

BOLTON TOWN BOARD

Call To Order: 7:00pm

April 3, 2012

Pledge: Councilman Maranville

Regular Meeting:

Supervisor Ronald Conover  
Councilman Robert MacEwan  
Councilman Owen Maranville  
Councilmember Cheryl Bolton  
Councilmember Susan Wilson  
Town Clerk Patricia Steele  
Counsel Michael Muller

Minutes: Approve Minutes of March 6, 2012

**RESOLUTION #59**

Councilman MacEwan moved, seconded by Councilman Maranville to approve the Minutes of March 6, 2012 as written. All in Favor. Motion Carried.

Public in Attendance:

- Tim Larson, LA Group regarding bid canvas and improvements to Rogers Park.

Tim Larson stated that they opened the bids on March 21<sup>st</sup> and the low bidder of record was Adirondack Construction in Chestertown, with the base bid plus 2 add alternates for a total project of \$167,631.60. The first add-alternate was a standing seam metal roof for the structure matching the pier gazebo and the second add-alternate was the decorative light fixtures that are included at the pier and would be located adjacent to the structure.

Tim Larson stated that the LA Group estimate for the project was \$206,000; the high base bid was \$212,000. The low bid was fairly low, there were a couple other bids in that range but this is the lowest qualified bidder. They have called references for Adirondack Construction, who has done previous municipal work for the City of Glens Falls, DEC and City of Troy. All references checked out and indicated that they were pleased with their work and would work with them again.

Tim Larson stated that if they are to get a favorable motion tonight they will issue the paperwork to the contractor who will then have 10 days to get insurance and bonds to the Town for review. The construction contract has already been reviewed by Counsel Muller. Ideally they would have a pre-construction meeting mid-April and start construction shortly thereafter. They are hopeful that any work within the beach and across the access drive will be complete by the end of May before Memorial Day and then the project will stay dormant until the pre-cast building is delivered mid-July.

Given their low bid results, Tim Larson stated that he has spoken with John Limbush from DOS about funding. Initially they were using a portion of cash from the Rogers Memorial Park Fund and it is looking like right now, if they rework the grant program budget for the Town match they can use all the funds expended as the overage for the pier project. This way there would be no cash allocated for LA Group fees or the contractor. The only down side is that it is a 4-6 month process to get the revised contract approved. However, since this is a reimbursement program there would be a delay in payment anyway. Ideally they could get the revised grant approved in June/July and hope to be reimbursed by the end of 2012.

### **RESOLUTION #60**

Councilmember Bolton moved, seconded by Councilman MacEwan to authorize bid award to Adirondack Construction Enterprises including alternates #1 & # 2 for improvements to Rogers Park for \$157,181.60 + \$2,900.00 + \$7,550.00 = \$167,631.60 total award and for Supervisor to sign contracts and documents related to these improvements. Councilman Maranville opposed. All Others in Favor. Motion Carried.

- Joe Stanek, Lake George Park Commission regarding portable boat wash-station to help fight invasive species from entering Lake George.

Joe Stanek stated that the current processes to fight invasive species from entering the lake is not working as effectively as we would like. Most recently they are seeing Asian Clams, milfoil and zebra mussels in Lake George. A number of states in the west have implemented a program to do boat inspections and provide education to boaters upfront about keeping their boats clean, drained and dry. Joe Stanek stated that they have spoken to Lake Tahoe quite a bit because they are similar to Lake George with approximately 18,000 boats on each.

Joe Stanek stated that their current management efforts are spending about a million dollars trying to keep invasive species out with measures taken to eradicate the Asian Clams, funding the Lake Steward program, milfoil programs, etc.

Joe Stanek stated that they want to purchase a portable wash station that decontaminates the boats. It is a self-contained unit with a 200-300 gallon water tank and a tarp. A boat will be placed on the tarp and cleaned with 140 degree water. The heated water is supposed to kill the micro-organisms that are in different parts of the boat. There is also a vacuum that sucks up the water and recycles it through a filtration process. His task force has already spoken to the DEC who has indicated that they do not need a SPDES permit because it is self-contained.

Joe Stanek stated that their goal is to establish this pilot program this summer. They have met with the Towns of Queensbury, Lake George and Hague who have decided to use Occupancy Tax money to help with the purchase of equipment. Warren County Soil and Water is going to purchase and own the machine. Joe Stanek stated that they still are

deciding who will operate it or where it will be operated specifically.

Joe Stanek stated that the Steward program is at 6 different launches including Norowal, Rogers Rock and Mossy Point which have the highest volumes on Lake George. With the Steward program they have found 87 different species that were invasive last year and prevented from going in the lake. They would like to put the wash station at a high volume location to be able to clean the boats before they get in the water. The program would be volunteer and the boat owner would not have to pay for the wash.

Joe Stanek stated that they are going to do a pilot program this year and move forward, leveraging all of Lake Tahoe's experiences, and fully implement the program in the near future. They have already met with many marinas who have indicated their interest in doing the boat inspections and any cost associated with that the marinas would essentially keep. Joe Stanek stated that the pilot program would give them some experience on the processes and to project the implementation cost.

Joe Stanek stated that this will be a very expensive program. Lake Tahoe had State grants as well as Federal money to set up their programs, as did other states. However their ongoing costs for their 6 stations, is approximately a million dollars given the labor and equipment. There are many options that they will be looking at in the fall once they go through this process.

Joe Stanek stated that they are in the process of sending out proposals for quotes from several vendors for the boat wash. He stated that they will need to train the individuals to work the station.

Councilman MacEwan asked if they would be using any chemicals to clean the boats. Joe Stanek replied that it will just be water heated to 140 degrees. He stated that they have studies that have shown that if they heat the water for 10 seconds it kills the micro-organisms they don't see. The filtering system allows them to recycle the water because they are capturing down to 5 micron levels.

Councilmember Wilson asked if the filtering will be done for the bilge water and everything within the boat. Joe Stanek replied yes.

Councilmember Bolton asked if there could be any potential damage to the boat from the pressure washer itself. Joe Stanek replied that there is always the potential for damage but Warren County Soil and Water will expand their insurance policy up to a million dollars which would cover any damage to anything done by the pressure washer.

Councilman MacEwan asked how long it takes to clean a boat. Joe Stanek replied that once they have an experienced person it takes about 10 minutes. He stated that with the Steward program they try to use common sense. If a person shows up with a relatively clean boat but has his boat loaded with camping supplies they are not going to ask them to unload the supplies to look in the bilge. If the boater can answer questions about their boat being clean, drained and dry they will move them along. Councilman MacEwan

asked if this was primarily to clean the outside of boats. Joe Stanek replied that they will be cleaning the outside but also the bilge areas as well when possible. He stated that when the LGPC sent out their dock and boat registrations they included a page to educate boaters to be sure that their boats are clean, drained and dry. They are also working with marinas and environmental groups to create an icon or logo that could go on websites and link to more details about boat care.

Zandy Gabriels stated that he has heard Joe Stanek's presentation many times. In 2005 before Asian Clams but after zebra mussels, RPI did a pilot project to prove a concept. They took a small boat around Lake Champlain and then brought it back to Mossy Point and used 2 measures to wash the bottom of the boat, 1) medium pressure and 2) a garden hose and collected the water from each. In both instances they found they were collecting bilgers from those wash stations. Even in a small trip around Champlain to Lake George he would suggest that the outside of the hulls be relatively clean and dry. The bilgers are microscopic in nature and cannot be seen visually. Clean, drained and dry may not fit the purpose if their game is to keep zebra mussel bilgers out of the lake. Zandy Gabriels stated that they have not found an approved concept with regard to Asian Clams because they are burrowing and have no mechanism to attach to the sides of the hull.

Zandy Gabriels stated that they have a proposal in front of them to do something good for the lake and he thinks that is appropriate. However he suggested 2 alternatives to the language that is drafted for approval. In the event that the wash station does not occur at Norowal Marina because of unforeseen decisions, the Town should commit funds for the purchase of a portable boat wash station and allow the attorney to provide other language to reflect that if the boat wash station is not purchased then the funds be returned.

Zandy Gabriels stated that invasives have been a problem since 1985-1986 with the start of milfoil. There has been an ongoing series of controls. Zebra Mussels were found in 1999 in the Village of Lake George and have since been located elsewhere on the lake including an ongoing infestation at Mossy Point. Most recently in August 2010 they found Asian Clams. These are a problem for the lake, which is a problem for the Town of Bolton because they rely on the water quality and the image of Lake George being the Queen of American Lakes. Zandy Gabriels suggested that since we are all in this together, that the TB considers using funds from the general funds rather than Occupancy tax. This would show that everyone from the Town of Bolton is committed to this project and prevention of invasives from getting into the lake. He stated that the magnitude of \$10,000 would amount to a 1 cent taxable rate increase to everyone in the Town and could be easily afforded. He feels that it would be a more definitive ecological statement that the Town takes combating aquatic invasives very seriously to the point that they are going to spend property tax dollars on solving this problem.

With regard to the suggestions from Zandy Gabriels, Supervisor Conover stated that he does not object should the program have an element they are not considering right now and if they are not going to purchase the equipment he would expect the money to be returned.

Resolution authorizing Supervisor to sign contract for \$10,000 with Warren County Soil and Water Conservation District for the purchase of a portable boat wash station to be operated as a pilot project to help fight invasive species entering Lake George and that said funding is to come from the Town of Bolton occupancy tax revenue receipts.

**RESOLUTION #61**

Councilmember Wilson moved, seconded by Councilmember Bolton for amending the resolution by adding that if the Town will commit the money in anticipation of the boat wash equipment being purchased and in the event the boat wash station equipment is not purchased the money will be returned to the Town of Bolton. All in Favor. Motion Carried.

Supervisor Conover thanked Joe Stanek for all of his hard work. He commended his committee stating that they have made a tremendous effort to reach out and be all inclusive. This is a difficult challenge with a lot of unknowns. The committee seems to have done their homework and he cannot say enough about their efforts.

Supervisor Conover stated that as he indicated at budget time, he suspected that the line item we created for invasive species, which was doubled from the previous year, that we would have to make additional allocations and this is one. He stated that we will still be looking for funding for a fall program as well. Supervisor Conover stated that he feels that this is an appropriate source of funding at this time. He made the Board aware that in allowing this allocation, it could affect future programming in the fall but he cannot think of anything more urgent than this issue and the lake and he hopes that the Board will support the resolution.

**RESOLUTION #62**

Councilmember Bolton moved, seconded by Councilman Maranville to authorize Supervisor to sign contract for \$10,000 with Warren County Soil and Water Conservation District for the purchase of a portable boat wash station to be operated as a pilot project to help fight invasive species entering Lake George and that said funding is to come from the Town of Bolton occupancy tax revenue receipts. The Town will commit the money in anticipation of the boat wash equipment being purchased and in the event the boat wash station equipment is not purchased the money will be returned to the Town of Bolton. All in Favor. Motion Carried.

- Don Kingsley

Don Kingsley stated that he has operated his excavation business in the town for 22 years. Last week they were doing a job on Fish Point and they put a 2' x 2' sign out on Route 9N to let people know where their job site was. The reason for it being on 9N is because they had a truck coming in to haul away the demolished house. Additionally there was a sewer line break by the lake and they had to get Underground Facilities Protective Organization, UFPO, to locate all of the underground utilities before they could dig; they are required by law to have that done. He explained that he went to work

on Tuesday the sign was gone from 9N and the other sign on the job site was gone. He also found a note at the site that stated “ Don, Supervisor’s instructions off premise advertising not allowed. Contractor signs may be placed at entryway to project only. All others will be removed out of any Town, State or County roads.”

Don Kingsley stated that he has been running his business in Town for the past 22 years. He has never had a problem with their signs being out for the duration of their jobs in the past. That evening he put another sign back up on the road. The next day when he returned he found it ripped off the posts. He approached the Supervisor about the issue and the Supervisor indicated that the Town was within their right to remove those signs when they are in a Town, State or County right-of-way. Don Kingsley stated that he disagrees with that. He stated that they drive through town 8-10 times/day. On a few trips this past week he started to notice signs in the right-of-way. He provided the example of the sign coming off Sagamore Island which advertises all the businesses off of Route 9N. This sign was placed by the Town in the right-of-way and blocks the line of sight looking north on 9N.

Don Kinglsey stated that there are a lot of association roads in town where there are a lot of houses away from Route 9N, so it is difficult to tell someone where the worksite is for a delivery. He asked what makes his sign any different than the sign advertising private businesses. These signs were placed by the Town all along Main Street advertising businesses and in these instances; it causes a danger for site distance in a State right-of-way. He stated that he will ask DOT about that issue.

Don Kingsley stated that he also asked Pam Kenyon, Zoning Administrator if he was breaking any rules of the code. Pam Kenyon provided information regarding the size of the sign. She also indicated that he was not breaking any rules and provided him information to back up what she told him and what he was saying.

Supervisor Conover recommended that the specific regulations be communicated to the Kingsleys directly in writing that includes all the issues on off-site signs. Hopefully it will provide a better understanding. He stated that these sign limitations are found in all regulations including NYS DOT. He feels the Town has done a good job keeping a handle on these issues. If the Kingsleys or any other business needs to put out an off-site sign for deliveries the Town would certainly work with them. He stated that the Town cannot allow anything attached to public structures such as street signs, guardrails, telephone poles or street lights. He suggested getting the proper information to the Kingsleys so that they can all sit down and discuss the issue.

Supervisor Conover stated that he respects Don Kingsley and his company but he has his opinion on this as well as what the law states. Two years ago the TB articulated a coherent policy stating that signs in the public right-of-way will be collected. Another issue is illegal signs on private property; in this instance the business owner or property owner is contacted about removal. He stated that the Code Enforcement Officer picks up dozens and dozens of these signs annually; there are approximately 3 signs in her office right now. Supervisor Conover stated that this is the first time he has seen Don

Kingsley's signs on Route 9N, and just as he has said to every other contractor, he will be sure that everyone plays by the rules.

Supervisor Conover stated that there isn't a contractor that the Town is not willing to work with regarding placing off-premises signs for deliveries. He doesn't know who vandalized his sign and understands why he is upset because there is no excuse for it.

Don Kingsley stated that he called NYS DOT engineers office and spoke to Jim Davis about this issue. Jim Davis indicated that they did not concern themselves with these signs because they would go crazy driving all around trying to take them down. Supervisor Conover stated that he has spoken with many other supervisors regarding this issue and most of those municipalities do the same but also add a fine; Bolton has not cited or fined anyone. Bolton tries to talk through these issues and work with the business community while trying to keep the proliferation of advertising signs off the public right-of-way. With all respect to DOT, although the State may not collect them he believes that it is specifically in their regulations.

Supervisor Conover stated that most advertising signs are prohibited and that is why you don't see billboards or signs in or out of the public right-of-way. Don Kingsley stated that there is a sign on Lamb Hill Road that advertises for the Pooch Palace. He stated that this was for a past Supervisor and wonders if it was put up under public funds. Town Clerk, Patricia Steele stated the sign was ordered and paid for by the owner.

Councilman MacEwan stated that there is a paragraph that was highlighted in the material that Don Kingsley provided and Pam Kenyon agreed with it which states that off-site signs are allowed on work sites. He asked why it needs to be in the public right-of-way. Don Kingsley replied that people cannot see from Route 9 to the end of Fish Point so if they have a delivery with a large truck, it makes it easier to find. Councilman MacEwan stated that he passes this corner every day and sees these types of signs. He stated that it seems what Pam Kenyon is saying is that you can advertise on the property they are working on. Sue Wilson read Pam Kenyon's interpretation: "My practice and interpretation of the code has always been that excavators and contractor signs located on a parcel where a contractor is providing a service and real estate signs located on a parcel for sale are exempt from Section 200-22." Supervisor Conover stated that he would like to sit down with the Kingsleys to discuss this matter further.

Clare Kingsley stated that the sign did upset her but she thinks that there is a bigger problem here with the Zoning Office. She stated that her husband came in and got the ordinance from Pam Kenyon. This could have been avoided had he been given the information that the attorney is going to provide them. The Zoning Office is a disgrace and the contractors are put in the middle of it. This has been going on long enough. Supervisor Conover stated that she has his word that future permits that are secured by contractors for construction will have this issue clearly stated. Clare Kingsley stated that she appreciates that but there is a bigger problem that needs to be addressed. She feels there needs to be a committee of people that care about small businesses in this town because the Zoning Office targets people they don't like and their business is one of

them. She stated that it needs to stop.

- Chris Navitsky

Chris Navitsky, Lake George Waterkeeper stated that he would like to recognize the efforts of the TB to reduce run-off through the LGPC's study grant as well as working with WC Soil and Water Conservation District. These efforts will provide water quality improvements and should be commended. However these improvements require funding and are limited. Bolton can make greater improvements in stormwater management simply through decisions of the Planning and Zoning Boards and Departments that are at no cost to the Town and do not require funding and will have great benefits for water quality. However, it is unfortunate that these decisions are not being made by the Town Boards and Departments and run-off will continue to have an impact on the lake.

Chris Navitsky stated that one recent example is the re-development project requiring significant variances in Boon Bay where the largest Asian Clam infestation is located. Instead of maximizing stormwater measures by requiring a major stormwater plan the Town Planning Office minimized stormwater design requirements on a site with minimal soils and within close proximity to the lake. This decision will result in increased run-off and nutrients that will benefit the growth of Asian Clams in this vicinity. A simple decision to maximize stormwater management by the Planning Department would have had long lasting water quality benefits and supported the efforts of many including the funding from the Town to manage the Asian Clams but that was not the case.

Another example is the recent Planning Board approval to maximize clearing and blasting in close proximity to the shoreline resulting in stormwater management controls being placed within close proximity to the lake, reducing treatment of run-off resulting in negative water quality impacts. This approval was granted despite 2 neighboring property owners requesting public hearings which is another case of Planning decisions at the expense of water quality protection.

Chris Navitsky stated that these types of decisions are having cumulative negative impacts which are undermining the other efforts made by the Town. What is more troubling is that these decisions could easily been prevented by an approach that promotes stewardship and public involvement. He imagines this is what prompted a letter in Sunday's Post Star regarding concern over the Town's approach to lake protection. He encouraged the Town to take a unified approach to maximizing lake stewardship and protection and not the current approach where various Boards and Department decisions are not consistent and further impact Lake George and its water quality.

Correspondence:

- Jeffrey Haber, Association of Towns regarding information on damage from Hurricane Irene and Tropical Storm Lee and impact to tax base.
- William F. Matuszek, Albany Aquanauts, Inc. regarding use of Veterans Park for outing on May 6, 2012.
- Richard E. Weber III, Adirondack Park Agency regarding application receipt

notification from the Fund for Lake George for underwater work (benthic barriers to treat up to 1.5 acres of Asian Clam infestation) at Middleworth Bay.

- Rich Waller, John Kronenwetter, Wauneata Waller, Jay McBain requesting to be placed on April 17, 2012 ZBA agenda to appeal Zoning Administrator's interpretation at Highland Castle.
- Thomas Damiani, President Bell Point Shores Home Owners Association transmittal of Fall, 2011 Consulting Engineer maintenance report.
- Walter Lender requesting letter of support for grant application to Froehlich Foundation.
- Peter Bauer, Fund for Lake George requesting Town Supervisors send letters requesting increased State support in 2012 State Budget to Governor Andrew Cuomo and NYS Senator Elizabeth Little to fight invasive species in Lake George.
- Mandy's Spring Nursery regarding tree planting program.
- Richard J. Burmaster, 54 Skyline Drive letter to Zoning Administrator regarding disappointment with Zoning Administrator interpretation of program at Highland Castle.
- Michael D. Panichelli, P.E., Engineering and Land Surveying, P.C. regarding professional water and wastewater engineering services.
- Chris Navitsky, P.E. regarding registration and no fee charge for the 2012 Lake George Low Impact Development Conference to be held on April 25, 2012 at the Holiday Inn Resort in Lake George, NY.
- Sandra J. DiNoto, Vice President, Philanthropy and Community Relations for Glens Falls Hospital invitation to kick-off announcement for campaign to raise 2 million for the purchase of new cancer fighting technology.
- Eric Fahlborg, The Juliana, 3842 Lake Shore Drive, Bolton sound amplification permit.
- Pat Hamilton, Executive Director, Gore Mountain Region Chamber regarding economic development conference on April 10, 2012, 1-4 pm in North Creek.
- John Mucha, Time Warner Cable regarding possible changes and additions to services.
- Charles E. Schumer, U.S. Senator regarding National Endowment for the Humanities funding under the Bridging Cultures at Community Colleges Grant Program.
- Tom Nace, P.E., Nace Engineering regarding inspection of building at 824 Trout Lake Road and items that pose possible public hazard.
- Rory Whelan, Regional Vice President Time Warner Cable regarding internal restructuring and movement of operational responsibilities to seven regional entities and Time Warner Cable Northeast LLC will be the name of the entity serving our area.
- Paul Dusek, County Administrator regarding application for State grant for Towns that sustained infrastructure damage as a result of storms Irene or Lee.
- Carl Schoeder, Schoder Rivers Associates regarding additional work at Tricking Filter Cover Project.
- Mike Swan, Warren County Treasurer regarding filing of tax records.
- Lee Sterrins, LLC Insurance Agency, Inc. regarding professional services for Health Insurance.

Committee Reports:

**Councilman Robert MacEwan**

Water Department- Actual flow through the plant before deductions 4,696,517 gallons. Water through the plant after deductions 4,099,996. March was a busy month. Monthly bacteriological samples came back satisfactory. Production of water has been back to normal now that school fixed their water leak. They have been busy doing regular maintenance up at the Water Plant and keeping a close eye on all the PRV stations. This winter was a very good winter for us. We didn't have to shovel out hydrants. That is the first time in 17 years that we didn't have to shovel them. They started turning water service back on for the summer for a few people. They have marked a lot of water lines for Dig Safely New York. This is getting to be a regular thing. The ice went out on the pond very early this year because of the warm weather; it went out on the 23<sup>rd</sup> of March. John is on vacation from March 26-30. They have been setting up some of the new drive by meters for some of the lower condos at the Sagamore. They discovered a water leak on March 30 on Finkle Road by Mike Huck's place. The 12" line that was put in in 1995 sprung a leak on the bottom of the pipe. Kingsley Construction dug it up and put a wrap around stainless steel clamp on it.

Transfer Station- Total Receipts \$4,821. Spring clean up card totals for month of March \$2,361. They need to have a plan in place to get money down to Town Hall. Brush needs to go again, Lisa suggested to putting the bid out for the year. They are still waiting on Eastside about metal. Lisa has asked for Easter off. They need to get batteries to Warrensburg for recycling. Need to get to Glens Falls for a screen door for this building.

Councilman MacEwan stated that he and the Supervisor met with Jim Madison regarding the compactor and feels they are moving forward with this. He stated that he looked at a building at Garden Time. This is a pre-fab building that would only require installment of a bathroom. The building was 12' x 24'; it would be insulated, with a steel door and three windows for approximately \$8,000. This would replace the current building, they would remove the old one and put a foundation in and place the new structure on it.

### **Councilman Owen Maranville**

Police- Patrolled 1,848 miles and used 153.6 gallons of fuel. An itemized list of calls answered is available for review.

Supervisor Conover asked the Board to take a look at the Police report with regard to the vehicle. There is quite a bit of rust on it and there is a lot of mileage on this vehicle and they will have to be thinking about that coming this fall. Councilman Maranville stated that there are a lot of repairs necessary which is starting to cost a lot of money.

Highway- Cut brush on Mohican Hill Road, Potter Hill Road and Braley Hill Road. Ditched lower section of Mohican Hill Road. They are presently working on Braley Hill Road drainage problems ditching road. Hauling item 4 on dirt roads, grading and raking all dirt roads. Borrowed bull dozer from Tioga Construction Co. to push dirt over at new soccer field.

Justice- Hon. Harry Demarest took in \$2,607 and Hon. Edward Stewart took in \$2,190. Total monies forward to the Town \$4,797. Itemized lists are available for review.

Councilman Maranville stated that he read the information that Don Kingsley handed out from Pam Kenyon. The last section reads: "I further interpret that section 200-22 is as follows: An excavator or contractors sign greater than 4 sq. ft that is located on a parcel of land owned by the excavator/contractor or at a location where the service is not being provided is considered an advertising sign and thus requiring site plan review. And likewise a realtors sign greater than 4 sq. ft located at their place of business requires site plan review." Counsel Muller stated that an off-premises sign is not permitted by the sign ordinance at all. He stated that Mr. Kingsley was provided 2 different interpretations, easily misread but properly understood. The one dated April 19, 2007 was regarding how to apply the banner ordinance and it does not apply to Mr. Kingsley's problem. With respect to the October 2, 2007 interpretation indicated that site plan review was required for all advertising signs greater than 4 sq. ft in size with the exception of small signs, which is specific, excavators and contractors signs located on a parcel where the contractor is providing a service and real estate signs located on a parcel for sale are exempt from the code application of signs. To supplement that, because the issue comes every year, they have the 2010 exchange of email going back and forth on how to apply that and how it is applied is still consistent. Counsel Muller stated that this is not a new rule.

Assessor- Councilman Maranville stated that he does not have a report from the assessor due to his busy schedule with the re-evaluation project and appointments.

Councilman MacEwan commended Dave Rosebrook for doing the project in-house because it saved the Town a lot of money by not having it done by an outside firm.

### **Councilmember Susan Wilson**

Local Waterfront Revitalization Program- The Committee will meet again on April 4<sup>th</sup> at 6:30pm. Copies of the Agenda for that meeting are available this evening.

Planning/Zoning- The Zoning Ordinance Update is currently at the Town Board level for review. The proposed updated ordinance was originally prepared by a Committee made up of a diverse set of individuals including the PB Chair, ZBA Chair, TB members, Zoning Administrator, Code Enforcement Officer, Business Owners and Bolton residents. The proposed ordinance had an informal APA review after which the Committee addressed the APA comments. The most recent version has been reviewed by previous Town Board members and the current Town Board conducted a workshop meeting on March 28<sup>th</sup>. We will continue to work on this version to insure we understand the proposed code and its impacts on the residents of Bolton in its entirety. Once the Town Board has completed our review it will be sent back to the APA for a formal review. A copy of that version will be available on the website when it is completed. There may be additional workshops and there will be additional Public Hearings. (There have been four Public Hearings and a workshop previously conducted on the Proposed Ordinance). The code will be subject to a SEQRA review before adoption by the Town

Board. It is my goal to have the new ordinance adopted by the end of the year. Whether or not that goal can be reached may depend largely on how long it takes for the APA review.

Code Enforcement Officer- for the month of March, 17 sites visited, has a 38 page report detailing her actions.

Library-

- Richard Wargo from Sembrich Studio will show A Night to Remember on Tuesday, April 10<sup>th</sup> to commemorate the sinking of the Titanic. The film will start at 7pm.
- Library Book Club meets on April 11<sup>th</sup> at the library to discuss “The Book Thief” by Marcus Zusak.
- Community Garden Group will meet at the Library on April 18<sup>th</sup> at 7pm
- Ed Sheridan will present a slide show of one of his trips towards the end of the month.
- In June, we will honor brides of all ages, with an incredible display of bridal memorabilia loaned by Marina Skea, culminating with “The Bridal Party” on Saturday June 16<sup>th</sup>. Brides, both old and young will be asked to share some wisdom, as well as horror stories.
- On Sunday, June 17<sup>th</sup>, we will host our second reunion of the some of the men from the CCC’s with the assistance of Ted Caldwell.

Seniors- The Bolton Seniors meet each Wednesday morning at 10:30.

- Wednesday, April 4<sup>th</sup> - Business Meeting 10:30 with Guest Speaker Erica Walker of the Upper Hudson Primary Care Consortium will speak about “Health Insurance Options for Seniors” followed by lunch at the Bolton Meal Site.
- Tuesday, April 10<sup>th</sup>, they will be traveling to the Racino, contact Pat Merchant 644-9359 for more information.
- Wednesday, April 11<sup>th</sup>, Potluck breakfast 9:00am then Bingo at 10:30.
- Wednesday, April 18<sup>th</sup>, 10:30 Movie: Pizza for lunch at Center.
- Wednesday April 25<sup>th</sup>, 10:00am, Bowling at Sparetime Lanes, Lake George followed by lunch at Golden Corral.

**Councilmember Bolton**

Fire District- The Commissioners are having their elections this month. The weekly and monthly training for the district is going on. The line officers are also up for election.

Rescue Squad- Bolton Emergency Medical Services, Inc. has provided their February report which includes their service calls. They are looking over billing options which they hope to have in place by Memorial Day which is the start of the summer season. Harold Shippey has invited Councilmember Bolton to attend a meeting next week to discuss their options.

Supervisor Conover suggested asking Harold Shippey if he would be able to provide an update with regard to the Rescue Squad to the community. This is a big change moving to a private company and he is sure the community would like to be informed.

Councilmember Bolton stated that she thinks that the Rescue Squad is waiting to get everything in order this month so they can put out an article in the paper or do a presentation discussing it.

Councilman Maranville asked if they were still looking for volunteers. Councilmember Bolton replied that both the Fire Company and Rescue Squad are always taking applications for volunteers. The hardest part is the fact that both require quite a bit of training which is a deterrent to some.

Parks Department- The weather has been wonderful so the department has been gearing up and getting ready for the season. They have been working on some of their equipment, building picnic tables and getting the parks cleaned up.

Recreation Commission- The Day Camp has been filled; 75% of attendees are from BCS and the remaining are property owners and family. There is usually a waiting list for this program as there is for this year. Their attendance is up to 78.

#### Supervisor's Report:

- Receipts: \$346,674.99
- Disbursements: \$478,952.15
- Sales Tax: sales tax receipts for the County in the month of February were up 12.4% for same period in 2011.
- Back-up systems and security for Town computers, wireless access for Town business installed in Town Hall meeting rooms. Chris LaFountain will be doing an analysis of all of the computers and making recommendations on making sure all computers are backed up and the backup systems are secured.
- GGFMT will be adding Wireless QR Codes to their signage which will allow people to pull up the bus schedule and destinations on their smart phone.
- Appointment of Marianne Roberts-Huck to the position of Secretary/Bookkeeper position due to retirement of Donna Boggs at the end of April.

Supervisor Conover thanked Councilmember Bolton for all of her assistance in reviewing all of the applications during the interviewing.

- Lighting refit work authorized by The Board through a National Grid program is largely complete; however, contractor is scheduled to return to complete lighting work at the water department building. Remaining work is estimated to save the Water District \$643.58 annually (one time project contribution of \$181.59)
- Receipt of first FEMA check for \$17,718.80 for damage resulting from Hurricane Irene.

Supervisor Conover thanked Tim Coon, Highway Superintendent as well as Donna Boggs for her efforts in helping secure those dollars. They have an additional amount that they anticipate upon completion of the improvements of approximately \$20-22,000.

- Water leak on Finkle Road-crack in 12 inch water main- big thank you to Kingsley Construction for their quick mobilization and getting it fixed first thing Monday morning.
- Retirement of Donna Boggs as Secretary/Bookkeeper at the end of April.

Supervisor Conover stated that she has been with the Town for a very long time.

- Little League Field Status

Supervisor Conover provided a progress report on the fill for the fields. Their hope is that by fall they will have an activity field. He thought they would have been a little further along with the delta dredging projects but because of the SEQRA they haven't. However, they have gotten fill from other Town projects and local contractors. He stated that Tim Coon and others have done a tremendous job so far. We will continue to move forward on this and hope that shortly they will be in a position to put top soil down and seed it. This field will be available to the community.

Old Business/Tabled Resolutions:

New Business:

- Resolution authorizing Supervisor to retain Donna Boggs to assist with training and transition of responsibilities of the Secretary/Bookkeeper position at a reimbursement rate of \$25.00 per hour.

Supervisor Conover stated that Donna Boggs' retirement is a big loss but her willingness to help with the transition is indispensable. Councilmember Bolton extended the TB's deepest thanks for her willingness to come back and assist in the training.

**RESOLUTION #63**

Councilman Maranville moved, seconded by Councilmember Bolton to retain Donna Boggs to assist with training and transition of responsibilities of the Secretary/Bookkeeper position at a reimbursement rate of \$25.00 per hour. All in Favor. Motion Carried.

- Resolution authorizing Supervisor to apply for stocking permit from NYS DEC and contract for stocking of Trout Lake with rainbow trout in an amount not to exceed \$3,500.

Supervisor Conover stated that he provided 2 quotes from 2 companies with different size fish and dollar estimates. As you are aware the State stopped stocking Trout Lake 2 years ago due some issues with the trail. There is a lot of confusion and misunderstanding with this access trail and the issue seems to rear its ugly head every 20 years or so. He would hate to think that if the fishery goes much further without stocking a lot people will be affected. He is hoping that things will work out with DEC, but in the meantime we have our State representatives working on it. He feels that stocking the lake with a few thousand rainbow trout is a great idea, which was brought to his attention by Andy Roden.

Councilman Maranville stated that he thought this was a great idea. This will help the businesses and community up there. Councilmember Bolton agreed.

Zandy Gabriels asked how many fish the DEC used to stock at Trout Lake. Dennis Murphy stated that they used to stock 3,500-4,000/year and does not cost the taxpayers anything. With licensing you are allowed 20 fish/acre which would allow them to stock

up to 5,000 fish. Supervisor Conover stated that depending on the size of the fish they are looking to stock with approximately 1,500 fish.

**RESOLUTION #64**

Councilman MacEwan moved, seconded by Councilman Maranville to authorize Supervisor to apply for stocking permit from NYS DEC and contract for stocking of Trout Lake with rainbow trout in an amount not to exceed \$3,500. All in Favor. Motion Carried.

- Resolution authorizing Supervisor to enter into contract for remainder of 2012 with Eastside Metals and Recycling for the disposal of metal can and bulk metal at the Bolton Transfer Station.

Supervisor Conover stated that with the County contract they deleted bulk metal and metal cans because they had a better arrangement with East Side Metals. Additionally since C & D was not included in the County bid they also went out to bid and Waste Management was the low bid on C & D.

Supervisor Conover stated that he would like the County to request bids to be all inclusive for 2013 so they will not have to approve this request multiple times.

**RESOLUTION #65**

Councilman MacEwan moved, seconded by Councilmember Wilson to authorize Supervisor to enter into contract for remainder of 2012 with Eastside Metals and Recycling for the disposal of metal can and bulk metal at the Bolton Transfer Station. All in Favor. Motion Carried.

- Resolution authorizing Supervisor to reimburse Wayne Perry \$966.59 for actual costs incurred resulting from blockage of sewer lateral entrance to Town main during sewer lining project.

**RESOLUTION #66**

Councilmember Wilson moved, seconded by Councilmember Bolton to reimburse Wayne Perry \$966.59 for actual costs incurred resulting from blockage of sewer lateral entrance to Town main during sewer lining project. All in Favor. Motion Carried.

- Resolution authorizing Albany Aquanauts to utilize Veterans Park as access point to Lake George provided all members provide Liability Release and Assumption of Risk Agreements for all members prior to event on May 6, 2012.

Supervisor Conover stated that normally they would secure insurance. However, this particular organization proposed a liability release. The matter was referred to Counsel Muller who indicated that it was satisfactory. Counsel Muller stated that this was all the organization was able to provide which is satisfactory, but in the event of an incident, the Town has adequate insurance coverage as well.

**RESOLUTION #67**

Councilman Maranville moved, seconded by Councilman MacEwan to authorize Albany Aquanauts to utilize Veterans Park as access point to Lake George provided all members provide Liability Release and Assumption of Risk Agreements for all members prior to event on May 6, 2012. All in Favor. Motion Carried.

- Resolution appointing Wendy Burkowski to the Conservation Park Advisory Committee.

Councilmember Wilson stated that at the beginning of the year Deanne Rehm indicated that she would be willing to serve for a short period of time until they found someone and Wendy Burkowski has expressed an interest in serving and she would like to recommend that she be appointed.

### **RESOLUTION #68**

Councilmember Wilson moved, seconded by Councilmember Bolton to appoint Wendy Burkowski to the Conservation Park Advisory Committee. All in Favor. Motion Carried.

- Resolution regarding approval of sound amplification permit by Eric Fahlborg on June 2, 2012, at the Juliana, where there will be live music for a wedding event between the hours of 7:00pm and 12:00pm.

### **RESOLUTION #69**

Councilman Maranville moved, seconded by Councilman MacEwan to approve sound amplification permit by Eric Fahlborg on June 2, 2012, at the Juliana, where there will be live music for a wedding event between the hours of 7:00pm and 12:00pm. All in Favor. Motion Carried.

- Resolution appointing Hal Heusner to the Community Development Advisory Committee to replace Sue Wilson.

Councilmember Wilson stated that she served on this committee and felt that it was inappropriate for her to be making decisions at both the committee and town level. She feels that Hal Heusner is an excellent choice. Supervisor Conover asked Sue Wilson to continue to be the liaison to that committee for the Town. Councilmember Wilson agreed.

### **RESOLUTION #70**

Councilman Maranville moved, seconded by Councilman Wilson to approve the appointment of Hal Heusner to the Community Development Advisory Committee to replace Sue Wilson. All in Favor. Motion Carried.

- Resolution regarding structure at 824 Trout Lake Road, Bolton. Supervisor Conover explained the issues regarding the condition of the house. He provided the history of the property stating that prior code enforcement was started a few years ago regarding some dilapidated porches. Shortly after the Board took action, it appeared as if there might be a transfer of property and a renovation. The proceedings were stopped in anticipation of the project. Since then the sale never happened and other

issues have come up.

Supervisor Conover provided pictures of the structure in its current condition as well as Tom Nace's recent inspection of this property. Tom Nace believes that the main house is not in danger of collapse, however the following items do pose a public hazard and need to be remedied immediately: 1) the side porch has partially collapsed and needs to be removed, 2) the rear entry porch has started to separate from the main building is not structurally sound and needs to be removed, 3) the first floor of the house must be considered unsafe, therefore all exterior doors must be boarded up and secured with fasteners that cannot be easily removed and 4) the top of the foundation wall around the front door should be stabilized to prevent further collapse.

Supervisor Conover stated that the previous instructions that they had given to the Code Enforcement Officer and Town attorney was proceed to place this house in a condition that was not a public hazard.

Counsel Muller stated that this house is part of an estate. If the Board is to provide a resolution, it would be in the nature to take action, to secure the building and remove the porches and bringing a proceeding in the Supreme Court. This will cost the Town money in terms of filing fees, attorney fees and securing the building. The good news in having spent that money, it constitutes a judgment on the property and can be added to the taxes as a special assessment and has to be collected. However in this case he hopes that this cost does not exceed the value of the property.

Supervisor Conover stated that he feels that eventually building will need to be removed as well. He doesn't see much of an alternative. He asked if the Board wished for Counsel Muller could write another letter and communicate with the applicant. Counsel Muller stated that he would encourage the Town to proceed because he has done this and been ignored. He stated that the Court will incorporate a stay which will have the proper delay and timing to allow for more notice.

Councilman Maranville asked Counsel Muller what methods he used in communicating notice to the applicants. Counsel Muller replied that he has used the tax payer address as well as an internet search. He stated that they did have responses but they were in the nature of requesting the Town to be patient because they had a buyer.

Councilman MacEwan asked if the Fire Company could raze the building. Councilmember Wilson replied that they no longer can do that.

### **RESOLUTION #71**

Councilman Maranville moved, seconded by Councilman MacEwan to proceed with the approach from Tom Nace and Counsel Muller with regard to 824 Trout Lake Road. All in Favor. Motion Carried.

- Resolution authorizing Mariann Roberts-Huck to attend Basic Accounting School offered by the Office of the State Comptroller to be held on April 18, 19 & 20, 2012

at Clifton Park at a cost of \$85.00 (mileage and meals reimbursement per approved rates).

**RESOLUTION #72**

Councilman Maranville, seconded by Councilmember Bolton to authorize Mariann Roberts-Huck to attend Basic Accounting School offered by the Office of the State Comptroller to be held on April 18, 19 & 20, 2012 at Clifton Park at a cost of \$85.00 (mileage and meals reimbursement per approved rates). All in Favor. Motion Carried.

- Resolution establishing policy, procedures and filing requirements for making zoning interpretations by the Planning Office.

**RESOLUTION #73**

Councilman Maranville moved, seconded by Councilmember Wilson the following:

Counsel Muller stated that Town law section 267-a specifies certain important events that allow persons who wish to challenge determinations or interpretations must be commenced within 60 days from the commencement of that action by the Town Official. He stated that the Town does not seem to have a particular procedure in place so it is important to have a policy and procedure that mandates this so there is a clear idea of when the clock starts.

Zandy Gabriels asked how the public will know when the Zoning Administrator makes a decision or interpretation that may be beneficial to a person's particular interest. Counsel Muller stated that there are no notification requirements, therefore the public wouldn't know. He stated that it requires diligence on the part of people that would challenge under section 267-a Town Law.

Zandy Gabriels suggested making subsequent notice at a ZBA or PB meeting. Supervisor Conover stated that he doesn't see the connection because the ZBA is sitting in judgment on the interpretation and would get their chance if appealed.

RESOLVED that upon rendering a written and signed Zoning Administrator's interpretation of code, it shall be the duty of the Zoning Administrator to file such document in original form with the Office of the Town Clerk no later than three business days after the date of issuance of such interpretation. The filing of same with the Town Clerk shall constitute the date from which the time to appeal the Zoning Administrator's code interpretation shall be calculated. The Town Clerk shall maintain a record of all Administrator's code interpretations as a regular public record available for inspection and duplication in accordance with the requirements of law. The Planning Office shall also maintain a copy of the code interpretation as a regular public record available for inspection and duplication in accordance with the requirements of law. All in Favor. Motion Carried.

- Resolution establishing public filing policy for Zoning Board of Appeal determinations by the Planning Office:

**RESOLUTION #74**

Councilman Maranville moved, seconded by Councilmember Wilson the following:

RESOLVED that upon the rendering of a Zoning Board of Appeals determination of an appeal of any zoning code interpretation, a copy of the Zoning Board of Appeals resolution making such determination shall be filed with the Office of the Town Clerk. It shall be the duty of the Zoning Administrator to file such determination in true, accurate and complete form with the Office of the Town Clerk no later than three business days after the date of issuance of such ZBA determination. The filing of same with the Town Clerk shall constitute the date from which the time to appeal shall be calculated. The Town Clerk shall maintain a record of such Zoning Board Appeals resolutions so filed as an official record of the Zoning Board of Appeals' determination of a code interpretation and the same shall constitute a regular public record available for inspection and duplication in accordance with the requirement of the law.

All in Favor. Motion Carried.

- Resolution authorizing Supervisor to enter into service maintenance contract for computer vehicle maintenance system software and coverage for the period of April 15, 2012 through April 14, 2013 with Chris LaFountain, Computer Consultant at a cost not to exceed \$350.

**RESOLUTION #75**

Councilman MacEwan moved, seconded by Councilmember Bolton to authorizing Supervisor to enter into service maintenance contract for computer vehicle maintenance system software and coverage for the period of April 15, 2012 through April 14, 2013 with Chris LaFountain, Computer Consultant at a cost not to exceed \$350. Councilman Maranville abstained. All Others in Favor. Motion Carried.

- Resolution relating to change order to Rozell Trickling Filter contract for \$7,427 at the Sewer Plant.

Supervisor Conover highlighted Carl Schoder's letter which indicated that if the Town were to do the work it could be done at substantially less cost. He has discussed this with Chet Dagles who has also agreed. This is not something that needs to be rushed into and would recommend that we not approve the change order. He feels we should look into doing the work ourselves or seek permission to work with some local contractors who could do the work for substantially less cost.

**RESOLUTION #76**

Councilmember Wilson moved, seconded by Councilman MacEwan to approve the change order to Rozell Trickling Filter contract for \$7,427 at the Sewer Plant. All Nays. Resolution failed.

- Resolution to authorize Mitzi Nittmann to attend an onsite wastewater treatment training in Old Forge on April 18<sup>th</sup> at a cost of \$100.

Councilmember Wilson stated that Mitzi Nittmann has indicated that her supervisor has approved her attendance and she does have the \$100 in her budget.

**RESOLUTION #77**

Councilmember Wilson moved, seconded by Councilman MacEwan to attend an onsite wastewater training in Old Forge on April 18<sup>th</sup> at a cost of \$100. All in Favor. Motion Carried.

**Public in Attendance:**

Dennis Murphy thanked the TB for the resolution regarding stocking Trout Lake. It shows superb stewardship for Lake George and Trout Lake. It is nice to see the politics have been taken out of the detriment to the eco-system up there.

With regard to the resolution about the Zoning Administrator's interpretation, Zandy Gabriels stated that when it is written and signed by the ZA it represents a legally binding position. He feels it would be best to make sure that the correctness and clarity of English language the interpretations is reviewed by someone before it is signed, not to change the interpretation but rather to be sure that we are being as clear as we can about the interpretation. He asked if they will be reviewed. Counsel Muller stated that he does his best to review these however he is not always at the gate when they go out, but he would like to be.

Zandy Gabriels stated that he and Deanne Rehm have reviewed a new document issued by one of the entities of the Fund for Lake George which deals with the comparison of the in-stream sedimentation basins of Hague and Finkle Brook. Both he and Deanne have skimmed this and the report seems to indicate that the retention basin at Artist's Falls was insufficient in terms of its intended purpose. What was missing from the analysis was the statement that the in-stream retention basins work, i.e. Dula Pond. The argument from the Fund was that the Artist's Falls remediation was not sized or designed properly. Zandy Gabriels stated that it was not big enough because the APA provided size limitations for the dredging. He stated that it was then-Supervisor Rehm's full intention to dredge out a much greater size basin.

With regard to Boon Bay and Asian Clams, Zandy Gabriels stated that it has been mentioned several times that stormwater is not good for Asian Clams in Boon Bay. There are Asian Clams in Boon Bay and there is a stormwater run-off problem in Boon Bay. However he feels the two are not related. There are plenty enough nutrients in Boon Bay or any other bay for the propagation of Asian Clams, zebra mussels or Eurasian water milfoil with or without any additional introduction of nutrients. Combining the two shows a lack of understanding of the ecology of the lake. He stated that we have been told that development was going to cause the rapid growth of milfoil. However there is no development in the narrows or the Tongue Mountain area and yet milfoil has been found in these locations.

Chris Navitsky, Lake George Waterkeeper, stated that Dr. Nierzwicki-Bauer indicates

that if a stormwater system does not maximize the treatment of stormwater and allows the flow of nutrients off the property it would benefit the growth of Asian Clams. He stated that he is glad that people are reading their reports.

Councilman Maranville congratulated Donna Boggs on her retirement and Marianne Roberts-Huck in her new job, she will be a great addition to the Town.

Councilman Maranville stated that he is coaching Little League and would like to get together with Councilmember Bolton to discuss a few items that were brought up.

Transfers: None

Pay Bills:

**RESOLUTION #78**

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

	Voucher#	Amount
<b>March Mid Abstract 3a</b>		
General	301-317	\$3,963.59
Highway	123	16.54
Water	55, 56	3,000.00
Sewer	63-66	3,303.84
Lights	300, 318	308.70
<b>April Abstract 4</b>		
General	240-299,319-348, 350	42,564.83
Highway	95-122, 124-134	24,492.50
Water	42-54, 57-64	5,390.90
Sewer	46-62, 67-75	8,518.34
Lights	349	4,001.03
Hwy Equip Capital Reserve	1	2,647.49
Zoning Ordinance Update	3, 4	21,202.47
Rogers Park Docks	1-3	14,393.60

All in Favor. Motion Carried.

Executive Session: CSEA Contract Negotiations, personnel matters relating to employment history of an individual.

**RESOLUTION #79**

Councilman Maranville moved, seconded by Councilmember Bolton to enter into Executive Session at 9:07pm to discuss CSEA Contract Negotiations, ongoing litigation and a personnel matter, with no further business to attend to. All in Favor. Motion Carried.

Adjourn:

Minutes respectfully submitted by:  
Patricia Steele  
Town Clerk

Minutes respectfully submitted by:  
Kristen MacEwan  
Minute Taker