

PUBLIC HEARINGS

Town Board - Minutes

May 4, 2004

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

PUBLIC HEARINGS (cont'd): *Regulation of Adult Entertainment Businesses and Tattoo, Body Piercing, Branding and Scarification Regulations*

PUBLIC HEARING (opened): *Granting of easement by the Town to John B. Miller for a right-of-way on a limited access road off Brook Street*

Supervisor Gabriels read the public notice for the Miller easement hearing involving a right-of-way over Town property (tax map #171.19-1-3). There were no comments from the public on any of the public hearing items.

Because the regular meeting could not begin until 7 pm, Supervisor Gabriels asked Engineer Carl Schoder to give a presentation on repairs to the culvert/bridge on New Vermont Road near High Nopit View. Mr. Schoder noted that the project has gone through several review processes, including DEC, APA, ACOE (Army Corps of Engineers), and the Town. Mr. Schoder has addressed any concerns and incorporated suggestions into the plan per these reviews. The repair work is ready to go out to bid. There is an outstanding issue re: a section of property on the northwest corner of the culvert site that would require a permanent easement for access (to the reconstructed wing wall) over property owned by Stephen and Kelly Baker, whom Mr. Schoder will contact tomorrow to discuss. Mr. Schoder will prepare a jurisdiction inquiry form for the APA.

REGULAR MEETING

Pledge of Allegiance - Councilman Saris

Supervisor Gabriels called the regular meeting to order at 7:00 pm.

Announcements:

- q 4th Annual Bolton Family Cruise on the Mohican is scheduled for Thurs, June 17 from 7-9 pm
- q Town public parking sign by the Town Hall is still out for repair
- q New hours of operation at the Health Center: M-F 8:30-4:30 and Sat 8:30-1:30

- q Former Supervisor Deanne Rehm was presented the WC Bar Assoc's Liberty Bell Award at the Law Day Celebration held at the County this morning. BSC 6th grader Taylor Barrack was awarded a \$100 savings bond for an essay she wrote on the rights of the Constitution
- q NYS DOH 2003 annual water quality report has been posted on the Town web page
- q Meal site menu available
- q New Town website is up and running under the address of: [.town.bolton.ny.us](http://town.bolton.ny.us)

Public in attendance:

- q Bolton school board member Linda Bennett announced that she is having a sign made to commemorate the Section 7 Class D 2003 Bolton boys varsity baseball and 2004 Bolton boys varsity basketball champions. She is requesting that the Town post the sign either at the northern entrance into Bolton (in Diamond Point) or the entrance to downtown (near Bixby Beach). She hopes to present the sign at the June 11 sports banquet, and have it posted shortly thereafter.

Correspondence:

- q Memo from Leo Brassard of 14 Anchorage Road re: concern over being charge sewer rates for water used to sprinkle his lawn
- q E-mail from Alex Rhodes of CT Male re: work on the pump station, scheduled to begin May 17
- q E-mail from Willie Bea McDonald on behalf of the Bolton Business Assoc re: need for street light repair and other repairs
- q Article in the Adirondack Journal re: ice out, and an indication that Frank Leonbruno was the master tracker of this information. Also the Town of Bolton web page was mentioned in this article
- q Sound amplification permit applications from Willie Bea McDonald and the Anchorage HOA
- q Letter from LG Waterkeeper re: opposition to jet ski use on LG
- q Correspondence between Counsel and Atty Mark Rehm re: John Miller's request for a right-of-way easement over Town property off Brook Street
- q APA project notification re: Cording subdivision - tax map #184.02-1-1 & 184.09-1-11
- q Request from Water Plant Operator John Perry to take vacation from May 10-15 and June 7-11, as well as be paid for 1 week's vacation that he will be unable to utilize prior to his employment anniversary date
- q Signed original escrow agreement between Town of Bolton and Northwest Bay Partners, Ltd. Escrow funds have been deposited.
- q Letter from Lagoon Manor marina re: request to place 5 mph buoys around their docks
- q Letter from Atty Matthew Ludemann on behalf of Mr. & Mrs. Brickner re: sewer pump station easements
- q Letter from Atty Robert McNally re: water supply for Cobblestone subdivision (parent parcel #171.07-1-51), which is only partially in the water district
- q E-mail from Conrad Chayes complimenting the Town on its website
- q Letter and check from Time Warner Cable re: franchise fees
- q E-mail from Tom Curri re: naming of the Bolton recreation field, which he suggested should be done honoring Ross French

- q E-mail from Joe Zarzynski of Bateaux Below re: signage for the Cadet, which is a 1893 ship sunken in NW Bay
- q Discussion between Supervisor Gabriels and Architect Jeff Anthony re: municipal water supply for the Bluebird Cottages recent subdivision
- q E-mail from Kate Van Dyke on behalf of Friends of the Library, suggesting the Town and Library jointly purchase a computerized projector system for Power Point, as well as DVD players
- q Applications for park permit and noise amplification from Samsung, who wish to hold an event at Veterans Park, including a 7-10 piece orchestra
- q Correspondence from Time Warner re: program and channel changes
- q APA project approval for Brookhill Development Corp
- q Correspondence from Mike Muller re: Byers Article 78 filed against the Bolton ZBA
- q Notice of NYS Affordable Housing Conference
- q Call of the Wild newsletter
- q Copy of the Bolton Eagle newsletter
- q Final environmental impact statement from LGPC re: sediment management and shoreline dredging activities
- q Brochure on use of solar energy from NYSERDA
- q Brochure from Doc Doctors
- q WC Dept of Tourism placemats
- q WC Health Services re: emergency response and preparedness planning
- q Notice of 2004 Smart Growth Conference
- q NYSOPRHP re: grants management
- q Greater Adirondack Home Aides, Inc 2004 annual report
- q 2004 Events Schedule from Hyde Assoc

Reports:

Councilman White:

ASSESSOR:

q Dept had a very busy month of April, updating properties. Staff has been working extra hours. Assessment file was turned into the County on April 27. Total assessment value for the Town of Bolton was \$1,028,944,116 (which is up from \$621,932,168 for the last assessment). Number of parcels has grown from 3,434 to 3,466. Mr. Rosebrook attended a BAR training session. Grievance days hours have been expanded and are available in the Assessor's office.

WATER DEPT:

q Water made: 7,183,499 gals. Average daily use: 239,449 gals. Pond level is very high. Dept was busy in April with various projects and turning on seasonal waterlines. Work on PRV station on Horicon Ave has commenced. The Dept will be unable to complete the fire hydrant flushing until fall. All meters have been read.

POLICE DEPT:

q Hours officers worked: White - 131.5, Howse - 135.5, Schoder - 99. Miles patrolled: 1,751 miles. Fuel used: 170.1 gallons. Officers White and Howse investigated 3 criminal reports, 1

assist to other agencies, 4 security alarms, 2 traffic summons, 2 warning summons, 1 auto accident, 2 domestic complaints, 4 court securities, 2 arrests, 6 emergency medical assists, 2 fire dept assists, and 9 misc complaints. Staff attended a 3-day training session. Copy of the police schedule is at the Town Hall.

JUSTICE COURT:

q A/R: Judge Demarest - \$4,435. Stewart - \$4,315. Total: \$8,750.

Councilman Saris:

TOWN CLERK:

q Total local shares: \$9,600.82. Non-local: \$214.88. Total state, county and local revenues: \$9,815.70

SEWER DEPT:

q The Plant took in 4,849,986 gals of wastewater for a daily average of 161,666 gals. There were 18,000 gals of liquid sludge hauled. Monthly reports and samples have been good, with no violations. Dept was commended for prompt attention to various repair needs that arose.

HIGHWAY DEPT:

q The Dept continues road maintenance.

Councilman Andersen:

PLANNING OFFICE:

q Permits applied for: 9 Certificates of Compliance / 2 Wastewater disposal system 6 Variances / 4 Site Plan Review / 5 Subdivision. 200 miles traveled. A/R: \$2,958.05. Outstanding issues: *Hubbell-Greenmier*: illegal subdivision - P. Kenyon is trying to get an update on this matter. She reiterates the need for a code enforcement officer. Failed septic at the Jensen residence must be taken care of (Counsel has been handling). The zoning office requests to purchase new GIS/permit tracking software from the County. Various notices of violation have been issued.

RECREATION DEPT:

q Summer schedule coming out shortly. Tentative dates scheduled for the dedication of the little league field: May 14 or 21.

BUILDINGS & GROUNDS DEPT:

q Dept very busy cleaning up around the Town Hall and parks. It was noted that the Dept has a large workload and does a great job.

Councilman MacEwan

TRANSFER STATION:

q A/R: \$5,042. Employee Henry Nittmann was injured on the job April 27, and was unable to return to work until May 4 (Frank French has been working in his place). Ten units

containing Freon were removed on 04/24/04. Crusher has been there since 04/26/04. Lisa French is still inquiring about repairs to the C&D bin.

Supervisor Gabriels

SUPERVISOR:

Total receipts: \$558,208.02. Total disbursements: \$348,873.64. Stormwater: LGA has suggested stormwater improvements be made at Bixby Beach (similar to those done at Huddle Beach). The County unplugged a stormwater drain that runs from the Sagamore Road through Norowal parking lot.

Unfinished Business:

There was no public comment re: John Miller's request for a permanent easement over Town property off Brook Street.

RESOLUTION #103

Councilman Andersen moved, seconded by Councilman MacEwan, to close the public hearing re: John Miller's request for a permanent easement over Town property off Brook Street. All favorable. Motion carried.

RESOLUTION #104

Councilman Saris moved, seconded by Councilman White, to grant John Miller's request (tax map #171.15-1-17) for a non-exclusive permanent easement for pedestrian and vehicular ingress and egress over property belonging to the Town of Bolton and known as tax map parcel 171.19-1-3, for which the municipality has no obligation for maintenance, upkeep, repair or snow removal. This easement runs with the land permanently. All favorable. Motion carried.

PUBLIC HEARINGS: Regulation of Adult Entertainment Businesses and Tattoo, Body Piercing, Branding and Scarification Regulations

q Mary Owens of Hondah Loop stated that she was opposed to tattoo parlors being allowed in Bolton Landing. Supervisor Gabriels explained that constitutionally, the Town cannot ban such operations, but felt the RIL zone (Residential Industrial Low Density) was most appropriate in which to allow such use.

There was no additional public comment.

RESOLUTION #105

Councilman White moved, seconded by Councilman Andersen, to close the public hearings for *Regulation of Adult Entertainment Businesses and Tattoo, Body Piercing, Branding and Scarification Regulations*. All favorable. Motion carried.

Counsel stated that the short environmental assessment form had been completed for the

modification to the Bolton Zoning Code re: Regulation of Adult Entertainment Businesses, indicating there would be no adverse impacts with respect to air quality, aesthetics, vegetation, community's existing plans, anticipated growth or other unscheduled impacts.

RESOLUTION #106

Councilman Andersen moved, seconded by Councilman Saris, to make a negative declaration regarding the change to the Bolton Zoning Code addressing Adult Entertainment Businesses. All favorable. Motion carried.

Counsel noted that the short environmental form had been completed for adoption of the Tattoo, Body Piercing, Branding and Scarification Town Ordinance, indicating there would be no adverse impacts with respect to air quality, aesthetics, vegetation, community's existing plans, anticipated growth or other unscheduled impacts.

RESOLUTION #107

Councilman Saris moved, seconded by Councilman White, to make a negative declaration re: adoption of Tattoo, Body Piercing, Branding and Scarification Regulations as a Town Ordinance. All favorable. Motion carried.

RESOLUTION #108

Councilman Andersen moved, seconded by Councilman White, to enact the Regulation of Adult Entertainment Businesses, and adopt it as a change to the Bolton zoning code, to be known as Article XVIII. All favorable. Motion carried.

RESOLUTION #109

Councilman Saris moved, seconded by Councilman Andersen, to adopt proposed Town Ordinance #44 Tattoo, Body Piercing, Branding and Scarification Regulations. All favorable. Motion carried.

Supervisor Gabriels referred to Ben Rae's proposal to allow the Town to lease his vacant property on Horicon Avenue (tax map #171.15-1-38) for the purpose of providing additional public parking. In discussions today among Mr. Rae and the Town Board, a proposal was agreed upon, which includes that the Town would incur the cost of putting up a fence around the proposed parking area. The proposal would allow for 23 additional parking spaces for general use by the public, free of charge, with overnight parking being prohibited. The cost to the Town would be \$700 / month, based on a 2-year lease. Councilman White felt this would improve the current safety situation along this strip of Horicon Avenue, especially in light of the adjacent school ball field. Supervisor Gabriels noted that while the Board has not had an opportunity to solicit public discussion on this proposal, it is an issue the Board should act on soon. Councilman Saris noted that addressing the lack of parking in the hamlet was identified as a priority in the Comprehensive Plan survey.

Regarding the matter, Counsel did not see any legal issues with the Town entering into the agreement. Supervisor Gabriels noted that there is a deed restriction requiring Mr. Rae provide 4 parking spaces for his tenants on the adjacent rental property. Counsel noted that the proposal called for a "triple net" commercial lease agreement, which typically means that the Town would

be responsible for insurance coverage, maintenance and taxes on the property. Regarding insurance coverage, Counsel felt that this project could be easily incorporated into the Town's existing policy at a minimal cost. Some Board members did not believe that Mr. Rae intended for the Town to pay the taxes on the property, as this was never discussed. It was determined that the Town would not agree to pay the taxes on the property, and Counsel would move forward on working out the lease agreement details with Mr. Rae's attorney.

RESOLUTION #110

Councilman White moved, seconded by Councilman MacEwan, to authorize Counsel to negotiate, on the Town's behalf, a lease agreement with Ben Rae consistent with the Town Board's instructions as discussed, including that the Town would not be responsible for taxes on the property. The purpose of the lease is to provide much needed public parking on Mr. Rae's vacant parcel of land on Horicon Avenue, identified as tax map #171.15-1-38. If the lease agreement is consistent with the Town Board's expectations as discussed herein, Supervisor Gabriels is authorized to sign the lease agreement, which specifies a cost of \$700/month based on a 2-year lease. All favorable. Motion carried.

Don Roessler addressed the Board re: the proposal for Orange County Choppers (OCC) to have exclusive use of Veterans Park during Americade (Tues, June 8 - Sun, June 13) for a motorcycle demonstration (approx 25 motorcycles), inclusive of their own food and souvenir vending. They would prefer to setup in the area of the basketball court, and would charge an admission fee of \$2 per person, \$1 of which would go to OCC, with the other dollar being divided 3 ways among the Bolton Chamber of Commerce (who is the sponsor of the event), the Bolton Fire Dept, and the BSC Scholarship Fund. Whatever expenses the organizers incur would be taken out of their ½ of the admission price prior to the money being split up. They plan to have 5 or 6 mobile toilet units.

OCC has a television show on the Discovery Channel. They are expected to film a 1-minute on-location media spot to air on their station. The Bolton Fire Dept will assist in helping with traffic control. For safety reasons, OCC has requested that there be no parking in the park facility during their hours of operation, which will likely be from 10 am - 6 pm. Mr. Roessler indicated that a joint meeting would be held next Tues with the Town Parks and Recreation staff, the Fire Dept, the Police Dept and Rescue Squad to work out emergency access strategies and other details.

Supervisor Gabriels was concerned about closing Veterans Park beach to the general public for parking, as this may set a precedent. He also had safety concerns over what would result in additional pedestrian traffic at the park. It was noted that area schools would be in session, so public use of the park/beach would not be as great as it would during the summer months. Councilman Saris noted that there have been similar restricted uses of the park, such as the circus and the Barbershop Quartet Festival. Councilman White had a discussion with the Bolton Police Dept, who indicated they would have all three policemen working during OCC's hours of operation, as there will be security issues, given the amount of money collected for what they are anticipating as 10,000-15,000 visitors per day. Mr. Roessler noted that he has been approached by parties interested in vending at the event, but it is part of the agreement with OCC that they

have exclusive use of the park for their demonstration and vendor(s). Mr. Roessler stated he would be at the June Town Board meeting to give the Board final details on the event.

RESOLUTION #111

Councilman White moved, seconded by Councilman Saris, to grant permission to Orange County Choppers for exclusive use of Veterans Park from Tues, June 8 - Sun, June 13 during the hours of 10 am to 6 pm. All favorable. Motion carried.

RESOLUTION #112

Councilman Saris moved, seconded by Councilman Andersen, to solicit bids for repair of the bridge/culvert on New Vermont Road by High Nopit View, based on Engineer Carl Schoder's recommendation as presented. Bids for the work will be opened on May 27, 2004 at 3 pm. All favorable. Motion carried.

Regarding repair of the floating concrete pads at the highway garage, Counsel stated that he has spoken with Jerry DeVoe several times in an attempt to get estimates for the work. Mr. DeVoe has had a difficult time getting contractors to give estimates, due to their busy schedules and their perception that the Town was merely going to get estimates, and in turn have the work done by Town personnel. Counsel tried to dispel this notion in his discussion with Mr. DeVoe today. He will have a status report at the next meeting as to whether he was successful in obtaining bids.

Supervisor Gabriels suggested going to project architect Richard Jones Associates and saying, "you have a problem, we don't know its cost, fix it." Counsel stated that yes, the Town could place Richard Jones Associates on notice that he is to notify his insurance carrier because there are error and omissions with respect to the claim that the Town will bring against the company for this failure. The Town could take this approach while simultaneously seeking estimates. Councilman Saris suggested the Town seek an estimate from project contractor A. Ritz. Counsel will do so.

RESOLUTION #113

Councilman Andersen moved, seconded by Councilman MacEwan, to authorize Counsel to put Project Architect Richard Jones Associates on notice of the contract failure regarding the floating concrete pads at the highway garage and to alert his error and omission carrier of the same. All favorable. Motion carried.

Supervisor Gabriels referred to the ongoing situation between the NYS DOH and Cobblestone Subdivision regarding the developer's desire to include the entire subdivision within the Town's water system. Counsel believes that as it currently stands, only 3 lots fall entirely within the water district and 1 lot falls partially within the district. The issue of who would be responsible for the proposed water lines/connections outside the water district is at hand.

Counsel noted that a contract between the Town and the HOA could be entered into, the terms for which must be worked out and should include that there be no cost to the Town. Additionally, the Town should not be responsible for failures in the system. There are also the

options of expanding the water district or contracting for service outside the district boundary, but still within the municipality. However, Counsel pointed out that municipal contracts have a cap on them of 40 years, which is likely when problems will begin to occur. The developer's attorney, Robert McNally, indicated he would follow up with Counsel as to what the developer wishes to do.

Councilman Andersen wondered if, as a condition of the contract, it could be specified that in 37 years, the HOA would have to present a new contract relieving the Town of its obligation to supply water to those lots outside the water district. This should include a provision that the Town will not take over these lines unless the HOA is able to provide a new 40-year contract that is satisfactory to the Town. Counsel indicated that this option seemed to comply with current statute, but he wished to further research the matter. He noted that to ensure that a new contract would be addressed in 37 years, the Town would have to somehow tie the contractual agreement into deed covenants to be filed with the County Clerk's office. Counsel advised that the Town await Atty McNally's response.

The Board scheduled a meeting with the Barbershop Quartet Festival organizers for Tues, May 11 at 7 am at the Town Hall.

Regarding the NYS DEC Snowmobile Plan, Supervisor Gabriels stated that he believes there has been no recent public comment, and WC is currently taking into consideration past public comment heard at the local level.

Supervisor Gabriels referred to the failed septic system at the Jensen residence on New Vermont Road (tax map #123.00-2-55). The Jensens have indicated they cannot afford to replace the system, for which they got an estimate from Contractor Don Kingsley. Mr. Kingsley gave the Jensens a reduced estimate of \$9,000 from \$12,000. Supervisor Gabriels was unsuccessful in soliciting assisted funding from the County, who suggested the homeowners go through Rural Services (a function of the USDA).

Counsel advised that the homeowners have an obligation to be in compliance with the health code. It was suggested that Counsel inform the Jensens' attorney of their option to seek assistance from the USDA, which works on an income basis. Counsel noted that the Board is not authorized to get involved in the financial aspects of the situation, although he will informally discuss financing sources with the Jensens' attorney. He will continue enforcement action via a letter, on which he will cc: the Town Board.

RESOLUTION #114

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

Supervisor noted that there is a failed septic system at Hometown Diner (owned by Bernie & Shirley Russell - tax map #171.11-2-3), the solution for which requires 2 variances from the Town. The Russells have gone to the NYS DOH, who has signed off on all of the engineering (done by Jarrett-Martin Engineers) for the proposed new system. However, the Town's septic regulations regarding setback distances are stricter than DOH's. Even though the

Town does not get involved with commercial septic systems, DOH will not entirely sign off on their jurisdiction until the Town BOH does.

Supervisor Gabriels explained that the 2 variances are for vertical separation distance from the bottom of the leaching system to seasonal high ground water (5' is required for systems located within 1,000 of the Lake) and the setback distance from the property line (10' is required). The proposal calls for a setback distance of 7.33' from the toe of the slope to the northern property line and vertical separation distance of 3'. A copy of the proposal was sent to Town Engineer Tom Nace, who provided a letter of preliminary approval based on a quick review of the proposal, noting that he would need do a more detailed review.

Counsel asked Supervisor Gabriels if there might be some interest of adjacent owners with regard to the sideline setback relief sought. Supervisor Gabriels indicated he was going to inquire with Counsel as to the BOH's obligation, if any, to notify adjacent landowners when considering septic variances. He noted that he doesn't remember this ever being a requirement. Margaret Wurtz, adjacent landowner to the north, is most impacted by the proposal. Her lot is oddly configured, with her house being located at the other end of her lot, away from the proposed septic location.

Regarding impacts on the neighbors, Tom Jarrett of Jarrett-Martin Engineers noted that the setback relief sought involves the toe of the fill, as required by State regulations, not the actual leaching system, which is more than 10' away. The total height of fill for the system would be approx 4' above the existing grade. Mr. Zwick, adjacent landowner to the east, verbally indicated to Mr. Jarrett that he had no problem with the proposal. Mr. Martin believes that Mrs. Russell was going to contact Mrs. Wurtz, but he is uncertain if she was successful in doing so. The Board felt it was in the best interest of the neighbors to install a properly functioning system as soon as possible, noting that what is being proposed is likely better than what is there.

RESOLUTION #115

Councilman White moved, seconded by Councilman Saris, to grant the septic variance request for Hometown Diner (owned by Bernie & Shirley Russell - tax map #171.11-2-3), as outlined in Tom Jarrett's letter dated May 3, 2004. The request is for 2 variances as follows: *vertical separation*: 5' is required, 3' is proposed and *setback distance from the property line*: 10' is required, 7.33' from the toe of the slope. This approval is pending Town Engineer Tom Nace's review and approval of the system design. The applicant must agree to adhere to any recommendations that Mr. Nace may have, and if not, the applicant is required to return to the BOH. All favorable. Motion carried.

Supervisor Gabriels asked Counsel for procedural guidance regarding the following: a neighbor lodged a complaint about garbage accumulation at the Zill property on Sawmill Road (tax map #140.00-1-31). It was noted that the residence appears to be unoccupied and the property is up for sale. Health Officer Bryan Smead inspected the site and verbally indicated there is a health problem there. At the Board's instruction, Counsel will put the property owner on notice that the property needs to be cleaned up, per the appropriate Town ordinance.

New Business:

Tom Wysoski, National Sales Manager at the Sagamore Resort, made a request on the Sagamore's behalf for use of Veterans Park on Thursday, August 19 from 6-10 pm, as they are hosting an awards ceremony for Samsung and Cheil Communications. They would like to set up a small stage and have 7-10 orchestra musicians. Although the ceremony involves awards for college students, there will be alcohol served at the event for the company representatives.

They hope to set up in the grassed area near the monument (along the southern property line of the park). The orchestra will face toward the west. Neighbors Rod and Mary Owens, public in attendance, indicated their opposition to this and requested that the musicians instead face toward the north. They also wanted to make sure the music would end promptly at 10 pm. The Board asked Mr. Wysoski to see if the organizers would agree to instead end the event at 9 pm.

There was a discussion regarding precedent setting, noise considerations and limited public use of the park. Mr. Wysoski indicated he would inform the organizers of the Board's concerns, and return with their feedback and more details at the June Town Board meeting. He noted that time was of the essence, as other arrangements must be made if the Town denies the request. He was invited to address the Board at their special meeting on Tuesday, May 11 at 7 am.

Supervisor Gabriels noted that the Board needed to set the summer hours at the transfer station. It was suggested that summer hours begin on the next pay period, which begins May 10. Staff has indicated that on Wednesdays, which is their half-day, they would like to be open in the morning instead of the afternoons, as in the past. Noting that signage may have to be changed and for the fact that the public is accustomed to the Wednesday hours of operation over the past years, the Board decided not to change the hours.

RESOLUTION #116

Councilman MacEwan moved, seconded by Councilman Andersen, to establish the following summer hours of operation at the Transfer Station: 8:00 am to 4:15 pm except Wednesdays, when the hours of operation will be from 12 noon to 4:15 pm. All favorable. Motion carried.

RESOLUTION #117

Councilman Andersen moved, seconded by Councilman Saris, to renew the BAN for the 2001 John Deere loader for \$25,994 at a rate of 2.25%. All favorable. Motion carried.

Supervisor Gabriels referred to correspondence from Leo Brassard of 14 Anchorage Road re: his water/sewage bills for watering his lawn. Mr. Brassard had offered to pay for and install a separate meter for his sprinkler system, proposing that the Town deduct this amount from his sewage bill. Supervisor Gabriels indicated to Mr. Brassard that the Board has not looked favorable on similar requests made in the past. Councilman Saris believes that the meter calculations are set up such that they take into account that not all community water used enters the community sewage system. The Board chose not to entertain the request.

Supervisor Gabriels noted that Town Park Attendant Mary Owens had made a suggestion in the past that the Town raise its parking fees from \$4.25 to \$5.00, to do away with the handling of change. Mrs. Owens, public in attendance, noted that people often ask her why the fee isn't

an even \$5, and they have offered that she keep the 75¢. Councilman Andersen wondered how many people in general come from neighboring Towns. Mrs. Owens indicated many come from Glens Falls and Albany. Councilman Andersen was hesitant to raise the fee, as it may be a deterrent for visitors from neighboring Towns. After a brief discussion the Board made the following motion, noting that the fee hadn't been raised in several years.

RESOLUTION #118

Councilman White moved, seconded by Councilman MacEwan, to establish the parking admission fee for the Town parks at \$5. 4 in favor. 1 (Councilman Andersen) opposed. Motion carried.

Mrs. Owens was asked to inform the Town Board if she receives many complaints about the new rate.

The Town took no action on a request from Joe Zarzynski of Bateaux Below to post a permanent sign in Veterans Park signifying the presence of the Cadet, a steam launch boat build in 1893, which sank in an unspecified location in Northwest Bay. The site is considered a historical landmark.

The Board granted a request by Paul Prill to park overnight in Veterans Park from Thurs, May 6 to Sunday, May 9, noting that the Town parks would not yet be under summer hours of operation.

Supervisor Gabriels referred to a request from the zoning office to purchase new GIS computer software (through the County), which will consolidate permit tracking and spatial data software into one program. The cost for the upgrade is dependent upon how many area Towns choose to purchase. It was suggested that should the Town consider the request favorably, the cost be capped at \$3,000. Zoning Administrator P. Kenyon indicates that there may be enough funds for the software in this year's zoning/planning budget.

RESOLUTION #119

Councilman Andersen moved, seconded by Councilman Saris, to approve the request from the zoning office to purchase new GIS software through the County, the cost for which is not to exceed \$3,000, based on Zoning Administrator P. Kenyon's indication that funds are available in the planning/zoning 2004 budget. All favorable. Motion carried.

RESOLUTION #120

Councilman Andersen moved, seconded by Councilman Saris, to grant the following noise amplification permit requests, both on Sat, July 3, 2004: 1) Anchorage HOA for 1 disc jockey from 7 pm - 10 pm; and 2) Willie Bea McDonald for Saturday, July 3 from 7 pm - 10 pm at the Conservation Park facility. All favorable. Motion carried.

RESOLUTION #121

Councilman Saris moved, seconded by Councilman Andersen, to grant Water Plant Operator John Perry's request to take his vacation from May 10-15 and June 7-11. The Board also grants

his request to be paid for 1 week's vacation that he will be unable to use prior to his employment anniversary date. All favorable. Motion carried.

Supervisor Gabriels announced that he received a request from Lagoon Manor for the Town to place 5 mph buoys in the waters in front of the development. Town Clerk Simmes informed Supervisor Gabriels that granting such a request would require a change to Town Ordinance #28. Councilman Andersen was of the opinion that there are already enough 5 mph buoys on the Lake, and this particular location is on the main Lake. He felt that what Lagoon Manor has done, with regard to the addition of docks and the general increase in development, has been self-created. The Board was not in favor of granting the request.

RESOLUTION #122

Councilman Andersen moved, seconded by Councilman Saris, to approve the following transfers:

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
General Fund		
19904 Contingency	45602 Health Center	\$ 141.00
19904 Contingency	71802 Ballfield	2,600.00
Highway Fund		
51204 Bridges	14404 Engineer	16,900.00
Sewer District		
81304 Treatment/Disposal	81104 Administration	5,000.00
81304 Treatment/Disposal	81302 Emergency charges	14,000.00

All favorable. Motion carried.

Public in attendance:

q Bob Weisenfeld asked whether the questions about the corporate status of Northwest Bay Partners have been resolved. Counsel indicated they have not. Mr. Weisenfeld presented the Board with documentation from the Secretary of State's office, indicating that the status of the corporation is inactive. He suggested that the Town Board to instruct the Planning Board to ensure that future applications are submitted and signed by legitimate and authorized parties. He asked to be kept abreast of any developments on the matter.

RESOLUTION #123

Councilman Saris moved, seconded by Councilman White, to pay the LG Watershed Conference bills in the amount of \$9,240.21. Voucher was submitted on 5/4/04, 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 #121

Councilman Saris moved, seconded by Councilman MacEwan, to pay the Town bills, with the exception of 2 bills (one from Miller Mannix Law Firm and one from Kubricky), for which Supervisor Gabriels requests there be further discussion. All favorable. Motion carried.

Councilman Andersen felt the Board should further discuss the current use of parking spaces along Sagamore Road, as people park there overnight and for days at a time while camping on islands. The idea of posting “2-hour parking” signs and/or “no overnight parking” signs was discussed. It was determined that Supervisor Gabriels would inquire with the County DPW what is involved with getting signs posted there.

Councilman Andersen moved, seconded by Councilman MacEwan, to enter executive session at 10:10 pm for the purpose of discussing 2 bills (one from Miller, Mannix, Schachner and Haffner Law Firm and one from Kubricky), the Greenmier-Hubbell illegal subdivision, the Article 78 on Byers, and after-the-fact zoning applications. All favorable. Motion carried.

Councilman Andersen moved, seconded by Councilman Saris, to adjourn executive session and reconvene the regular meeting and adjourn at 11:05 pm. All favorable. Motion carried.

Transcribed by:

Respectfully submitted by,

Melanie Quigan
Recording Secretary
05/18/04

Kathleen Simmes
Town Clerk