tax map # 171.11-2-11), Counsel will review the associated documentation in order to advise the Town on how to proceed.

Regarding the topic of the Town's responsibility with regard to frozen pipes on private property that are connected to the Town water supply, Supervisor Gabriels is still researching the matter.

The Algonquin has requested a reduction in their sewer rate, as they claim they have reduced the amount of effluent they deposit into the Town's system. Plant Operator Chet Dagles cannot confirm whether there has been such a reduction in effluent amounts. Councilman Saris feels that while the Algonquin's rate should be tied to their water usage, the establishment has created a significant amount of extra work for the Sewer Dept over time. They were asked to more closely monitor their hauler and what he delivers (to the Plant), but there have been no apparent improvements, as the Dept has spent literally whole days removing grease from the pump station after receiving effluent from the Algonquin. Also, the product that is supposed to be chlorinated in their tank, isn't always. The Town requests improvements in these aspects prior to making any modifications to the existing contract with the Algonquin.

Regarding the Notice of Violation for a failed septic system at the Jensen residence (tax map #123.00-2-55), Engineer Tom Hutchins designed a replacement system, the plan for which was submitted to and approved by Town Engineer Tom Nace. Citing public health concerns, the Zoning Administrator requests that the Town Board, acting as the Board of Health, approve installation of the system, which requires a variance for both a deficient side yard setback and separation distance from an existing well.

RESOLUTION #65

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

RESOLUTION #66

Councilman Andersen moved, seconded by Councilman Saris, to approve a septic variance involving deficient setbacks (100' is required for separation distance from the well, 90' exist; and a 10' sideline setback is required, 8' is proposed) for installation of a replacement septic system, reviewed and approved by Town Engineer Tom Nace, at the Jensen residence (tax map #123.00-2-55). This approval is based on the general health, safety and welfare of the public and the fact that there is no other feasible solution. All favorable. Motion carried.

RESOLUTION #67

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

New Business:

RESOLUTION #68

Councilman Saris moved, seconded by Councilman White, to authorize the expenditure of \$5,239 from contingency to cover the cost of adding 46 names to the Veterans War Memorial. The work will be performed by Hometown Memorials. All favorable. Motion carried.

RESOLUTION #69

Councilman Saris moved, seconded by Councilman Andersen, to declare the need to replace the totalizer at the Sewer Plant as an emergency situation since parts are no longer available for repairs, and authorize Plant Operator Chet Dagles to do whatever is necessary to make it operational, at a cost not to exceed \$3,700. All favorable. Motion carried.

RESOLUTION #70

Councilman MacEwan moved, seconded by Councilman White, to authorize the purchase of 2 automatic door openers from Jim's Glass (who is the sole source provider), to be installed at the Health Center at a cost of \$5,871. All favorable. Motion carried.

Regarding the request from the State for the Town to support NY Bill S622/A3483 Collateral Source Bill re: CPLR4545 - future earning in tort action cases, the Board tabled the matter pending further review.

RESOLUTION #71

Councilman Andersen moved, seconded by Councilman White, to establish a maximum fine of \$100, as per the discretion of the Court, for violations of Local Law # 1 of 2001 entitled Restricting Parking in Snow and Emergency Conditions in Town of Bolton. All favorable. Motion carried.

Supervisor Gabriels explained that discussions are taking place on a County level with regard to the Help America Vote Act (HAVA) of 2002 re: new voting machines.

RESOLUTION #72

Councilman MacEwan moved, seconded by Councilman Andersen, to hire Lori LaGoy to set up a Town web page at an initial cost of \$500, with a maintenance fee of \$75 per month. 4 (Supervisor Gabriels and Councilmen Andersen, MacEwan and White) favorable. Councilman Saris abstained. Motion carried.

Supervisor Gabriels noted for the Board's consideration a local law adopted by the Town of LG requiring 911 numbering on buildings. The matter was tabled, pending the Board's review of the sample local law from the Town of LG.

Regarding the hiring of a part-time peace officer for the Police Dept, 12 candidates applied for the position, 3 of whom were interviewed. On Officer Jim White's recommendation, the applicant will be asked to begin as soon as possible, working into the position on a gradual basis. It was noted that Mr. Schroeder is a certified EMT. Councilman White recommended that letters be sent to all candidates thanking them for applying and encouraging them to participate in the future.

RESOLUTION #73

Councilman White moved, seconded by Councilman Andersen, to hire Richard Schroeder as a part-time peace officer to cover late night activities for the Police Dept, at a rate of \$16.22 per hour for a total of 1205 hours per year, effective as soon as Mr. Schroeder is available to begin. All favorable. Motion carried.

RESOLUTION #74

Councilman Saris moved, seconded by Councilman White, to authorize a loan from the General Fund to the Sewer Dept in the amount of \$12,600 for February expenses. All favorable. Motion carried.

RESOLUTION #74

Councilman Andersen moved, seconded by Councilman MacEwan, to authorize the following transfer:

General Fund

Veterans Memorial Fund \$1,229.00 from 19904 Contingency

All favorable. Motion carried.

On other business, Councilman Saris informed the Board that Sewer Plant Operator Chet Dagles requests that the Board move forward on seeking new staff for his Dept, as discussed in past months. Supervisor Gabriels noted that there is an upcoming civil service exam for wastewater/water dept trainees in April.

RESOLUTION #75

Councilman Saris moved, seconded by Councilman White, to advertise for a laborer for the Sewer Dept, applications accepted until March 23, 2004. Interviews will be held on the morning of April 6, 2004. All favorable. Motion carried.

Regarding the topic of banning the drilling of private wells within the water district, Supervisor Gabriels sought the Board's recommendation on whether to proceed on the matter of passing such an amendment to our Water Rules & Regulations Ordinance. The State Comptroller has indicated the Town would have reasonable authority on such a matter. Councilman White asked Counsel if there were other municipalities who have enacted such a procedure. Counsel responded that while LG Waterkeeper Chris Navitsky had indicated so at an earlier meeting, he has not himself obtained sample ordinances from other municipalities, but would do so. Supervisor Gabriels stated that he had requested such documentation from a Nassau County municipality several weeks ago, but to date has not heard back from them.

Public in attendance:

Bob Weisenfeld thanked the Town for purchasing the new cushioned seats in the meeting room. He also asked about the status of the escrow agreement with Northwest Bay Partners re: Bell Point Shores stormwater maintenance agreement. Counsel responded that there were no new developments. Regarding the Board's decision to set up a Town web page, Mr. Weisenfeld warned of potential complications re: property rights for such web sites. Counsel noted that Ms

LaGoy has indicated that the Town would own the domain name and its content, the site for which she would only maintain.

☐ John Miller, who was not present when the Board discussed his request for a right-of-way over Town property off Brook Street (on the agenda earlier), asked why the Town was taking the step of notifying neighboring residents, specifically Mohican Heights homeowners, when his lawyer already obtained written consent from Mohican Heights Association. Supervisor Gabriels explained that the Board wants to be certain that all affected parties have been properly notified to ensure there are no future problems. Mr. Miller indicated his disappointment in what he felt was another delay in this long process.

☐ Frank Passaro expressed his opposition to the Town's proposed expenditure of funds on improvements to the Conservation Park facility, noting that there are more important ways in which the Town should spend its money, i.e. municipal sewer and road improvements.

Councilman White announced that, as a result of the Boys Varsity Basketball victory this evening, the team will play against Willsboro at SUNY Plattsburgh Field House at noon on Saturday, March 6.

RESOLUTION #76

Councilman Saris moved, seconded by Councilman White, to pay the LG Watershed Conference bills in the amount of \$9,126.36. Voucher was submitted on 3/3/04, as approved by K. Millington (DOS), pending availability of funds from NYS, for payment under contract C006305 - LGWC and Plan for the Future. All favorable. Motion carried.

RESOLUTION #77

Councilman Andersen moved, seconded by Councilman MacEwan, to pay the bills. All favorable. Motion carried.

Councilman Andersen moved, seconded by Councilman Saris, to enter executive session at 10:05 pm for the purpose of discussing Article 78 procedures with respect to a potential conflict for legal counsel. All favorable. Motion carried.

Councilman Andersen moved, seconded by Councilman Saris, to adjourn executive session and reconvene the regular meeting and adjourn at 10:15 pm. All favorable. Motion carried.

Transcribed by:

Respectfully submitted by,

Melanie Quigan
Recording Secretary
03/15/04

Kathleen Simmes
Town Clerk
03/17/04