

TB – Minutes –
March 7, 2006

STATE OF NEW YORK
COUNTY OF WARREN
TOWN OF BOLTON

Present: Supervisor Alexander G. Gabriels III, Councilmen Robert MacEwan,
Owen Maranville, Jason Saris, Town Counsel Michael Muller, Town Clerk Kathleen
Simmes

Absent: Councilman Scott Andersen

PUBLIC HEARING: None

REGULAR MEETING:

Supervisor Gabriels called the regular meeting to order at 7:04 pm.

Pledge of Allegiance – Councilman Saris

Announcements:

- Time Warner Cable: They are getting ready for cable extensions.
- The Bolton Chamber is sponsoring the Lumberjack Show scheduled for June 16-17, 2006 in Vet's Park in conjunction with the Fire Chiefs Convention. Funds from the Bolton Bed Tax have been committed to the Lumberjack Show in the amount of \$8,000.
- The APA is holding the Local Government Days on March 23-24, 2006 at Hotel Saranac.
- Norowal Marina hired Joan Baldwin and Linda Bennett to be co-managers. The facility will open approximately on May 1, 2006.
- The Meal Site Menu is available in the Town Hall.
- There are now 2 Town of Bolton website addresses: [.town.bolton.ny.us](http://town.bolton.ny.us) and [.townofboltonlanding.com](http://townofboltonlanding.com).
- Cornell Cooperative Extension booklet on winter safety is available.
- No Public Hearing on Pioneer Village—it was tabled at the request of the Pioneer Village. Supervisor Gabriels noted that Pioneer Village is scheduled to receive \$208,575 under Project #17392 per the NYS Environmental Facilities Corporation Final Intended Use Plan.
- Supervisor Gabriels said Councilman Andersen is not in attendance. He is sure it is family related and very necessary.

Public in Attendance: None

Correspondence:

- Letter from NYS Office of Real Property Services indicating that the residential-only assessment ratio will be 66.85.
- Bolton Recreation Department Calendar of Events.
- Notice of Completion on Bolton's Salt Storage Shed from the Warren County Soil and Conservation District.
- Correspondence from Nace Engineering regarding the Pioneer Village proposed water district.
- Letter from Bolton Central School regarding their approval of the contract for removal and disposal of petroleum storage tanks.

- Letter from the American Red Cross thanking Donna Boggs and the Town for sponsoring the February 3, 2006 blood drive.
- Letter from Time Warner Cable that they are sponsoring a National Teacher Awards and the Town should contact them with any potential candidates for this award.
- Notice from the APA stating the Sandy Lane Estates project has been completed.
- Letter from the LGPC on updating the Park Commission's regional watershed protection program plan governing tree cutting and stream corridor protection.
- Letter of thanks from the Bolton Chamber for funds provided from the Town.
- Correspondence from Town Counsel Michael Muller on discussions the Town Board has had with the APA regarding the definition of retaining walls, specifically as it applies to sea walls.
- Correspondence from Adirondack Park Invasive Species Plant Program sponsored by the Adirondack Nature Conservancy, that they have four stewardship positions available for the 2006 field season.
- Indication from Tim Coon that the Highway Garage would be willing to work with a three-ton gantry or if necessary, a two-ton gantry if he can get the hoist at the Highway Garage changed from three tons to two tons.
- Letter from Sue Wilson expressing interest to participate in the Town's Zoning Code Implementation Committee.
- Correspondence from Cornell Cooperative Extension that they are sponsoring the Gurney Lane Summer Residential Campership Program.
- Notice from Warren County regarding Section 208 of the NYS Technology Law.
- Correspondence that the Warren County Board of Supervisors passed a resolution in support of funding for the French and Indian War 250th Anniversary Commemoration Commission.
- Letter from Dr. Bryan Smead, acting as Health Officer for the Town of Bolton, regarding his inspection of the property at 711 East Schroon River Road.
- Program update information from Cornell Cooperative Extension.
- Correspondence from Time Warner Cable that beginning April 1, 2006 the rate for basic with standard service will change from \$45.35 to \$48.25. The rate for basic service will remain unchanged at \$12.00. Customers with packaged pricing for multiple services will not be affected by this change.
- Letter from the LGA addressed to Supervisor Gabriels, the Town Board and ZBA Chairman, Greg Smith regarding the Steven Byers variance.
- Correspondence from Town Counsel Michael Muller on the Steven Byers variance.
- Notification from Michael R. Swan, Director of Warren County Real Property Services that the alternative veterans exemption limits has to be adopted by local law.

Reports:

Councilman Maranville:

ASSESSOR:

- Most of February was spent in the field resulting in the March 1, 2006 completion of the inspection of almost 300 properties. The Town Board needs to adopt a local law amending the alternative veterans exemption and provided the Supervisor with the correct paperwork. February 22, 2006 he attended the County Real Property Tax Committee meeting.

POLICE DEPT:

- Hours officers worked: White – 97.0, Howse – 111.5, Schroeder – 70.0. Miles patrolled: 1,605 miles. Fuel used: 156.7 gals. Officers investigated 2 criminal reports, 9 security alarms, 11 uniform traffic tickets issued, 3 auto accidents investigated, 4 court securities, 1 arrest made, 4 emergency medical assists, 1 fire department assists and 6 misc. complaints and 73 man hours of special assignments for the wind storm.

JUSTICE COURT:

- ❑ A/R: Judge Harry Demarest - \$2,065.00. Judge Edward Stewart - \$2,900.00. Total: \$4,965.00. There is an itemized list located in the court breaking down the amounts.

Councilman Saris:

TOWN CLERK'S OFFICE:

- ❑ Total Local Shares Remitted: \$9,626.48. Non-local Revenues: \$56.12.
Total State, Local and County Revenues: \$9,682.60.

SEWER PLANT:

- ❑ The Plant took in 5,456,150 gals of wastewater for a daily average of 194,868.0 gals. Luke Dague has started sewer operator school. The Dept. has been doing a lot of preventative maintenance. They hauled 15,000 gals. liquid sludge. They passed their annual DEC inspection with flying colors.

HIGHWAY DEPARTMENT:

- ❑ The Salt Storage Shed has been completed and will serve two purposes. It will keep the salt out of the environment and keep the salt dry, making the salt more efficient.

OTHER BUSINESS:

- ❑ Councilman Saris said the Town is in the process of going through a comprehensive review of the Town's Zoning Ordinance; they hired Elan Planning & Design, which are the same people who did the Town's Comprehensive Plan. The company is moving forward and has formed a committee to help them.

Councilman MacEwan:

ANIMAL CONTROL:

- ❑ 1 loose dog on Coolidge Hill Road returned to owner, 1 loose dog picked up on County Route 11 returned to owner, 1 loose dog picked up on Wall Street and transported to Schroon River Animal Hospital, 2 calls about dogs at the bottom of Tongue Mountain—investigated—no dogs found, 1 call about dog at bottom of County Route 11—investigated—no dog found, complaint about dog running loose on neighbor's property owned by construction worker—verbal warning issued, and removed squirrel safely from woodstove at Heritage Village.

WATER DEPT:

- ❑ Water made: 7,891,163 gals. Daily average: 281,827 gals. The pond level is even with the spillway. They cleaned out one of the 3,000-gallon storage tanks that held the PC2300 chemical. The 02/17/06 windstorm knocked out power at the Water Plant and the generator ran for 4.5 days before power was restored. The power pole at the front of the Water Plant was damaged and Barry Kincaid took down some split trees at the Water Plant with assistance from the Highway Dept. The new chemical for corrosion control is in place and they are getting good reading results.

PLANNING/ZONING OFFICE:

- ❑ Permits applied for: 12 certificates of compliance / 3 wastewater disposal systems / 5 variances / 11 site plan reviews / 4 subdivisions / 3 stormwater permits applied for.
Total Miles Logged: 0. A/R: \$4,280.10.

CODE ENFORCEMENT:

- ❑ 20 page report filed / 461 miles logged/ 6 days of classes—4 days in Saratoga and 2 days in New York City/ 1 stormwater report/ 2 erosion control letters/ 2 new complaint forms.

-

TRANSFER STATION:

- A/R: \$3,461.00. They had an issue regarding taking brush more than 3" in diameter. She is inquiring about the summer schedule. They are still looking at a remedy for the metal pile.

-
Supervisor Gabriels:

RECREATION DEPT:

- The Calendar of Events has been received and copies will be made and distributed.

BUILDINGS & GROUNDS DEPT:

- No report.

SUPERVISOR:

- Total receipts: \$313,620.80. Total disbursements: \$519,640.85.
- Warren County: There was a Warren County Sewer Committee Meeting and Bolton is still on track to receive \$1,726,000.00 from a Federal Grant. The Town is looking at using this money for 14 different projects, one being the infiltration and in-flow of the sewer mains throughout the Town of Bolton.
- Officer Jim White got an incident response team together at the Fire Dept. in the event the power went out due to the windstorm and people were forced to evacuate due to lack of heat; there were no services of this kind needed that night, but the Town is ready, willing and able to support the community in these circumstances. Supervisor Gabriels thinks it would be in the Town's best interest for the Town Board to meet with Officer White for more pre-planning regarding possible similar events in the future and he extended his thanks to the Fire Dept., Rescue Squad, Police Dept., the Ladies Auxiliary and other Town Board members for their efforts.
- John Farrell (Warren County Civil Defense Coordinator) reported that on the same night of the windstorm he called the American Red Cross seeking cots and supplies and was told the American Red Cross only has about 100 cots for a service area that encompasses of 400,000 people. He suggested Warren County purchase some cots. Supervisor Gabriels indicated Bolton should purchase around 12 cots and store them at a location to be determined.
- Warren County Bed Tax. There is a current discussion regarding how the bed tax should be used to develop and support the corporate convention business in Warren County.
- There is an indication that Bolton's Bed Tax percentage will probably decrease because of the recent opening of the Six Flags Water Park, but the Town of Bolton should still receive a healthy amount.
- Warren County Committee heard a concern from Judge Krogmann indicating that the County Court System needs additional space.
- Warren County's 50 year (1955-2005) growth trends report regarding the tax rates and percentage of Warren County shows that Bolton has grown from 6.25% to 15.26% of the total valuation of the County.
- Stormwater: The last portion of the Finkle Grant program was the construction of the Salt Storage Shed, which has been completed and the grant will now be closed out.

Unfinished Business:

RESOLUTION #58

Councilman Saris moved, seconded by Councilman MacEwan to approve the Change Order #1 from S & R Construction in the amount of \$1000 for additional timber work on the salt storage shed. All favorable. Motion carried.

Supervisor Gabriels said that S&R Construction was paid from Unappropriated Surplus in full \$84,400 (contract of \$83,400 plus change order of \$1,000) for the new salt storage shed

Town of Bolton/Sagamore Resort emergency water system

Supervisor Gabriels said the Town and Counsel received a revision from the Attorney for the Sagamore and he has a concern with the language. When the Sagamore turns the emergency water on, they are pulling water out of Lake George and are connected to our municipal system and cross-contamination occurs and he is concerned with the extent of the flexibility they want at this point. Counsel agreed, he doesn't know if that means they are at a negotiation impasse and asked that the Town Board allow him to go back to discuss the concern of the cross connection contamination with the Attorney for the Sagamore. The Town Board agreed to have Counsel proceed in this matter as discussed.

- Pioneer Village Improvement Association Inc. - petition for Water District formation, extension of municipal service and public hearing.

This item was tabled per the applicant's request.

Adirondack Runners has requested permission to conduct its 30th Annual run on Sunday, July 2, 2006.

Supervisor Gabriels said that Officer White did some measurements and suggests that the finish line be moved from Vet's Park to Rogers Park, which equates to approximately .55 tenths of a mile difference. This item was tabled and is still pending.

Ratify appointment of Zoning Code Implementation Committee members – meeting dates open Government rules apply.

Supervisor Gabriels asked to what extent the Town Board has to nominate, ratify and appoint the members of the Zoning Code Implementation Committee to serve on that board and asked on regulations of the deliberations. Councilman Saris said it should be noted that this committee's work isn't a part of the legal aspects of changing the Town's Zoning Ordinance. The Town has hired a private company to do it and they requested a committee for help in gathering needed information. Elan Planning & Design will be conducting the official public hearings that are required when they finalize the proposed changes. This committee is not part of that process. Counsel said the meetings are workshops and depending upon how those workshops go, people may have the opportunity to perhaps be heard or not heard. but ultimately this thing is going to pass through the proper procedure. There will be a public hearing for comments.

Counsel said he guesses an ad hoc committee is being created and it seems the Town Board would want to give committee members some recognition. Councilman Saris said the people at Elan Planning & Design said they wanted a committee of 10 people assembled to assist them.

Counsel said the Town Board needs to take some appropriate action to resolve that the nominees have agreed to serve and the Town Board needs to appoint them to give the committee members some ad hoc status. They are meeting in an advisory capacity to provide input to the consultants. Councilman Saris said that Elan requested the committee be comprised of 2 Planning Board members, 2 Zoning Board members, the Zoning Administrator, the Code Enforcement Officer, 1 representative from the real estate realm, 1 representative from the hotel/motel industry and 2 Town Board members.

RESOLUTION #59

Councilman Saris moved, seconded by Councilman MacEwan to appoint Herb Koster, John Gaddy, Kam Hoopes, Bill Pfau, Pam Kenyon, Mitzi Nittmann, Willie B. MacDonald, Gena Lindyberg, Scott Andersen and Jason Saris to the Zoning Code Implementation Committee. All favorable. Motion carried.

Pending Items:

Thomas and Heidi Lemaire - failure to pay an imposed civil penalty of \$1,000 per resolution #176 of 2005
Supervisor Gabriels said some action has been taken but this item is still pending.

New Highway Garage – beam and hoist – repairs

A short discussion ensued on this matter. This item was tabled pending additional information to see if the hoist is returnable.

Brickner Easement:

Supervisor Gabriels asked if this item is finalized and Counsel said yes.

Referrals from Code Enforcement Officer / ZBA / BPB: None

Board of Health/Water Commissioners:

Dr. Bryan Smead – 03/06/06 letter regarding public health problem on East Schroon River Road
Supervisor Gabriels said that Code Enforcement Officer Mitzi Nittmann visited the site today and provided pictures to him as evidence that some progress has been made and is of the opinion that additional work and clean up needs to be done. He will provide the Town Board with the information he received, as he doesn't think any further resolution on this matter is needed at this point.

Carpenter Septic Variance

Supervisor Gabriels said that there would potentially be a septic variance for Robert & Laurie Carpenter on New Vermont Road before the Town Board next month.

-
-
-
-

New Business:

Payment of fine (debt & interest) \$3,792.00 dated 02/04/06 (Account PV-05-001) for Highway Department from NYS Dept. of Labor

Supervisor Gabriels said in September 2004 the Dept. of Labor inspected the Highway Dept. and they found several problems, one of which was the lack of a written log-out protocol for the various pieces of equipment they have up there. The Town did come up with a form and posted it by the fire extinguishers at the Highway Department building. Tim Coon submitted the information of the corrective action taken to the Dept. of Labor in September of 2004 and since then neither Tim Coon nor the Town has received a response from the Dept. of Labor indicating whether the corrective actions were satisfactory or not. The Town received a letter from the Attorney General's Office dated 02/04/06 regarding paying a fine, which is the first notification he has seen on this topic.

Councilman Saris asked if the letter includes an accounting of the fine and Supervisor Gabriels said no. It just gives the amount and demands it be paid in full immediately. Councilman Saris said he'd like to know what it is for. Counsel said he would like a copy of the letter and he will talk with the author of the letter to ascertain what the so-called enforcement history is on it and perhaps even reach a compromise figure.

-

Twin Bay Village vs. Planning Board/Leslie Russell, Mary Sprague and Charles McNulty

Supervisor Gabriels asked if it correct that Counsel is requesting to "not press the suit" at this point and Counsel said yes, that is correct.

Counsel said that it is an Article 78 proceeding, which is legal jargon for just an appeal of a decision made by the Planning Board. Those parties who are brought into the action and sued in the appeal are in this case the Planning Board, because they made the decision, The primary actors are the applicants, those parties who sought the relief from the Planning Board, in this case there are three individuals. Those parties, that are the applicants, although sued, have not appeared in the action. They don't prefer to defend. Counsel sees it as a great mystery that Bolton would spend any money to defend that which the applicants appear to be no longer interested in. It is not for him to make the application to the court

to dismiss the suit. He is perfectly comfortable leaving it there, but should the petitioner's counsel wish to apply for the relief and the relief would be that he is entitled to take a default judgment against the applicants. Counsel feels he cannot effectively argue he is not entitled to it, he is, and that then abides the event which means that whatever the Planning Board was hoping to do is no longer necessary because the applicants were not interested in pursuing it.

Supervisor Gabriels asked if the Town Board requires any action and Counsel said if the Town Board is comfortable with his rendition, the only thing he would like to note is that he has informed the Town Board that should the application be made for a default judgment by the petitioner's counsel, that he would prefer to let him have that relief—that is appropriate, because no other parties are interested in pursuing it.

Supervisor Gabriels said that by consensus they will follow Counsel's lead on this matter.

RESOLUTION #60

Councilman Saris moved, seconded by Councilman Maranville to set a public hearing for April 4th at 7:00 p.m. to discuss proposed Local Law #2 to provide for the maximum Alternative Veterans Exemption allowed All favorable. Motion carried.

Supervisor Gabriels noted that the local law has no changes to the percentages or income levels that were adopted in last month's Resolution.

Authorize contract for services – David Decker – Lake George Watershed Conference – Lake George Plan – 2006 one year - \$313,000, which includes fees and services

Supervisor Gabriels said that this grant is representing all the towns within the Lake George Basin. It encompasses projects like the Westbrook Stormwater Project, Route 9N Stormwater Project, crews to clean and maintain stormwater collection conveyances throughout the area, stormwater corridor management improvement projects, the whole reservoir sedimentation basin, invasive species control, wastewater management control in Dresden, Ticonderoga and Putnam, on-site waste treatment district formation cost benefit analysis in the Queensbury/Ft. Ann area, etc. The Town of Bolton has been the recipient of a lot of great projects over the past 5-6 years in working with this particular group.

RESOLUTION #61

Councilman MacEwan moved, seconded by Councilman Saris to accept the contract and to authorize the Supervisor to sign the contract in the amount of \$313,000 with the Lake George Watershed Conference. The Town of Bolton will be lead agency. All favorable. Motion carried.

John Miller request for exemption from Water and Sewer Regulations due to hardship of distance and ledge rock

Counsel said John Miller called him and he encouraged him to talk to his attorney, Mark Rehm and he has a plan now. This item was tabled pending additional information.

Time Clocks – possible future use by the Town of Bolton.
This item is pending.

Authorize Supervisor to write letter supporting state funding of the French and Indian War Commemorative Commission

RESOLUTION #62

Councilman Saris moved, seconded by Councilman Maranville authorize the Supervisor to write a letter to the State of New York encouraging them to support the French and Indian War Commemorative Commission with funding. All favorable. Motion carried.

RESOLUTION #63

Councilman Maranville moved, seconded by Councilman MacEwan for the Town to continue the use of the free landfill cards for the Transfer Station. All favorable. Motion carried.

Transfer Station Summer Schedule

RESOLUTION #64

Councilman MacEwan moved seconded by Councilman Maranville for Transfer Station summer hours to begin on May 15, 2006. The landfill will open at Noon All favorable. Motion carried.

Water Rules and Regulations, specifically language regarding new water services

Supervisor Gabriels said there is a policy that's been in place for over 7 years for new water services where the applicant has to pay for the meter and is responsible for installing the meter and the reader under the supervision and direction of the Water Dept. Councilman MacEwan asked if any licensed plumber can install it and Supervisor Gabriels said yes. The Town just doesn't want to be responsible for installing it. Councilman MacEwan asked what the cost is for a meter and Supervisor Gabriels said he believes new meters cost about \$200.

Councilman Saris said most of the water meters have already been installed and if there is new construction it makes sense that the homeowner would have a plumber and that person would have the task of installing the water meter. Councilman MacEwan asked if this is going to be done under the Town's supervision or be inspected by the Town. Supervisor Gabriels said yes, it has to be installed in such a way that it effectively meters all the water going into the facility to ensure that there is no water being used by the property owner that isn't metered.

Counsel said that he would propose the change to read: "The district will furnish at cost, the appropriate sized meter and reader to be installed by the applicant subject to supervision and under the direction of the Water Dept." A Public Hearing needs to be scheduled to make such a change.

RESOLUTION #65

Councilman Saris moved, seconded by Councilman Maranville to schedule a Public Hearing for an amendment to (Ordinance #39) entitled "Rules and Regulations of the Bolton Water District" for April 7th at 7:00 p.m. All favorable. Motion carried.

Public in Attendance:

John Gaddy thanked the Town Board for the completion of the salt shed project. Supervisor Gabriels said thanks also goes out to Bill Lupo, Julie Martin and Dave Wick for their efforts.

John Gaddy asked if there is additional grant money to be applied for, for additional work in the corridors of Finkle Brook or Indian Brook. Supervisor Gabriels said the Finkle Grant is closed, but there is another Indian Brook Grant outstanding, which entails working on sedimentation basins. It needs more coordination established between the Town Highway Department and the County DPW since both roads

where this action is taking place are county roads. John Gaddy asked if the County is the lead agency and Supervisor Gabriels said the County is a critical player in this.

John Gaddy said he would like to get the Board thinking about the issue of double clearing, which was brought up in Lake George, and asked if the ability still exists for timbering land and having the same land being cleared for a subdivision, as the language in the regulation now specifically addresses clear-cutting and he referenced Cobblestone as an additional example.

John Gaddy asked, on behalf of a concerned student, if the tree across from Neuffer's in the Town Park, which is used as the Town Christmas tree, is due to be cut down. Supervisor Gabriels said that issue has been raised in the context of it is real hard to put Christmas lights up 50'-60' in the air. This is the reason the Town didn't have enough volunteers to decorate it this past season. There are branches that have been thinned because the experts have told the Town that that needed to be done. It has been prudently suggested to cut it down and put one in or just put a smaller one right beside it and let it grow. Knowing exactly how controversial and emotional that tree is to this Town; they are certainly not going to take any unprecipitous actions until it is thoroughly agreed upon what their next step is going to be. He would be interested in thoughts of a second tree more appropriate for Christmas lights for the next 10 years, because sooner or later that big tree will have to be taken down in the interest of public health and safety, but that's in the future.

RESOLUTION #66

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

Executive Session:

Councilman Maranville moved, seconded by Councilman MacEwan, to adjourn the regular meeting and enter executive session at 8:33 pm to discuss personnel issues. All favorable. Motion carried.

Councilman Maranville moved, seconded by Councilman MacEwan to adjourn executive session and reconvene the regular meeting and adjourn at 9:00 pm. All favorable. Motion carried.

Minutes transcribed by:
Jennifer Torebka
Recording Secretary
03/17/2006

Respectfully submitted by:
Kathleen Simmes
Town Clerk