

STATE OF NEW YORK
COUNTY OF WARREN
TOWN OF BOLTON

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

PUBLIC HEARING: None

REGULAR MEETING:

Supervisor Gabriels called the regular meeting to order at 7:08 pm.

Pledge of Allegiance – Councilman MacEwan

Announcements:

- Town of Bolton's 4th Annual Boat trip on the Mohican is scheduled for Thursday, June 9, 2005 @ 7:00 PM – a free picnic in Rogers Park will be held prior - @ 5:30 PM by Recreation Commission.
- Bolton United/Bolton Cares have scheduled a Second Bolton Pride Day for Sunday, October 2, 2005 in Veterans Park. There is no budget request for this activity at this time.
- Bolton has received a NYSDOS EPF 50/50% matching grant or \$20,000 for a Zoning Ordinance update. Town has budgeted their local share and is now financially capable in proceeding.
- Bolton has submitted final BAN payment on the tennis court restoration.
- Meal Site Menu, brochures and public information documents are 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)

Public in Attendance:

- Frank McDonald spoke on behalf of the Bolton Business Association addressing the following: maintenance of items already in place in the Town of Bolton that need a little help. The association is willing to help with the on-going maintenance. Some of the maintenance projects the Bolton Business Association would like to assist or have hired to accomplish are: the lampposts and globes are dirty and need cleaning and the posts painted. The façade of the Town Hall needs repainting. The Bolton Business Association would like to have the TB review the memo, discuss it, and possibly get involved in a work session to get an inventory of all maintenance work that needs to be done. Supervisor Gabriels said the details matter and the TB would give a copy of the list to George Mumblow, head of the Parks Department, and encourage him to take care of the list, in addition to the current projects he is working on.
- Laura Saffer, Chairperson of Bolton United/Bolton Cares group stated the group was formed in January 2004, stated its mission and presented a slide show on Bolton Pride Day held

October 3, 2004 and with Town support, would like to hold Bolton Pride Day again on October 2, 2005.

Laura Saffer: Based on results of a substance use survey, the group came up with a Data Committee Report, which she submitted to TB Members and she highlighted some report findings by saying; Bolton is a great place to live and Bolton has the positive protective factors kids need. The rules of the family are clear and community members are looking out for other families. The use of alcohol and marijuana is higher in grades 7-10 than in grades 11-12 and Bolton's use rates are higher in Warren County in both those grades. She said Bolton United/Bolton Cares would like to use some of the data to possibly do future funding and plan programs and initiatives.

Laura Saffer: The group is requesting the TB continue in its efforts to support the Conservation Club. They would like to get the Board's support for a project to re-build the Conservation Club. They feel this would be an intergenerational activity to get the building going, which would bring year-round residents together and give them a focus. The building isn't usable by the community now.

Supervisor Gabriels said the budget request presented by Bolton United/Bolton Cares for the 2005 Bolton Pride Day was \$1,125.00.

Laura Saffer asked what the Town of Bolton's current fund balance is, to which Supervisor Gabriels answered, probably \$1.1 million. Laura Saffer asked if part of that fund balance could be used for the Conservation Club project, to which Supervisor Gabriels answered by saying some of it already is used for that project. The Conservation Park building is not off the radar screen with the TB. In the fall of 2004, the TB established a Capital Reserve Fund and put \$100,000 into that fund. The TB was approached with options of tearing down and rebuilding or fixing up the existing building, which was estimated to be a cost of \$300,000. Councilman Saris stated the TB felt the \$300,000 estimate given by the engineer and architect for re-building was high, considering that the building already has a new kitchen, bathrooms, furnace and well. Part of the expense is because towns have to pay prevailing wages and meet certain building codes that are not required in the private sector. The TB is very much committed to restoring the Conservation Park building, which is why they put aside real money for the project. Supervisor Gabriels has talked with a gentleman, who is knowledgeable with both proposed plans for the building, and was told the Town would be looking at a figure of \$350K-\$375K, and more if there is intent to build for the future. The Town could spend \$300,000 on the Conservation Club building, but he is concerned with the townspeople appreciating what the costs to the Town are, since it is a high number and when the townspeople feel comfortable with that number and are ready to spend it, it can be done. Supervisor Gabriels will look forward to working with Bolton United/Bolton Cares on the Conservation Park project and the upcoming 2005 Pride Day.

Correspondence:

- Letter from the tax collector regarding a good collection year for taxes.
- Note from Tom Conerty in favor of NoRoWal Marina purchase by Town and State.
- Proclamation passed by Chairman Bill Thomas, Warren County Board of Supervisors proclaiming May 3, 2005, Law Day in Warren County.

- Note from Chet Dagles, Town of Bolton Sewer Plant Operator, dated April 22, 2005, saying they had a surprise NYSDEC inspection on April 15, 2005 and they have done an outstanding job at the Sewer Treatment Plant.
- Report prepared by NYSDOH on the Bolton Water District and Water District Treatment Plant, showing good remarks received and some comments, suggestions and corrections.
- Permit from Warren County DPW to place a wood-carved sign at the bottom of Trout Lake Road and 9N by Town forces and volunteers.
- Notification we will be receiving \$20,000 for the Zoning Ordinance Update.
- Notice from the Sagamore that they are applying to renew two liquor licenses.
- Indication from APA that the project near Valley Woods Road on County Route 11 Tax Map Number 139.00-1-70 & 139.00-1-71 has been withdrawn.
- Memo from Pam Kenyon to return \$130 to Brian Wardles for a variance application that was withdrawn.
- Memo from Pam Kenyon to return a \$65.00 to Lynn Gollhofer for a variance application that was determined not to be needed.
- Memo from Pam Kenyon to return \$25.00 to Maryellen Hurley, who decided not to proceed with her project.
- Letter from LGA that they have a catch vac available for rent at \$70/day (for maintenance purposes only).
- Letter from the Bolton Chamber of Commerce, requesting the Town to landscape the area in front of the Chamber Building.
- Copies of correspondence from the NYSDOH on the Pioneer Village water system extension feasibility report that CT Male is preparing.
- Bolton United/Bolton Cares minutes from the beginning of April.
- Correspondence from Chris Navitsky, the Lake George Waterkeeper, regarding the Saddlebrook Subdivision road. Copies were provided to all TB Members.
- Communications from the Warren County Employment Training Administration about their Summer Employment Program.
- Materials from NYSAC, they are trying to get the state to put a cap on the Medicaid costs to the counties throughout New York State have to incur.
- Copy of the Bolton Eagle.
- Indication from Time Warner that they have paid their quarterly franchise fee in the amount of \$5,396.27.
- Correspondence from Senator Little.
- LGPC's Spring Report.
- Indication that the final generic environmental impact statement for the statewide wireless network is available for review.
- Minutes from NYSDEC Region 5 Fish and Wildlife Management.

Reports:

Councilman White:

ASSESSOR:

- Activities from the office include: 38 overall new parcels created, 264 property inspections linked to building permits, 307 exemptions approved, and 386 changes in assessment. Change in assessed value, taxable was \$18,829,000.00. On April 22, 2005, all work was completed for the assessment year and the computer file was turned over to the County for

publishing for the 2005 Tentative Assessment Roll. Ongoing litigation cases: there continues to be no reply from Rainbow Beach and a meeting is being scheduled with the Killeens in May.

WATER DEPT:

Water made: 6,307,061 gals Daily average: 210,235 gals. Pond level over spillway, due to continued run-off and heavy rains. The Water Department received a report from the NYSDOH. There are some issues to be addressed, which the Water Department will follow-up with a further information study. The furnace at the Water Treatment Plant is in need of repair or replacement.

JUSTICE COURT:

A/R: Total: \$6,185.00. There is an itemized list located in the court breaking down the amounts.

POLICE DEPT:

Hours officers worked: White – 114.5, Howse – 97.0, Schroeder – 73.5. Miles patrolled: 1,662 miles. Fuel used: 155.6 gallons. Officers investigated 3 criminal reports, 3 assists to other agencies, 1 security alarm, 2 uniform traffic summonses, 2 parking tickets, 1 auto accident investigated, 4 court securities, 3 arrests, 4 emergency medical assists, 3 fire department assists, 14 misc. complaints, 1 property recovery and 1 missing persons.

Councilman Saris:

HIGHWAY DEPARTMENT:

Highway Department has been working with the Parks Department to redo the basketball courts in Veteran's Park. They have been running into some water issues, but hopefully the project will be completed in the near future. They are working on South Trout Lake Road and Lamb Hill Road in preparation for re-paving work. Niagara Mohawk has provided the Town of Bolton with a tree crew and truck, and are removing the difficult trees free of charge.

SEWER DEPT:

The Plant took in 6,453,660 gals of wastewater for a daily average of 215.122 gals. There was 6.5" of rain last month, and the Town still has a large I & I problem. The Sewer Department has had no violations. Tom French has passed his class at Hudson Valley. He will be sent to Morrisville for the lab in June and he will take the Grade 2 WW Treatment Operator's test in August. The preventative maintenance on the north and south station generators has been completed.

TOWN CLERK'S OFFICE:

Total Local Shares Remitted: \$11,278.30. Non-local Revenues: \$208.67. Total State, Local and County Revenues: \$11,486.97.

Councilman Saris stated that the Town Clerk's Office did a great job in collecting taxes this year and were able to invest that collected tax money and actually earn the Town an additional \$16,945.00 in revenue. This is a great job and the office is to be congratulated.

Councilman Andersen:

PLANNING OFFICE:

Permits applied for: 21 certificates of compliance / 8 wastewater systems / 9 variances / 6 site plan reviews / 1 subdivision / 4 stormwater permits. A/R: \$2,850.02.

Regarding the Greenmeir/Hubbell issue, Councilman Andersen stated it comes down to one group having to agree to sign off, and according to Zoning Administrator Pam Kenyon, who has spoken to the Kingsleys and they stated they have not been instructed to sign off. Pam Kenyon suggests Counsel take the lead in handling this matter. Counsel responded by saying that he was not aware of that and he will offer a signature line to the Kingsleys if they are willing to sign.

CODE ENFORCEMENT:

44 site visits 5 notice of violation letters / 1 compliance extension / 2 stop work orders / 6 water samples taken to RPI / 1 letter of intent of what people are doing with a residence / 1 no violation letter. 294 miles logged for the aforementioned events.

BUILDINGS & GROUNDS DEPT:

Have begun spring clean up. George is working with Dave Wick, and hopes to get a permit by May 6, 2005, with a start date of May 9, 2005 for dredging around the docks at Veterans Park. Met with Timmy Hendricks of NYSDEC regarding getting a beach sifter loaned to the Town from the State, with the intent of doing the beaches in May

RECREATION DEPT:

Recreation Department (1) will be starting a day camp for children this summer with structured activities in the day. There will be a parent information meeting on May 25, 2005 at 7:00 pm at the Bolton Town Hall. They already have 30 people very interested, with a maximum goal of 40. The Rec. calendar is near completion and should be done in early June. The beaches open Memorial Day for weekends only until June from 10:00 am to 5:00 pm.

Councilman MacEwan:

TRANSFER STATION:

A/R: \$5,426. Lisa French reported the metal crusher is onsite at the Transfer station. The building is being painted gray, not yellow as reported.

ANIMAL CONTROL:

Report is on file 14.5 hours 129 miles

- April 6, 2005 – attended rabies clinic, 42 dogs and cats received vaccine
- April 7, 2005 – attended dog control seminar in South Glens Falls
- April 7, 2005 – went to landfill for nuisance dog complaint, no dog found
- April 10, 2005 – lost German Shepard on New Vermont Road, no dog found
- April 10, 2005 – 2 lost dogs on Coolidge Hill, no dogs found, returned home on their own
- April 26, 2005 – lost dog in Town of Bolton, did not see dog, it was found by neighbor and returned home

- April 27, 2005 – call about a raccoon, set up a have-a-hart trap, raccoon was caught on April 30, 2005 and released in another area

Supervisor Gabriels:

- SUPERVISOR:

- Total receipts: \$496,274.78. Total disbursements: \$388,198.79.
- Stormwater: Timmy Coon reported on May 3, 2005, that almost the entire stretch behind the new garage, has been rock lined and he is planning to put in some ponds in the approximate area of the Transfer Station.
- Warren County: no specific information to report.

Unfinished Business:

Melanie Quigan received a 100 on the Warren County Civil Service exam. She is third on Warren Counties list for Zoning Clerk. The TB unanimously agreed that this is a wonderful achievement. Supervisor Gabriels asked if the Town has to take action to make her appointment as Town of Bolton Zoning Clerk permanent and fully compliant. Counsel answered yes in order to ensure a paper trail.

RESOLUTION #100

Councilman Andersen moved seconded by Councilman Saris to make Melanie Quigan's position as Town of Bolton Zoning Clerk permanent. All favorable. Motion carried.

Regarding the need to solicit a replacement for the Warren County Youth Board as Russ Ferris has resigned. Copy sent to Rec. Commission for their input. The Rec. Commission has not reported back with any candidates to date.

We need to adopt a resolution accepting the Improvements at the wastewater Treatment Facility.

RESOLUTION #101

Councilman Saris moved seconded by Councilman MacEwan for the Town of Bolton to formally accept 100% ownership of the Improvements completed by Warren County under EPA agreement XP992256-01-2 to Town of Bolton Sewer District. All favorable. Motion carried.

We need a resolution renewing the agreement with Warren County regarding the location of the fuel management system at the Bolton Highway Shed.

RESOLUTION #102

Councilman Saris moved, seconded by Councilman Andersen for the Town of Bolton to continue the relationship it has with Warren County in maintaining and operating the Fuel Station located at the Bolton Highway Facility for a term of five years. All favorable. Motion carried.

Regarding Miller, Mannix, Schachner & Hafner itemized bill for Rainbow Beach Tax Cert. For 3/05 work: 2 phone calls to Assessor each lasting no more than 5-10 minutes; one memo and one letter and revision - 2.6 hours @ \$338.00. Supervisor Gabriels asked if the bill was reasonable, to which Counsel answered, it is a big bill for a little bit of work, but that whole piece of

litigation is agony and he will talk to Michael Hill and try to instigate moving the litigation along.

Board of Health/Water Commissioners:

Vincent Posteraro health issue: A letter dated 03/31/05 from Dr. Smead was sent to Mr. Posteraro regarding the public health issue of accumulated garbage bags and trash at his residence. Supervisor Gabriels stated Mr. Posteraro seems to have made some progress, and it appears he is cleaning it up, and the TB will continue to monitor the situation. Councilman Saris stated he and the Town Clerk visited the residence on 05/02/05 and it is still a work in progress, to which Supervisor Gabriels stated he would bring it to Mr. Posteraro's attention.

Pending Septic Variance request - Lichtenstein [157.05-1-40] by Jarrett-Martin Engineers, PLLC - mound leaching system - has been referred to Tom Nace - Public Notice has NOT occurred - Nace has not reviewed.

Referrals from Code Enforcement Officer / ZBA / PB:

Brian Allen of 716 Trout Lake Road, conversion of "storage shed to living quarters" per notice of violations dated February 25, 2005 - notice dated March 22, 2005 TABLED from April meeting per request of Attorney H. Krantz.

Attorney Mark Rehm, representing Brian Allen, stated that on 02/25/05, the Town issued a notice of violation to the Allens. What was applied for was removal of a shed to put up a new shed, but what was in fact put up, was a guest cottage with kitchen facilities. They have currently applied to the ZBA for an area variance for an increased density as requested, but the Zoning Office will not accept the application until the TB takes remedial action. They are here to right a wrong and ask the TB be reasonable in the remedial action it takes.

Supervisor Gabriels asked if a variance would be needed if the structure was just a guest cottage, to which Mark Rehm responded, no, not in my opinion, and Counsel said he agreed. Councilman Saris asked if the Allens would have needed anything if they originally wanted to convert the shed into a guest cottage, to which Counsel answered by saying, (1) his cautionary answer is, it sounds like they would not have needed anything but a building permit, but (2) he presumes to convert the storage shed on that parcel, the applicants would have to get a certificate of compliance, and (3) he presumes the principal dwelling would have been there, so this would have been a conversion of an existing plan into a guest cottage, and the plan would have been without a kitchen, so it sounds like it would have had clear sailing. Supervisor Gabriels asked if the Allens would be willing to entertain the notion of removing the kitchen from the guest house at this juncture as opposed to on the ZBA level, to which Mark Rehm answered that the applicants would rather keep the kitchen facility in place at this time, until determined that they have to remove it. Councilman Saris asked if this is a density issue with the APA, to which Counsel answered yes. Density issues are always APA issues, and there is the possibility that the applicant could receive local approval, but then can be denied by the APA.

Councilman White asked if the storage shed was converted or torn down and replaced, to which Mark Rehm answered, his understanding is that it was removed and replaced. Counsel asked if the septic waste from the guest cottage goes into one system, to which the attorney responded by

saying, by Town code you are allowed a bathroom in a guest cottage and the guest cottage bathroom does share septic with the main dwelling and the main dwelling was reduced by one bedroom, so there is not much impact upon the septic system.

Councilman White asked if this was a replacement without an approval, to which Mark Rehm responded by saying, no, the building permit was to build a shed, not to build a guest cottage. Counsel stated that if this is an appropriate case for sanction, the TB could impose a civil penalty, where the money involved would be the amount the TB feels is reasonable for the transgression, or they could couple the civil penalty with the condition that the landowner bring that property into compliance, meaning, a guest cottage only with no kitchen facilities. Counsel wants to make it clear that the TB needs to know, that the law does permit the Allens to then apply for the variance, which could be granted if they present the proper case to the ZBA. Counsel doesn't want the ZBA to think there is some mandate from the TB that it can't approve a variance and the ZBA could, under the proper circumstances, grant the release sought.

Councilman Saris stated he is not implying in any way that the TB can grant permission, from his time on the PB, the circumstances of this case are not uncommon with regard to the guest cottage is an allowable use in almost all of the zones in Bolton and, the Town of Bolton uses the lack of a stove to differentiate between a primary dwelling and a guest cottage. Supervisor Gabriels asked if any other appliances fall into the definition of a kitchen other than having a stove, to which Councilman Saris answered, by saying the definition talks about kitchen facilities, which is mainly the stove and plenty of people have a refrigerator in their garage, which doesn't make their garage into a kitchen.

Supervisor Gabriels stated obviously there is a violation of the law and code. It is clear to him that the TB cannot render a decision regarding granting or not granting a variance, as it is not the TB's domain. The TB needs to figure out if there will be any penalties imposed or just suggest it goes before the ZBA and Counsel has also suggested an alternative strategy which suggests, among other things, a civil penalty in some uncertain amount and a requirement to remove the kitchen facilities in the guest cottage. Councilman White asked what kitchen facilities are presently in the guest cottage, and Mark Rehm answered, there is no definition of kitchen facility, but to his knowledge, that would include anything that resembles a kitchen, which to him would be the refrigerator and stove, in this case, the camp stove and removal of the camp stove and refrigerator would not be a major structural change. Councilman Saris said from experience of what has been done before, the stove is the only concern.

Councilman Andersen asked that if the Allens applied originally to build a guest cottage, not a shed, would the Zoning Office have had the ability to bring up any questions regarding septic facilities, to which Counsel answered, he thinks the Zoning Office would and hypothetically, since it is in the proper zone for a guest cottage, and the connection can be made from the guest cottage to the main sewer system, that this probably would have received, if presented in that matter, a certificate of compliance, which would then be the predicate to the building permit.

Supervisor Gabriels asked how the TB assures the ZBA fully understands that the following resolution is without prejudice, to which Counsel answered, he will do his very best to let the

ZBA know that the TB did not intend to prejudice this application, nor steer the ZBA in any decision and the ZBA should have a clear, fresh look at the application.

RESOLUTION #103

Councilman White moved, seconded by Councilman MacEwan to impose a \$1,000 civil penalty on Brian & Virginia Allen Tax Map # 185.00-2-11 payable to the Town of Bolton within 30 days, and that the applicant must bring the property into compliance with the uses and the densities permitted for the zone in which the property is located and the matter be referred back to the ZBA. All favorable. Motion carried.

Pending - Barracks/ Smith - Edgecomb Pond Road (171.00-1-29), V04-18 - alleged construction of primary residence situated on Smith property without building permit, - Nothing new

Pending- Discuss referral from Bolton PB of 10/18/04, seeking alternative remedies and/or remedial action (Nicoletti) - Noise complaint pursuant to Noise Ordinance – Nothing new

New Business:

Regarding the need to adopt a new dirt Disposal Release Form as Town policy for the Highway Department. Councilman Saris said the policy for removing material excavated from around the roadside has always been to deliver it either to the property owner it is being excavated from or to the closest property owner willing to accept it. The Code Enforcement Office made him aware that sometimes people may need permits to be in compliance with this material and that there might be an assumption by some people that since it is being delivered by the Town, that permit might not be required, which is not the case. Councilman Saris talked to Timmy Coon and they decided having the recipient of the material sign a release would cover the Town. It has always been the recipients responsibility, but they want to make sure the recipient is aware that any permits required are the their responsibility. Supervisor Gabriels asked where the form would go after the owner/occupant signs it, to which Councilman Saris answered by saying, Timmy Coon can keep them or he could deliver them wherever the TB feels the documents should be housed. Supervisor Gabriels said in paragraph 1 of the Disposal Release Form, it indicates that the material is derived and extracted from roadside ditching or roadside maintenance projects and asked if the definition is broad enough to accommodate the upcoming project of dredging sand from Veterans Beach. Counsel said the definition is not broad enough as is, but he will revise it to encompass the above example. The Town Clerk asked if people who want this service should be directed to the Highway Department. Councilman Saris answered yes.

RESOLUTION #104

Councilman Andersen moved seconded by Councilman Saris to adopt the Dirt Disposal Release Form for the Town Highway Department and the Town of Bolton with the changes Counsel will make. All favorable. Motion passed.

Supervisor Gabriels stated the current water billing software program has several varied, inconsistent accounting problems, which pose administrative problems. We have looked into a new billing software program called WaterWorks from Network Oriented Solutions, Inc., of

Palmyra, NY. Town Clerk and myself viewed a demonstration of this software. The Town has been given a quote of \$5,683.75 to purchase the WaterWorks System with a one-year licensing agreement plus an annual maintenance fee.

The Town Clerk stated that every quarter there is a new and different problem with the current software. Many hours are spent correcting mistakes within the system. Supervisor Gabriels said the problems are unbelievable and the Town needs to spend the money to reconcile the situation.

RESOLUTION #105

Councilman Saris moved, seconded by Councilman Andersen to approve purchasing the water billing software WaterWork, from Network Oriented Solutions in the amount of \$5,683.75, with the condition that the Town Clerk will make sure the annual maintenance fees are reasonable. All favorable. Motion carried.

Supervisor Gabriels stated that in 1996 a Sewer Moratorium was enacted by the TB for one year, as there were significant problems at that time with the sewer plant. On August 17, 1998 a variance was granted on property owned by MaryAnn Valenti Tax Map #171.15-3-36 by the PB for a hair salon business with a condition that it required TB approval for anything impacting our sewer system. The current Sewer Treatment Plant is running very well operationally, and there is a need to absolve any PB conditions concerning this property since these conditions still apply and Bruce Cerosky wants to create fish market at same location. Councilman Saris stated the use of the location as a fish market is a less intensive use than that of a hair salon and he is in favor of getting rid of the requirement of the permit condition.

RESOLUTION #106

Councilman Saris moved seconded by Councilman MacEwan to terminate any inference of condition or limitation concerning our sewer plant on parcel ID #171.15-2-36 owned by MaryAnn Valenti. All favorable. Motion carried.

The board needs to authorize two (2) Statutory Installment Bonds - a three (3) year for \$19,245 @ 3.50% with GF National / Lake George Office for the 2006 Ford F250 and a five (5) year for \$75,921 @ 3.875% with GF National / Lake George Office for the 2005 Ford F550 diesel (\$45,376) and a 2006 Ford 1 ton gas (\$30,545). Counsel said the Statutory Installment Bonds must be addressed in separate motions.

RESOLUTION #107

Councilman MacEwan moved, seconded by Councilman Andersen to authorize a three (3) year Statutory Installment Bond for a 2006 Ford F250 with Glens Falls National Bank & Trust /Lake George office in the amount of \$19,245 at an interest rate of 3.50% All favorable. Motion carried.

RESOLUTION #108

Councilman Andersen moved, seconded by Councilman White to authorize the five (5) year Statutory Installment Bond for a 2005 Ford F550 diesel (cost \$45,376) and a 2006 Ford F350 gas (30,545) with Glens Falls National Bank and Trust /Lake George office in the amount of \$75,921 at an interest rate of 3.875%. All favorable. Motion carried.

The board needs to authorize the renewal of \$12,997 BAN for a 2001 John Deere Loader..

RESOLUTION #109

Councilman Saris moved, seconded by Councilman MacEwan to authorize the renewal of a \$12,997 BAN for the 2001 John Deere four wheel drive loader with Banknorth N.A. d/b/a Evergreen Bank at an interest rate of 3.57%. All favorable. Motion carried.

The board needs to authorize the following zoning department refunds per the Zoning Administrator's memo of April 20, 2005.

RESOLUTION #110

Councilman Andersen moved, seconded by Councilman Saris to authorize the return of the following fees: Brian Wardles \$130, for a withdrawn variance application, Lynn Gollhofer \$65 for a variance that wasn't needed and Maryellen Hurley \$25, for a withdrawn certificate of compliance. All favorable. Motion carried.

The Water Department has requested \$2,500 for materials to correct a problem that the NYSDOH has with the connection between raw water intake and clear well. The deadline is June 30, 2005 for this remediation.

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RESOLUTION #111

Councilman White moved seconded by Councilman Saris to authorize the \$2,500.00 expenditure for materials for the Water Department to correct the NYSDOH request. All favorable. Motion carried.

Noise permit request from Ed & Carol Sheridan.

RESOLUTION #112

Councilman Andersen moved seconded by Councilman MacEwan to grant the noise permit for Ed & Carol Sheridan for September 11, 2005 from 2 pm to 6 pm for five musicians. All favorable. Motion carried.

Regarding Town Roads to pave for 2005, Supervisor Gabriels said as soon as the Town gets a quote for the price of asphalt, the Town Board will get together with Highway Superintendent Timmy Coon to discuss the 2005 highway road agreement.

Status of contract between LDC & NoRoWal. Supervisor Gabriels stated that things seem to be moving in a good direction. The LDC staff is putting together a package that should be extremely well received by the private commercial banking industry. The LDC has a meeting on May 4, 2005 at 4:30 PM with NYSDEC representatives at the Bolton Town Hall. Counsel said if the LDC could present the financial details that the bankers had expressed interest in, the bankers would have a great interest in supporting the LDC application. It is a legal determination whether the LDC is a tax-exempt organization, which would mean a lower interest rate if so.

Supervisor Gabriels stated there are some lot line adjustments the LDC and Mr. Lamb need to go over after the surveyor puts the pins in.

Request from the LDC for an allocation of Bolton's Occupancy Tax money in the amount of \$75,000 to use toward the purchase and operation of NoRoWal Marina. Supervisor Gabriels said he feels this request fully falls within the intended parameters of the Occupancy Tax, and in his opinion, the request falls within preservation and improvement of tourism within Bolton and throughout the basin. Counsel is in agreement with that legal observation. Senator Little, who authored the NYS Occupancy Tax Legislation, is in agreement with that legal observation also and the full Board of Supervisors was in full support of having the Town make an expenditure in this direction. he has a recommendation that the Bolton Town Board can easily allocate \$75K to the LDC from Bolton's Occupancy Tax money and there will probably be some modest funds remaining from the Occupancy Tax after the money is allocated to the LDC. Councilman Andersen said at the April 2005 Town Board Meeting, the Bolton Business Association requested the use of the Bolton Occupancy Tax money for the purchase and operation of NoRoWal Marina. Supervisor Gabriels read into record a resolution prepared by Counsel for the allocation of Bolton Occupancy Tax revenues in the amount of \$75K to the LDC.

RESOLUTION #113

Councilman Andersen moved, seconded by Councilman Saris to adopt the following resolution: WHEREAS, the Town of Bolton Local Development Corporation (LDC) has applied for and requested that consideration be given by the Town of Bolton to make available to the NoRoWal Marina acquisition project (as a public marina and tourist access facility to the waters and islands of Lake George) a portion of available tax revenues collected in accordance with the provisions of Warren County Local Law #3 of 2003, and WHEREAS, the acquisition of a shorefront facility as a public marina in the heart of the Town of Bolton at the waters of Lake George is first and foremost an excellent opportunity for the promotion of tourism and tourism activities with year round access to the lake and islands and environs, and WHEREAS, the acquisition of such a facility requires financial expenditures related to acquisition costs, financing cost, closing costs, costs of surveys, profit and loss analysis, closing costs and incidental expenditures incurred in acquisition activities all consistent with and within the purview of permitted expenditures for the promotion of tourism and directly related tourism activities, NOW THEREFORE BE IT RESOLVED that the Town of Bolton hereby grants and authorizes to the LDC the amount of \$75,000.00 from available Warren County Occupancy Tax revenues for the specific purposes of funding the acquisition costs, and related expenditures of acquisition of NoRoWal Marina as a public marina and public tourism facility and should for any reason such acquisition fail then in such case all funding hereby granted shall remain as restricted funds and further be required to be refunded to the Town of Bolton in full. All favorable. Motion carried.

The Supervisor needs to authorize and sign the NYSDEC 50/50 matching grant application for a Salt Storage Shed at Highway Garage, Supervisor Gabriels said the application was prepared for the Town of Bolton by Jim Lieberum of Warren County Soil & Conservation for a total amount of \$190,000. The local match in cash and in-kind services for the Town will be \$95,000.

Councilman Saris said there is a need to move forward and not only is it much better for the environment, but if the salt is dry it will work better. Supervisor Gabriels said he suggests the Town Board avail itself of the Highway Surplus Funds and in-kind services to account for the Town's local match.

RESOLUTION #114

Councilman Andersen moved seconded by Councilman Saris to authorize Supervisor Gabriels to sign the NYSDEC 50/50 matching grant application for a Salt Storage Shed at Highway Garage in the amount of \$190,000. All favorable. Motion carried.

Timmy Coon's request of the Town Board to consider hiring Don Pratt for a maximum of 30 hours per week for general assistance at Highway Department at wingman's pay, with possible use at Parks also, Supervisor Gabriels said (1) this request was presented in April and (2) he has not spoken with the rest of the Town Board on this matter. Councilman Saris said it has already been established that Buildings and Grounds can use the help. Councilman Andersen asked if the salary and job description can be a condition of employment to take care of any labor union issues, to which Counsel said, yes, it is a part-time seasonal position.

RESOLUTION #115

Councilman MacEwan moved, seconded by Councilman Andersen to hire Don Pratt for a part-time seasonal position, beginning May 9, 2005 through Labor Day 2005, for 30 hours per week at the laborer's/wingman's pay, and to work at whichever department the Town Board feels needs the most help. All favorable. Motion carried.

RESOLUTION #116

Councilman Saris moved, seconded by Councilman White to approve the May 2005 budget transfers:

FROM	TO	AMOUNT
<u>General Fund</u>		
14104 Town Clerk Cont.	14102 Town Clerk Equip	\$398.00
71104 Parks Cont.	71102 Parks Equip	\$625.00
71802 Recreation Field, Equip.	71804 Recreation Field Cont	\$500.00
<u>Sewer District</u>		
81304 Treatment & Disposal	81302 Treatment & Disposal	\$1,201.00
<u>Sewer District from General Fund</u>		\$22,000.00
<u>Water District from General Fund</u>		\$15,000.00
All favorable. Motion carried.		

Comments of Public in Attendance:

John Gaddy thanked the Town Board for moving forward with the grant for the salt storage shed. He asked for a Town Board response to his letter dated March 27, 2005 asking for a moratorium

on the ban of any clearing or mowing on the rights-of-ways, until the Town could implement the master plan recommendation and the enforcement of stormwater regulations regarding the work on Bolton roads. He had asked the Town Board to save some manpower and hold off any mowing until the fall, when the Town would have the woody growth that needs to be cut-out on a site every couple of years, in an effort to re-establish flowerbeds that are there, He requested the Town Board look at Valley Woods Road as a model of how roads can be maintained, keeping a canopy as well as the roadsides, without excessive clearing. He would like to get written Town Board Member responses, so these opinions can be brought to discussion when he, Councilman Saris and Timmy Coon meet on this matter. He asked what roads would be worked on this year and said he would like to see project proposals before any clearing is done. Councilman Saris said Lamb Hill Road, Trout Lake Road and South Trout Lake Road will be worked on this year. One of Timmy Coon's concerns is that there are regulations concerning mowing, that is rather specific in the time frame. Supervisor Gabriels said that highway law says July and August is the time frame for mowing. He spoke with the County and they offered a more generous interpretation of their provisions, and are willing to work with the timeframe, as long as safety is primary. Maybe September is a better month for mowing. John Gaddy said he would like to see the County mowing regulations. He knows the Town has often entered in agreement with other towns when there is a pavement project and equipment being shared, and said maybe that would be able to let mowing happen at a later date, with manpower shifted to that particular kind of task at a point that would not interfere with any of the normal maintenance projects that are being done. He would like a response from the Town Board on what they see in the way of clearing on Edgecomb Pond Road and Schroon River Road. Supervisor Gabriels said the only authority the Town Board has over clearing and cutting is a moral issue. The Highway Superintendent is independently elected and is ultimately responsible for the roads, not the Town Board.

John Gaddy said on different note, he would like to see the Town change the color of the storage shed on the NoRoWal property when it is acquired, to which Councilman Saris responded by saying, the shed he is talking about is not one the LDC would be getting. Supervisor Gabriels said they would consider changing the color of the other sheds in year two.

□ Bob Weisenfeld passed out photos taken April 13, 2005 of Bell Point Shores and said (1) the roadway conditions are pretty much the same as they have been since the ice and snow have disappeared, (2) the roadway surface is in pretty good shape, but the shoulders are eroded, (3) there are a number of stormwater system catch basins that are completely silted in, (4) the roadway surface is still at a level below the shoulders, preventing the proper drainage border off the roadway into the stormwater system itself, (5) he was hoping there would have been more of a response from those responsible for performing road maintenance at Bell Point Shores, (6) his understanding is that the Code Enforcement Officer has not received a proper response from the Bell Point Shores maintenance individuals in response to her inquiry, (7) the Code Enforcement Officer informed him she had a conversation with Mr. Damiani who had assured her that Michael O'Brien would be spending the entire month of April 2005 maintaining the road and the stormwater system, (8) we are now into May and it doesn't look like anything has been done, (9) May 28, 2005 will be a full year since a stormwater report was prepared on behalf of the Association, (10) it's been almost a full year since the Town received Mr. Jarrett's observations regarding five areas of non-compliance, one of which is reflected in two of Mr. Jarrett's

stormwater reports, indicates the erosion or siltation of material into Lake George itself, (11) it is clearly time for actions, (12) under the Bolton stormwater regulations, Section 125-16, Subsection 1, clearly indicates that action must take place, (12) he would like input from the Town Board on how action will be carried out and (13) his conversations with the Code Enforcement Officer indicate to him, that she may need some professional assistance, as she has gone out to inspect the roadway and the common shorefront area and has had some trouble finding the area along the common shorefront where Mr. Jarrett reported the observation of sedimentation, siltation or erosion into Lake George and (14) asked the Town Board to authorize the hiring of Town Engineer Tom Nace for the purpose of assisting the Code Enforcement Officer in making whatever determinations still have to be made at this point before a notice of violation can be issued.

□ Tony Hall said Supervisor Gabriels told John Gaddy that the Town Board lacked authority to be flexible with some of the rules and regulations emanating from the state regarding highway maintenance and in going through his files, from his days with Senator Stafford concerning rural roads, he noted that there were a number of legislative proposals and resolutions passed by the Association of Towns that would exempt towns with rural roads from these state regulations and he suggested if the Town Board is interested in pursuing or sympathetic to this issue, it would not be unreasonable to contact Senator Little and ask what the status of the proposals are and ask if the Town of Bolton could be exempt from some state regulations that mandate certain things for safety maintenance, because the Town wants to protect roadways. Supervisor Gabriels said the Town Board will make a call to Senator Little.

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Approve Payment of Town Bills:

RESOLUTION #117

Councilman Saris moved, seconded by Councilman Andersen to pay the Town bills, including the bill from Miller, Mannix, Schachner & Hafner for 2.6 hour at \$338.00 for March 2005 work done on the Rainbow Beach Certiorari case to as referenced earlier in the meeting. All favorable. Motion carried.

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Executive Session:

Councilman Saris moved, seconded by Councilman Andersen, to adjourn the regular meeting and enter executive session at 9:25 pm to discuss an administrative zoning matter. All favorable. Motion carried.

Councilman Saris moved, seconded by Councilman Andersen, to adjourn executive session and reconvene the regular meeting and adjourn at 9:45 pm. All favorable. Motion carried.

Minutes transcribed by:
Jennifer Torebka
Recording Secretary
05/16/2005

Respectfully submitted by:
Kathleen Simmes
Town Clerk

