

TOWN OF BOLTON

Town Board Meeting

May 6, 2008- Minutes

PRESENT: Supervisor Kathleen Simmes, Councilmen Owen Maranville, Robert MacEwan, Jason Saris, Councilmember Deanne Rehm, Town Counsel Michael Muller, Town Clerk Patricia Steele and Zoning Code Enforcement Officer Mitzi Nittmann.

ABSENT: None

Meeting Called to order 7:00 p.m.

Pledge: Town Clerk: Patricia Steele

Welcome everyone.

Announcements:

DEC Smart Growth Committee met on April 21st for their first meeting.

Jack Wax party was a hit. Donations equaled expenses.

Meeting on April 8th with constituents concerning road repair went well.

I received a call from John O'Connor from DEC. He will renew our permit to take geese and has another suggestion he can help with. He advised her that at the end of June to the beginning of July the geese molt and they cannot fly. If the problem persists he stated that he would come back and help them trap some of them.

The Ladies Auxiliary is having a Mother's Day brunch on May 10th from 9 to 11:30 a.m at the Fire House.

Chicken and Biscuit Dinner on May 18th 4:30 to 6:30 for the Ava Grace Snyder benefit.

Wayne Farmer benefit at the Conservation Park May 17th starting at 2:00 p.m.

Before our regular Board Meeting on June 3rd at 6:00 p.m. at Bolton Town Hall we will hold a birthday party for two of our local citizens who are 100 years old. Nellie Wurzbach turns 100 on May 23rd and Harry Detrick turned 100 on February 28th. All are invited to wish them "Happy Birthday" and enjoy some birthday cake.

We had a break in the force main near Sawmill Bay Marina. It was discovered quickly and repaired before any leakage into the Lake.

Public in Attendance

Landfill: David Bradway proposal

David Bradway proposes to take all of the propane tanks from Town's transfer station in exchange for \$1.00 per tank removed. He has a wheel crusher to crush the tires in exchange for \$200/ton for the wheels. He stated that another possibility for the tires is selling them to a corporation out near Syracuse. He stated that the corporation grinds the tires, paints them and ships to southern areas that use them in flower beds instead of mulch. He stated that he would also like to buy any steel, cooper or brass and he will pay the highest going rate per month. He stated that he would eventually like to also take the white goods (stoves, refrigerators, etc.) but he does not have the equipment to haul these items away.

Supervisor Simmes stated that Lisa French had some comments. Lisa stated that it would be good to get rid of the propane tanks since it is a big issue with the public. She asked if they would be responsible for separating items for him and should they be contained. David Bradway responded that he would take them as is. Supervisor Simmes asked if he would take helium tanks as well. David Bradway replied yes. Lisa asked if they should be doing anything different with their metal pile. David Bradway replied no. Supervisor Simmes asked if he would be hauling this away in truckloads. David Bradway replied that he would take it as it comes. He suggested that they could set up a specific time once a week. Supervisor Simmes indicated that Lisa French would like to see the metal pile taken more often than what it is now. David Bradway stated that they usually take metal in the spring and then again in the fall. He stated that he is proposing what he already does in Chestertown. Supervisor Simmes indicated that she contacted Chestertown and they spoke very highly of his work.

Councilman Saris asked if someone bringing in a tire would have to separate it from the rim. David Bradway replied no, and explained how he does it. Councilman MacEwan stated that currently they do not accept propane tanks, but they are just found there. Supervisor Simmes stated that they could now accept them at the transfer station. Councilman MacEwan stated that he was concerned about leftover gas in the tanks. David Bradway commented that leftover gas in the tanks assists him since he uses liquid oxygen and propane for his torches. He explained that empty tanks have to be cut in two in order to sell them and that is why he has to charge for the tanks.

Dirk Bryant with the Nature Conservancy & Tom Martin, with DEC Re: Finch Pruyn lands

Dirk Bryant stated that he was with the Adirondack Chapter of the Nature Conservancy which is based in Keene Valley. He stated that the Nature Conservancy has been doing land protection work for about 35 years in the Park. He explained that a year ago they purchased the Finch Pruyn lands. He stated that it is 161,000 acres of the last large private forest ownership and they purchased the land because they were concerned that it was going to get cut up and sold for development. He stated that over the last year they have been consulting the Towns that are within the Finch lands. He stated that there are 28 Towns and they have been trying to get some of their input. He stated that as a conservation group they care about biodiversity, habitat, water quality and they feel that it is compatible with local interests. They are trying to maximize the timber industry, continue the lease club programs and provide new recreational activities for the public while they are doing their conservation work. He stated that they started by working with the 5 key Towns that account for 80% of the ownership and they are pretty close to agreement with all of those 5 Towns. They have now started meeting with the 23 Towns that have about 28,000 acres of land. He stated that in March they met with Supervisor Simmes to discuss the approximate 1,500 acres in Bolton. He explained the areas in detail using the map provided. He stated that they have to keep most of the Finch lands as a working forest because they have an agreement with the Finch Pruyn mill in Glens Falls to provide fiber for the next 20 years and they think that timber industries are a great way of keeping lands in working forest. He stated that New York State has indicated interest in some of the land for additional forest preserve and State forest particularly where there are some new opportunities for recreational access. He stated in the northern Towns they have been working to create new snowmobile trails and the State would like to buy a Conservation Easement. He explained the Conservation Easement and how it would work. He explained what they are proposing for Bolton. He stated some benefits to the Towns are 1) taxes, with the State involved there will be more

tax revenues coming in; 2) Watershed and view shed protection and 3) the opportunity to expand recreational trails for public access.

John Gaddy asked if the Board and the representatives could consider getting an easement for Bolton to have some planning powers to bring power lines up from Exit 24 eastward in anticipation of future growth along the south side of County Route 11. He stated that they have an old County Route 11 already in existence and with their supplementary County Route 11 regulations one of the stipulations was trying to get electric and communication wires installed underground. He stated that they have had some discussion about it, but have not had much luck with it. He stated with the conservation nature of the purchase he feels that they could work it out to have power lines run above ground, which is favorable to the electric utilities, as well as keep it 50-100 ft off of the visual corridor. He stated that one of the recommendations in the executive summary of the comprehensive plan that Bolton has adopted was to protect, maintain and re-establish the quality of Bolton's natural resources and one of the specific recommendations was coordinating with National Grid to protect the visual qualities of County Route 11. He feels that this proposal would be low cost and would keep the use of the property in working forest. Tom Martin stated that the Easement language currently allows public utilities along public rights-of-way and that this is something that could happen in the future.

Zandy Gabriels asked what the source of the State's funding would be. Tom Martin replied that it would be through the Environmental Protection Fund. Z. Gabriels stated that there is a logging road on Cat and Thomas Mountain and asked if the DEC will continue to recognize that as a logging road for trail purposes and snowmobile purposes. Tom Martin replied maybe for snowmobiling but it would not be used as a logging road. Z. Gabriels asked if they will be able to transfer development rights from these parcels, working through A.P.A., for development in other locations in Town. He stated that this is a big issue and he is not sure how favorably APA will look at this, but the Town is almost over their 10% threshold of land being acquired under State ownership. Dirk Bryant replied that dealing with the APA can be time consuming so he does not know if that would be something they would do.

Nancy Williams of the Lake George Land Conservancy thanked both the representatives for their presentation and the Board for the opportunity to discuss this incredibly historic opportunity to protect these lands. She commented that on the lands that the Lake George Land Conservancy has recently purchased from Rolf Ronning on the Padanarum Tract has snowmobile trails that they intend on keeping available for public access. She stated that Cat and Thomas tracts have never had snowmobile trails and it will be up to the State to determine what will happen there.

Supervisor Simmes commented that Jay Corey, Land Use Chairman for Adirondack Jeeps, stated that their club has one schedule run on Wardboro and Flybrook Roads this year and they have been told by Chad from DEC that those roads are off limits due to surrounding lands being forest preserve. Tom Martin stated that he was not familiar with either of the roads or the situation but stated that he would look into it for her.

Councilmember Rehm asked Z. Gabriels that with this acquisition if he's confident that the Town will exceed the 10% State land threshold. Z. Gabriels replied yes, but it may have been changed to a higher threshold. Councilmember Rehm stated that it would be important to know because in the past, if the State constituted more than 10% of the value of a community the State had to be consulted every time the Town did a borrowing and had to approve it. Tom Martin stated that it is still true but it is based on value of the land and not acreage which he suspects they would be okay. Councilmember Rehm stated that she would have to confirm that to be sure. Supervisor Simmes stated that the Board was not ready to make a decision tonight.

Jen Sheerer: Tobacco Free Coalition

Jen Sheerer of the Southern Adirondack Tobacco Free Coalition stated that she wanted to present a new state-wide initiative called point of purchase advertising. She stated that this is to counteract the tobacco companies advertising on our youth. As of May 1st, her coalition as well as the rest of the New York State Tobacco Control started a media campaign. She indicated a sample of one of the billboards. She stated that the purpose of the campaign is to educate the community as well as store owners on the negative impact that the tobacco companies advertising is having on our youth. They are purposely targeting our youth to get their next generation of smokers. She stated that they will be entering the 5 stores in Town that sell tobacco products and ask them to voluntarily reduce, rearrange and possibly remove their tobacco advertising. She stated that they are asking the Town to sign a letter of commitment that supports their initiative. Councilmember Rehm stated that she is in support and hopes the Town Board will support the initiative to help protect Bolton's children.

Time Warner Cable

Z. Gabriels proposed for the Town's consideration cable television and getting the remaining Town roads cable access and cable ready. He stated that the Town has taken the commitment to take the franchise fees that they receive from Time Warner and reserve it to be able to put in cable. He stated that they have had cable surveys done on Federal Hill Road, Padanarum Road and East Schroon River, Lamb Hill and a portion of Edgecomb Pond. He stated that none of these roads have the minimum density requirements of 15 homes per mile so Time Warner as a matter of franchise agreement will not put cable in there and either private property owners or some financing mechanism has to be involved in doing this. He stated that one of the individuals he spoke to was Mark Zuckerman. They discussed that possibly they could consider something in the nature of a revenue anticipation note. Last year when these roads were surveyed they estimated that \$97,000 would need to come from private contributions in order to have cable run. He stated that looking at the revenue franchise agreement receipts for the last 4 years; they made \$21,000 in 2003, \$23,000 in 2004, \$25,000 in 2005 and \$27,000 in 2006. He suggests that they have a revenue anticipation note in the magnitude of a \$100,000 to get those roads wired and the revenue franchise agreement coming in to pay off the loans immediately. Supervisor Simmes stated that she has a meeting scheduled with Time Warner because the franchise agreement is up this year.

Laura Saffer stated that it is her understanding that the Town Board is in discussion with the School Board about purchasing the Harris property on North Bolton Road. She expressed her concern because the community previously voted on this proposal and the majority voted against it. She stated that if the Town Board is having discussions with the School Board that it would also go out to the community to vote again. Supervisor Simmes agreed and commented that it has not been the entire Town Board that has met; it has only been a couple of members that have had a discussion with the School. She stated that when there is more to discuss, they will do that at a public hearing.

Anton Cooper stated that he is a local logging contractor and road builder. He warned Bolton citizens that there is quite a tree problem in the area. He stated that a lot of trees are diseased and should be looked at. If anyone would like to contact him about removal or inspection to contact the Town for his information.

John Gaddy spoke about a tourist magazine that he picked up in Puerto Rico that featured an article on light pollution. He stated that the Town is working on downtown revitalization and there is positive movement from the Town Board on doing this. But he wanted to let them know that there are other people in other places concerned about this as well.

Zoning Issues

Lehman barn removal- Counsel has obtained an address where she can be served.

Nolan v. Smith/Town of Bolton: Litigation has been postponed.

Smith/Town of Bolton on Friday papers were served on the Smith family and as of Saturday they have cleaned up and removed all material that was on Town land. Supervisor Simmes stated that they may want to consider an ordinance to prevent parking and put up signs indicating same.

Ronning Zoning change request will be heard at the May 22nd PB meeting

Harrington violation: Papers have been served. Mr. Harrington has a new attorney who has indicated that his client would be pleased to submit a re-planting plan to the PB.

Sinnott/Thunderbird issue

Bob Sinnott stated that he had some concerns regarding the letter from Counsel Muller. He stated the understanding of facts in his letter have several serious errors: 1) the age of the boathouse, he stated that he has clear photographic evidence of a boathouse being taken down around 1980, therefore the existing boathouse could not be 100 years old. The boathouse is less than 25-30 years old. The critical element is whether or not the existing boathouse went back in the same location of the old boathouse. He stated that he has owned his portion of the lakeshore on Lower Brereton Road since 1973 and can state, under oath if necessary, when the transfer from the Danny Komarnycky-Brereton right-of-way was moved over and Bolton started using that part of the roadway down to the shoreline as the access to all the property including the Ludwig property. He stated that he and most of the other residents involved are not concerned necessarily with the boathouse location as much as the side docks on the boathouse and the safety concern they pose for maneuvering boats in and out. 2) He asked if the unpaved lower portion of Lower Brereton Road is designated as emergency access road by Town Ordinance. Counsel replied that he has not seen that legislation. Bob Sinnott stated that there is enough signage down there that there must be something. Counsel replied that he is not challenging that it does exist but he has not looked for such legislation. Bob Sinnott replied that there is a sign that states by Order of the Town Board. Supervisor Simmes stated that she was not aware of any such ordinance. Bob Sinnott asked if it is the intent of this Board to continue considering that section of the roadway an emergency access. Supervisor Simmes and Counsel stated yes.

Counsel commented that Mr. Chiraboga appeared at a meeting with his attorney and they made the representation that the boathouse was 100 years old and they made the representations that the dock attached to the boathouse was about 25 years old. He stated that the Town made representations at the time of the meeting, that it does not appear that the ownership of the Town of Bolton for the area known as Lower Brereton Road comes by way of instrument and only came by way of use. The surveyor who presented his map on behalf of Mr. Chiraboga came to the conclusion that where he depicted the boundary line on Lower Brereton Road was wider than the paved area. He stated that he looked at Mr. Chiraboga's boundary line as described in his deed and looked at Mr. Sinnott boundary line as described in his deed. He found two accurately fixed and known lines and he just surmised that which lies between those two lines must be owned by someone and designated it as the Town of Bolton's. Counsel stated that he accepts that conclusion however it is not by deed. He stated that they have a combination of facts available to them because what they will next need to do is extend that line into riparian waters. Counsel stated that the surveyor suggested that he applies the riparian rights using a pie shape from the shoreline. However all the research Counsel has done in common law in known treatises talks about the extension of the parallel lines perpendicular to the shoreline out to a reasonable extension. He stated that all that Mr. Sinnott has brought to him still applies and that is the extension they will use.

Counsel stated that if the stated facts are backed by evidence to provide a chronological order to the events, then they can proceed with action. Bob Sinnott stated that he is willing to provide photographic evidence and sign an affidavit of the facts that he has put forth tonight. He suggested to the Town that they move this proposal forward absent any part that deals with the side docks awaiting further review by Counsel. He wishes for the Town to reserve their riparian right for the Town of Bolton. He is not trying to cause problems for the Thunderbird, but he wishes to help protect the rights of the Town and maximize safety in this area. He feels that it will not hold the application up. Supervisor Simmes asked what the side docks have to do with moving forward with the application. Bob Sinnott stated that Mr. Chiraboga intends to put four boats on that side dock. Counsel explained that Mr. Chiraboga indicated at the meeting that the side docks were to be used for his guests. Councilman Saris stated that Mr. Sinnott is asking that the TB not permit use of the side dock on the boathouse for any boat period. Mr. Sinnott agreed and added that he would request that the dock be removed completely. He stated that the LGPC has already made the outside portion unavailable. Councilman Saris stated that he was at the last LGPC meeting and this issue came up because the Thunderbird's marina permit application is still ongoing. He stated that there was discussion on how there was not supposed to be use of that but it seemed to be continually used and they were wondering if they might find some device to prevent tying up a boat on that side of the dock. Councilman MacEwan stated that he remembers that Mr. Chiraboga offered to put a sign up on those docks.

Counsel asked Mr. Sinnott if there are other people that factually have the same knowledge as him. Bob Sinnott stated that he believes that Ray Oliver has been there almost as long as he has. Ray Oliver stated that he purchased around 1977. He stated that Lake Shore Drive was used as a military road once and then the Town came into existence. He stated that his recollection is that those docks were added to the boathouse. He stated that the land has not changed and the line that runs out into the water is an existing one and there can be no taking of that land because it is public property. He stated that Counsel agreed with him that is Article 14 of the State Constitution that you cannot take public land and turn it into a business. He stated that Counsel also agreed that there is no such thing as grandfathering when you are taking public property. He commented that with regard to putting signs up on the side dock, he feels that it will not do any good because it has been done before and they are still using the dock.

Councilmember Rehm asked Counsel what the pivotal issues that the TB needs to concern themselves with. Counsel replied the chronological order, because the Town's ownership must pre-date that which constitutes the encroachment. He continued that they have two solid witnesses with solid facts which is what makes a factual dispute that will find itself in Court and at that particular point the encroachment stands a good chance of having to be removed. Councilmember Rehm asked if it would be appropriate based on Mr. Sinnott suggestion that Mr. Chiraboga be allowed to go forward with their site plan and application with the PB notified that the south dock is an issue and is likely to be removed. Counsel replied yes that he is comfortable with that. Bob Sinnott stated that he knows that they are in agreement about the riparian right issue and asked if they are in agreement that the safety issue trumps all other concerns. Counsel stated that he agreed with that statement as a personal rule of law and it is a helpful argument, but factually he is challenged and he needs more information on how it became an emergency access. Counsel stated that he will find something even if it is in the minutes somewhere.

Robert Nemer of Diamond Point stated that he has lived in the area for 30 years and he has always assumed that Lower Brereton Road is an emergency access road. He stated that someone paved that road all the way to the Lake and he is assuming that it was either the Town or County. He stated that he has spoken to one of the Bolton Volunteer Fireman and they have indicated that they use the road for exercises and they need it as an emergency exit for water access to fight fires.

Supervisor Simmes asked Counsel how they should proceed. Counsel replied that he doesn't see any reason to hold up the application but the TB should clearly express that the Town is interested in asserting its riparian rights.

RESOLUTION #76

Councilman MacEwan moved, seconded by Councilman Maranville to allow the Thunderbird Motel proceed forward with their application to the Planning Board with the understanding that the Town of Bolton is reserving their riparian rights with regard to the south side dock attached to the boathouse. Councilman Saris abstained. All others in Favor. Motion Carried.

Crandall demolition has been completed and discussion of Fine Homebuilding Co. Inc. bill for the Crandall demolition

Supervisor Simmes stated that the demolition has been completed but she has a concern about the bill because they have received two and they well exceed the total that was approved. Counsel explained that the proposal from Jeff Tennent was accepted by the Town Board to complete the demolition for \$4,750 and that invoice is correct and should be paid. However Jeff Tennett submitted an additional bill for over \$7,000. He explained that in the process of the demolition Jeff Tennent came across a tremendous amount of general household rubbish and refuse. He sought approval from Counsel and the Town to proceed with proper removal at an additional cost. Counsel stated that Supervisor Simmes was out of town at that time and he and Councilman Saris had a discussion and approved the additional necessary work. He stated that he was surprised that the second bill far exceeded the first but he does not know the magnitude of what was pulled out. He stated that if they look at the total amount that was dedicated to completing the whole project even with the extra unanticipated charges, the figure is in line with the last removal they did. Councilman Saris asked if Jeff Tennent has offered any documentation on the costs. Counsel stated yes. He also reminded them that this is a demolition that if they deem it reasonable, it is still by Court order and by their ordinance chargeable against the taxpayer.

RESOLUTION #77

Councilmember Rehm moved, seconded by Councilman Maranville to pay Jeff Tennent's two invoices totaling \$11,949.76 for the Crandall demolition. All in Favor. Motion Carried.

Raven deck removal

Counsel stated that the removal has not taken place and the deadline for such action or appeal has come and gone. He stated that the TB now needs to take action and suggested that they authorize him to bring an action to Supreme Court to compel Mr. Raven to remove the decks.

RESOLUTION #78

Councilmember Rehm moved, seconded by Councilman MacEwan to authorize Counsel to proceed with legal action to remove the decks at the Raven property. All in Favor. Motion Carried.

RESOLUTION #79

Councilman Maranville moved, seconded by Councilman MacEwan to convene as the Board of Health. All in Favor. Motion Carried.

BOARD OF HEALTH

Septic variance request:

The Thomas & Doris Schweickert matter was sent to the DOH and they determined that no variance was needed. They have been given permission to proceed.

Candy Fisher possible septic violation has been sent

Supervisor Simmes stated based on her discussion with Code Enforcement Officer Mitzi Nittmann they have decided that there was not a new septic installed on the property and that the toilet repair has alleviated the septic problem at this time.

Lichtenstein: Has not been submitted to DOH by the owner.

Butler septic: has to May 15th to submit revised engineered septic plans

Councilmember Rehm stated given what they have learned in the Schweickert application she wonders if they are in need of updating their waste water/sewage ordinance. Counsel agreed. He continued that since they deal with the APA often, he suggested they get NYS DOH input on what they propose so that they can back the Town. This way the APA would have minimal room to criticize them.

RESOLUTION #80

Councilman Saris moved, seconded by Councilman Maranville to return to the regular session. All in Favor. Motion Carried.

Correspondence

Counsel letter to the attorney for Mrs. Nolan regarding removing the Town from the lawsuit against the Smiths/Town of Bolton action she has filed.

LGA is requesting the Town Board's support in preparation of a grant application for Froehlich funds.

Lake George Park Commission stream corridor management meeting is set for May 28th at 2:00 p.m. at Fort Wm. Henry

Notice from Voices of the Heart that this is National Mental Health month

Mayor Blais letter Re: LG Visitor Center reopened 5/1/08

Proposal from Public Sector Consultants for Wage & Salary Administration Program and Job Descriptions Approximate cost \$13,015

Copy of MOU between NYS & LG Park Commission for DOT projects- Supervisor Simmes stated that this concerns their mill and fill that is going through.

Fax from Bill Lamy concerning environmental review Re: moving of sewer line

Copy of contract for additional \$10,000 of bed tax funds for NYS Fire Chiefs Assoc.

Convention. I signed and returned. This was approved by the board last year.

We need to authorize a Resolution to amend the contract for the Indian Brook stream corridor improvements. This is due to a change in the position of Supervisor for Bolton

Jim Neumann request for change in his title to Chief of Police.

Copy of WC BOS resolution authorizing a change order for our WS Treatment Plant improvements

Copy of tentative full value for special franchises

Letter from Brian Rowback, the new Regional Director for NYS DOT Region 1. There will be a meeting May 21st from 4 to 6 at LG Town Hall to discuss projects.

WC Purchasing with award for Bituminous concrete

08 Governor's tourism conference will be held at the Sagamore Resort May 14th, 15th & 16th

Counsel letter concerning LG Camping Equipment using our property.

NYS Parks, Recreation and Historic Preservation are holding a workshop for grant funding at Saratoga Spa State Park on May 14th 10 to 12. Jeff Anthony and I are attending.

Governor signed a bill that changes the threshold for triggering Wicks Law mandates, which require State and local governments to issue multiple construction contracts for most public works projects. The threshold has been raised from \$50,000 to \$500,000. Supervisor Simmes stated that she called the State and they informed her that this takes effect July 1, 2008.

Mayor Blais letter regarding the use of equipment to televise and inspect sewer lines. We need to adopt an inter-municipal agreement in order to use.

Susan Heusner has attended the Board of Assessment Review Training

APA notices that they have reversed variances that were granted by the ZBA for Thunderbird Motel and Roe Management.

APA notice that they have no jurisdiction for a project on Route 9N by Brereton Rd. that the LGA is proposing

Letter from Mark Zuckerman requesting internet access on Pine Tree Lane.

Time Warner Cable possible programming changes.

Time Warner Cable: We scheduled a meeting to discuss our franchise renewal on May 13th at 10:00 a.m.

DOH letter re: Schweickert septic

NYS Chips program funding for highway improvements is \$90,067.68. This is up \$16,886.68 from last year.

Copy of letter from WC DPW to CT Male regarding change order # 2 for Waste Water project

WC Council of Chambers meeting May 22nd at 6:00 pm at 1000 Acres Ranch Resort.

Old Business:

Open bids for the Police car: Two have been received. The first bid is from Richard Eastman for \$701.00. The second bid is from Wayne Smith for \$1,501.50.

RESOLUTION #81

Councilman Maranville moved, seconded by Councilmember Rehm to accept Wayne Smith's bid of \$1,501.50 for the 1999 Chevy Caprice. All in Favor. Motion Carried.

Set a public hearing for June 3rd at 7:00 p.m. for the amendments to the Zoning code, subdivision regs and Stormwater regs concerning the use of the Illustrated Book of Development Definitions for those regulations

RESOLUTION #82

Councilman MacEwan moved, seconded by Councilman Maranville to set a public hearing for June 3rd at 7:00 p.m. for the amendments to the Zoning code, subdivision regulations and Stormwater regulations concerning the use of the Illustrated Book of Development Definitions for those regulations. All in Favor. Motion Carried.

Councilmember Rehm asked if Counsel heard any input from the APA on this matter. Counsel replied that he sent the proposal to the APA but has not heard anything from them.

Public Sector Consultant proposal for Employee handbook: Cost: \$5000 plus \$300 for extra on site workshops

RESOLUTION #83

Councilman Maranville moved, seconded by Councilman Saris to approve the Public Sector Consultant's proposal for a new Employee Handbook at a cost of \$5,000.00 plus \$300.00 for extra on site workshops. All in Favor. Motion Carried.

The following resolution was from last month. I talked with Mr. Ciccarelli and he had no problem with the Town adopting it.

RESOLUTION #84

Councilmember Rehm moved, seconded by Councilman MacEwan to approve the following:

RESOLVED, that this legislative body pause in its deliberations to acknowledge New York State's property tax crisis and urge the immediate passage and chaptering of the "New York State Property Taxpayers Protection Act," which will help local governments reinvigorate New York's economy by providing incentives for people and businesses to move and stay here.; and it be further

RESOLVED, That a copy of this Resolution, be transmitted to the Governor of the State of New York, the temporary President of the New York State Senate, the Speaker of the New York State Assembly, and to each member of the New York State Legislature. All in Favor. Motion Carried.

New Business

Resolution to enter into an Inter-Municipal agreement for use of camera equipment for inspecting sewer, water & stormwater mains.

RESOLUTION #85

Councilman Maranville moved, seconded by Councilman Saris to approve entering into an Inter-Municipal agreement with Ticonderoga and Lake George Village for the use of camera equipment for inspecting sewer, water and stormwater mains. All in Favor. Motion Carried.

LGA request for the floating classroom to use Rogers Park on May 8th, 9th, 23rd and June 4th. Supervisor Simmes indicated that she has already approved the LGA's use of Rogers Park on those dates stated.

Transfer Hours as of April 21st: open everyday except ½ day on Wednesdays

Park Attendants will be working weekends starting May 24th and June 16th will begin full time.

Supervisor Simmes stated that she provided all Board members with a proposal for a work schedule for the employees in the Park Department. She asked if there were any comments or concerns. She stated that Harold Brown agreed to work 4 hours for 6 days a week at \$11.06/hour starting April 28th and ending October 25th. The Town is hiring Linda Hawthorne, Sandy Hanley and Sue Heusner who have completed the course to become master gardeners. They are going to share the salary that Julie Pratt earned and will start May 12th, working 4 hours/day through November 8th at \$10.50/hour. She stated that they are looking to hire Ray Chamberlain as a seasonal person at a rate of \$10.50/ hour for a total of 960 hours starting May 12th and ending October 25th. Councilman Maranville asked if other individuals can apply for this position. Supervisor Simmes stated yes, but it is supposed to start May 12th. She also indicated that George suggested Ray and she supported his decision. Councilmember Rehm asked if the job was advertised. Supervisor Simmes replied no. Councilmember Rehm stated that she was opposed because she feels that this is a misuse of funds.

RESOLUTION #86

Councilman MacEwan moved, seconded by Councilman Saris to approve the proposed schedule for the Parks Department. Councilmember Rehm opposed. All Others in Favor. Motion Carried.

James Neumann's request for change in his title to Chief of Police.

Supervisor Simmes stated that she is all in favor of this because if it does not happen she would be in charge of the Police Department. She stated that they have already made out the paperwork to send into Civil Service.

RESOLUTION #87

Councilman Maranville moved, seconded by Councilman MacEwan to name James Neumann the Chief of Police and to submit the paperwork indicating same to Civil Service. All in Favor. Motion Carried.

Public Sector Consultants proposal for Wage & Salary Adm Program & Job descriptions:
Total \$13,015

RESOLUTION #88

Councilman MacEwan moved, seconded by Councilman Saris to approve Public Sector Consultants proposal for Wage and Salary Administration Program and Job Descriptions totaling \$13,015.00. Councilmember Rehm opposed. All Others in Favor. Motion Carried.

Resolution supporting the LGA's grant application.

RESOLUTION #89

Councilmember Rehm moved, seconded by Councilman Maranville to support the LGA's grant application for Froehlich funds. All in Favor. Motion Carried.

Resolution authorizing the contract amendment with NYS DEC changing the name of the authorized representative to the current Supervisor, Kathleen Simmes

RESOLUTION #90

Councilman MacEwan moved, seconded by Councilman Maranville to approve the following:

WHEREAS, Town of Bolton herein called the "Municipality", after thorough consideration of the various aspects of the problem and study of available data, has hereby determined that certain work, as described in its application and attachments, herein called, the "Project", is desirable, is in the public interest, and is required in order to implement the Project; and

WHEREAS, the Environmental Conservation Law ("ECL") authorizes State assistance to municipalities for water quality improvement projects by means of a contract and the Municipality deems it to be in the public interest and benefit under this law to enter into a contract therewith;

NOW, THEREFORE, BE IT RESOLVED BY Bolton Town Board

That Kathleen Simmes, Supervisor or such person's successor in office, is the representative authorized to act in behalf of the Municipality's governing body in all matters related to State assistance under ECL Articles 17, 51 and 56 and/or any applicable federal grant provisions. The representative is also authorized to make application, execute the Stated Assistance Contract, submit Project

documentation, and otherwise act for the Municipality's governing body in all matter related to the Project and to State assistance;

That the Municipality agrees that it will fund its portion of the cost of the Project and that funds will be available to initiate the Project's field work within twelve (12) months of written approval of its application by the Department of Environmental Conservation;

That one (1) certified copy of the Resolution be prepared and sent to the Albany office of the New York State Department of Environmental Conservation;

That this Resolution take effect immediately.

All in Favor. Motion Carried.

Resolution for Commitment to public health for the Tobacco Free Coalition.

Councilman Maranville asked if this group will be able to go into these businesses and tell them what to do with their displays. Laura Saffer replied no, they are just going to educate store owners about the position of retail advertising. Supervisor Simmes stated that she was concerned about one statement in the letter that indicates that the coalition will be asking the store owners to remove all advertising. Laura Saffer explained that the tobacco companies provide most if not all of the signage for the stores. The Coalition's hope is to have the cigarettes themselves be contained and not visible and that signs be re-arranged and/or removed from the premises. She stated that this initiative was begun after a point of purchase survey was completed in Warren County. They were finding that cigarettes and cigarette advertisements were being placed next to candy or at the eye level of a child. She stated that she teaches tobacco prevention in the schools and she has found that brand recognition starts at an early age.

RESOLUTION #91

Councilmember Rehm moved, seconded by Councilman MacEwan to authorize Supervisor Simmes to sign a letter of commitment supporting the Tobacco Free Coalition's Point of Purchase Initiative. All in Favor. Motion Carried.

Committee Reports

Councilman Saris:

Town Clerk- Total local shares- \$10,684.14, non-local revenue- \$233.75, Total State, County and Local revenue- \$10,917.89.

Sewer Dept- He stated that he does not have a report because Chet Dagles is on vacation and the department have been very busy with repairing the break. He stated that the improvements to the plant are going well and they are all caught up on their maintenance for the summer.

He stated that he and Chet met with Keith Scott representing the Algonquin about the sewer contract. He stated that Keith Scott explained how their system works and they determined that maybe some of the problems with the grease was because the Algonquin system goes through many different tanks and

when they pump some of the other tanks some things may have built up. They are looking into some alternatives as to taking that somewhere else. They all seemed in agreement and Chet Dagles suggests that they amend their contract based on a \$20,000/year payment for a period of 2 years. He feels that it is important to have only 2 years because of the concern of increasing cost to process and if they need to increase the overall sewer rate the Algonquin will not be locked in and can be raised with the general public. Councilman Saris stated that he will provide a copy of the old contract to Counsel to assist him in writing a new contract as long as the terms are acceptable to the Board. Councilmember Rehm stated that she agreed with the proposed contract.

Supervisor Simmes commented that she has heard that Mr. Huck is abiding by their request not to pump out people in Town.

Councilmember Rehm:

Recreation Department- She has supplied a report to all members which includes the schedule of events for the month of May. The Department is all set for the summer with programs, equipment and employees. She stated that the Department will be submitting a request to the Supervisor for some regular maintenance at the beach that they hope the Parks Department can handle. She commented that declaring the Town Hall as a drug-free campus at their March meeting sets a good example for all of the youth in the community, which includes no smoking on site, and she feels this partners well with Tobacco Free Coalition's program.

Fire Dept.- There was an election and a new Commissioner was elected. The Fire Departments Banquet is on May 10th at the Fort William Henry. She stated that she will not be able to attend and hopes that some of the other Board members would be attending. She requested that a Board member recognize the Fire Department's 90th anniversary at the dinner.

She stated that recently she was chosen to represent the Town with the Bolton Free Library and she is pleased to announce that one of their trustees, the now deceased, Joe Mastrianni, has been selected by the Southern Adirondack Library System as Trustee of the Year. She stated that he did wonderful work and this Board felt it was important to nominate him.

Councilman Maranville

Police Dept.- Patrolled 3,189 miles, used 241 gallons of fuel, Responded to 1 burglary, 1 criminal mischief, 1 larceny, 8 alarms, 7 suspicious vehicles, 8 traffic complaints, 4 property checks, 9 animal complaints, 4 civil complaints, 1 lost and found, 4 misc. complaints, 2 property damage/auto accidents, 4 assists to NYS Police, 1 assist WC Sheriff, 1 assist motorist, 1 assist NYS DEC spill response, 3 assists to EMS, 5 assists to Fire Department, 2 arrests, 3 Court Security. Sgt. Neumann attended a 2 day seminar Empire State Law Enforcement Safety Conference presented by the State Police, Governor's Traffic Safety Institute and National Highway Traffic Safety Institute. Sgt. Neumann has received a letter from David Harrington of the Adirondack Runners requesting assistance for their event on July 6, 2008. Sgt. Neumann responded that one officer would be scheduled for the event. Reminder the traffic lights will be coming back on May 15th. He stated that Sgt. Neumann commented that according to Resolution 220 of September 11, 1998 the lights are scheduled to return to flashing mode the day after Labor Day and last year they discussed extending that time.

Assessor- He has completed all of his assessment work. The following are the assessment changes for the 2008 tentative assessment role: Number of Parcels 3,579, a net gain of 34. Changes in assessment 245, taxable assessed value of the Town \$1,044,678,152.00, which is up \$8,966,043. Based on his collaboration with the State with regard to level of assessment and maintaining an allowable tolerance they have set our official level of assessment at 60.5% and he anticipates that this number will become

our equalization rate for 2008 as well. On April 24, he attended the WC Assessors Association meeting. On April 16th, Sue Heusner attended the Board of Assessment Review and is now authorized to participate in the forthcoming meeting which will be held on May 29th.

Justice- Judge Harry Demarest- \$5,525.00, Judge Ed Stewart- \$5,865.00, Total- \$11,390.00. Itemized lists are located in the Court

Councilman MacEwan

Transfer Station- Total revenue \$5,577.00. They hauled away 3.27 tons worth of tires at \$85/ton. They are set for the senior citizen pick-up schedule and have 17 people so far for May 19th and 20th. They burned the brush pile twice. He stated that Lisa French indicated that she is in favor of David Bradway's proposal that they heard earlier this evening. The Board discussed Mr. Bradway's proposal further. Councilmember Rehm asked if Counsel would draw up a contract for this type of agreement. Counsel replied that he could draft a contract but suggests that it run month to month. Councilmember Rehm commented that she knows of a place that takes the valve out and just punctures the tank instead of having to cut them in half. She suggested that they ask if Mr. Bradway would consider taking the tanks for free. Supervisor Simmes asked if he says no, what they will do about the tanks. Councilmember Rehm replied that she is okay with that because they will only be doing it for a month at a time.

RESOLUTION #92

Councilman MacEwan moved, seconded by Councilman Maranville to approve David Bradway's proposal with the suggestion that he take the propane tanks for free. All in Favor. Motion Carried.

Water Dept- 6,246,516 gallons made. The new well water pump is up and running.

Supervisor's Report

Receipts: \$105,556.92 Disbursements: \$351,493.44

Sales tax check for 08 first quarter is up approximately \$46,000. Cable television receipts is up approximately \$330 from last year this quarter.

Parks Department update: Supervisor Simmes stated that she feels that the department is doing a much better job than before. They have the prisoners working with them right now. Huddle, Bixby Beach, Veterans Park, Main Street and Rogers Park have all been taken care of. The bathrooms are turned on. The next project is the cemeteries.

On a County level: BOS adopted a resolution authorizing the Town, in Warren County to utilize the software house international hyper-reach notification system provided an intermunicipal agreement is executed allocating cost thereof to the municipality use the same. Current cost for use is .20 cents per minute. Supervisor Simmes indicated that she is suggesting this proposal in cases of water breaks and notification of individuals affected by the break. She stated Bud York has explained that it is a system in which they can input certain areas and the phone numbers automatically come up and a message is sent to these individuals. Councilmember Rehm asked if they would need any additional equipment. Supervisor Simmes replied no and the cost is .20 cents per minute.

RESOLUTION #93

Councilman Maranville moved, seconded by Councilman MacEwan to approve participation in the use of the software house international hyper-reach notification system for .20 cents per minute. All in Favor. Motion Carried.

Supervisor Simmes stated that as a result in the sewer break near Sawmill Bay she contacted Mr. Mello with the EPA. He is the one who has to grant them permission to move forward to putting the sewer line up 9N. He assured her that he considered this to be an emergency and that they would get the funds to move this line and proceed forward. As soon as Mr. Mello receives a letter from WC DPW that will get the okay to proceed.

Bixby Beach Update: Supervisor Simmes stated that she met with NYS Soil and Water, LGA, Highway Department and WC DPW. She stated that hopefully by the end of the month that project is going to take place which will include trench drain installation, plantings leading to the beach and new pavement. She stated that she has spoken to Chris Navitsky and he had one concern. She stated that she instructed him to contact Dave Wick, which he has and she assumes everything is on track. Zandy Gabriels commented that this project has been a long time coming and the most recent proposal is the best one yet. Supervisor Simmes stated that the LGA has granted them almost \$30,000 which they are hoping will cover the entire project.

Public in Attendance

Zandy Gabriels had the following comments:

- 1) He complimented the Town Board's support of the WC outreach notification system. He stated that he is all too familiar with having to reach people individually and this would be a great asset to the citizens of Bolton.
- 2) With regard to the meeting involving the road paving he stated that there was some discussion on contracting out the job. However if they choose this route they are talking about a public works contract and they would have to pay prevailing wages which could nearly double their cost overall. He suggests that they continue having Tim Coon, Highway Superintendent, properly repair the roads until they can get some funding to repave.
- 3) DEC is holding regulatory hearings on new regulations concerning dam safety. He is concerned because the rules and regulations that he has seen require a cycle of engineering reports coming back to the State which are Town funded. This has tremendous negative implications for the Town of Bolton for 3 reasons; 1) it is an unfunded mandate, 2) the Town will be required to hire their own private engineer to evaluate the dam and report back to the DEC, and 3) DEC is now requiring the Town to remove the stop locks that were installed after a spillage. He stated that it is three feet which amounts to 30% of the storage capacity of Edgecomb Pond. If you look at how the stop locks were installed they were put in to last. He commented that dams are very important and critical and feels that there is a proper and improper public management. He feels that what DEC is proposing is improper and is to protect their own backside on the local tax payers dollars. He hopes that the citizens of the State of New York and the Town of Bolton will reject these new regulations and voice their concern. Councilmember Rehm asked if he has drafted anything to this regard. Zandy Gabriels replied no, but he feels that it would be best to come from someone of authority in Town.

Pay the bills

RESOLUTION #94

Councilman MacEwan moved, seconded by Councilman Maranville authorized to pay the following bills:

General \$73,341.79

Highway 49,241.58

Lighting District 2,395.68

Water 25,803.66

Sewer 9,037.82

All in Favor. Motion Carried.

RESOLUTION #95

Councilman Saris moved, seconded by Councilman MacEwan to accept the following transfers.

GENERAL FUND

45604 Health Center 45602 Health Center \$6545.00

SEWER DISTRICT April advance \$13,400.00

May advance 10,000.00

WATER DISTRICT

83304Transmission 83202 Raw Water Pump & installation 21,304.00

All in Favor. Motion Carried.

Executive Session

To discuss a personnel issue and contract negotiations... No decisions are to be made.

RESOLUTION #96

Councilman Saris moved, seconded by Councilman MacEwan to adjourn to Executive Session at 9:25 p.m.
All in Favor. Motion Carried.

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Adjourn

RESOLUTION #97

Councilman moved, seconded by to return to regular session and adjourn the meeting at 10:45 p.m. All in Favor. Motion Carried.

Respectfully submitted by: Respectfully submitted by:

Patricia Steele Kristen MacEwan

Town Clerk Recording Secretary