

BOLTON TOWN BOARD

Pledge: Councilmember Robert MacEwan
Regular Meeting

April 5, 2011

Supervisor: Ronald Conover
Councilman: Robert MacEwan
Councilman: Owen Maranville
Councilmember: Deanne Rehm
Councilman: Gregory Smith
Town Clerk: Patricia Steele
Counsel: Michael Muller

Call To Order : 7:00pm

Minutes: Approve minutes of Regular Meeting held March 1, 2011.

Supervisor Conover stated that it should be noted under the payment of bills that there is a standing recusal on the part of Councilman Smith for approval of payments to or purchases from Ron's Hardware.

RESOLUTION #57

Councilman Maranville moved, seconded by Councilman MacEwan to approve the amended Regular Meeting minutes from March 1, 2011. All in Favor. Motion Carried.

Convene as Bolton Board of Health

RESOLUTION #58

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

Public Hearings:

- Public Hearing on septic variance application by Colleen Golub, 20 Loomis Lane, Bolton.
- 1. Section 3.030 Table 1 horizontal separation distance to property line, 10 feet required, 7ft., 4.5ft., and 2 ft. proposed.
- 2. Section 3.030 Table II: Vertical separation to bedrock for fill system (within 1000 ft. of Lake George) 5ft. required – 3 ft. proposed.
- 3. Section 3.040 Article B.1 Natural soil depth for fill system – 3 ft. required, 1.5 ft. proposed
- 4. Section 3.040 Article B.2 – Maximum existing ground surface slope for fill system 10% required, plus or minus 15% proposed.
- 5. Section 3.010 – NYS Department of Health Appendix 75A: Basal area requirements not met for raised systems.

Carl Schoder, representing the applicant, stated that this originally started as an application for an area variance to add an addition to existing house. This request was not going to add any bedrooms or waste water flow but the Town had requested, as part of that procedure, that the existing waste water treatment facility be reviewed to see if it was adequate for the current conditions.

Carl Schoder stated that they were retained to do that work and although they found it to be an adequate and compliant septic tank, the leach field was questionable. There were too few linear feet of line provided and the construction of the field itself was not up to current standards. Additionally, it was close to the lake; approximately 50' between the leach lines and the shore of Lake George. Given that information they concluded that it was not a compliant system and should be upgraded at some point.

Carl Schoder stated that at this time the leach field has not broken through and the septic tank has not overflowed. However, the system is at least 30 years old and in the future it will use up its design life. The applicant knew that at some point they were going to have to deal with replacing the system so they decided to do it now.

Carl Schoder stated that the lot is small and narrow. The areas that would be available for adequate separation from the lake, wells, and neighbors were quite limited. It forced them into one area and after test pits they found that there was less than adequate soil for an in ground system. He stated that if they were to go with a raised system they would be dealing with a less than adequate footprint without encroaching on sideline setbacks. Additionally they would be dealing with steeper grades than what is allowed. Given all of that they have decided to use an aerobic unit.

Carl Schoder stated that an aerobic unit is very different than a conventional septic system. Instead of a septic tank you have a 3 compartment tank that functions in an aerobic mode. The first compartment is a grit chamber. The second chamber is an aerator where air is injected into the waste. It uses a whole different set of bacteria from what a septic tank uses. From there it goes to a clarifier; there are some bio-kinetic effects where these aerated bugs will grow on some of the medium that is around the clarifier. From there the effluent would leave, and by DOH standards would have to go into a subsurface treatment system. Carl Schoder stated that they have a very limited area but the quality of their waste would be extremely good in comparison to the waste coming from a septic tank into a leach field. He stated that is why these things work and are considered a mitigative effect when they don't have enough leaching area. This is a very sophisticated approach and it has such a good quality material going out that in certain States this effluent is of a quality where it can be surface applied.

Carl Schoder stated that using this type allowed them to look at this reduced area and these variances. Additionally, they have offered up an Elgin System to treat this type of

waste. Carl Schoder stated that when they first realized the issues they would be facing with regard to waste water they immediately consulted with the Town Engineer and have worked with Tom Nace throughout the entire process.

Supervisor Conover asked if the old system will be abandoned. Carl Schoder stated that the concrete tank that exists will be pumped and filled in with gravel. However, the sewer pipe would be running through the top of the tank. He stated that the leach field would also be abandoned in place.

Councilmember Rehm stated that this is +a system that has not been used before in Bolton. She asked if it has been used in the Lake George Basin. Carl Schoder replied that it has been used in the basin. There is a supplier is in the Fort Ann area. However, they do not provide the maintenance on the system. The system requires that it be maintained on a continual basis and it will be more extensive than the usual 3-5 years for a conventional system. He stated that someone will have to come out on an annual basis and review the system and possibly make modifications.

Councilmember Rehm asked how long this system has been around. Carl Schoder replied that extended aeration of waste is a system that is employed in normal waste water treatment design. He stated that this is a scaled down version of what goes on in the municipal system. It has been around for quite some time and used throughout the country. Carl Schoder stated that New York has been very slow in adopting alternative systems. He stated that this business has been around for 18 years or so. This is not an odd alternative but rather a very high class system.

Councilmember Rehm asked if this was an expensive system to install and maintain. Carl Schoder replied that it is expensive to install but the annual maintenance would run approximately \$200 annually. Councilmember Rehm asked if they can receive copies of these annual reports. Carl Schoder replied that he would recommend getting that report, but he is not sure how they police that. Councilmember Rehm stated that they can make it a condition of approval.

Supervisor Conover asked Carl Schoder to explain item 5 in more detail. Carl Schoder replied that there are different parameters that apply for example the perc rates of the soil. Another parameter for a raised system would be the basal area, which is the footprint directly underneath the pipes. Frequently basal area requirements will trump the perc rate requirements and would cause you to have a larger system based on basal area than you would normally have to have. He stated that this requirement does not come out of the Town ordinance but rather 75A which is the governing standard or code that they have to design to but they have added it to their list of variances required for the Town as well.

Supervisor Conover asked if there were any comments from the public in attendance.

Chris Navitsky, Lake George Waterkeeper, stated that they did discuss this application with Mr. Schoder and they support this application. These systems have been in existence for at least 15 years but as Carl Schoder indicated NYS is behind in their technology. He stated that he personally has this type of system at his home. The first couple of years of maintenance comes with the unit but after the 3rd year you have to pay an annual fee. Chris Navitsky feels that this is a good system and provides a much better septic system effluent; it comes out clear from the tank. He recommends that the Town look at these alternative enhanced systems especially in critical environmental areas.

With regard to the annual report, Chris Navitsky recommended that they do make it a condition of approval. He stated that this is not only helpful for the Town but it is good for a potential new home buyer to understand the condition and responsibility.

Chris Navitsky stated that this was conditioned by the ZBA and he wanted to commend them in their efforts to apply the proper checks and balances necessary especially in these critical environmental areas.

Zandy Gabriels expressed great confidence in the work of Carl Schoder and Chris Navitsky and their determination that this type of system will be good for the area. However the question of the annual report is very vital and he too would recommend the Town find a way to institutionalize these conditions so that they do not have to use enforcement authorities but rather post card reminders.

Carl Schoder stated that several towns have a Responsible Management Entity or RME which is recommended in the industry. He stated that it is used in these types of systems and he thinks that it can be extended to septic tank pump-outs as well. The TB would be assuming the role of the RME which is recommended within the industry when dealing with these types of alternative and higher grade systems. Councilmember Rehm asked how they would go about doing this. Carl Schoder replied that they would need to establish a program. There are organizations that will manage an RME program for a Town that they could contract with. He feels that it would make more sense for an area with a lot of systems of this nature. Chris Navitsky stated that last month the Town of Queensbury had a public hearing to set up an RME for Rockhurst. He stated that there are various ways to set up these RMEs.

There were no further comments. Supervisor Conover closed the public hearing.

- Resolution regarding SEQRA Determination for Variance application.

RESOLUTION #59

Councilmember Rehm moved, seconded by Councilman Smith that Item C1-C7 is a negative declaration, and will not result in any significant adverse environmental impacts.

All in Favor. Motion Carried.

- Resolution regarding variance application by Colleen Golub, parcel ID: #200.06-1-17-20, 20 Loomis Lane, Bolton.

There was discussion about the condition of requiring the annual report. Counsel Muller recommended that this requirement be done in the form of a covenant which will be recorded in the Warren County Clerk's Office so that subsequent owners are on notice.

With regard to the covenant, Carl Schoder stated that he is concerned they are tying in a covenant that travels with the land based upon technology that might change. Counsel Muller stated that it runs with the land but it can be extinguished by the fact that it no longer exists.

RESOLUTION #60

Councilman Maranville moved, seconded by Councilman MacEwan to approve with conditions: 1) annual report produced by the manufacturer's rep or whoever becomes the successor inspector copy the Town with that report and 2) that this requirement is part of a covenant that will be recorded in the Warren County Clerk's office so that subsequent owners are on notice. All in Favor. Motion Carried.

Motion to Reconvene as Town Board

RESOLUTION #61

Councilman Smith moved, seconded by Councilman Maranville to reconvene as the Town Board. All in Favor. Motion Carried.

Public in Attendance:

- Carl Schoder regarding deficiencies in the Town Ordinance for Septic and Waste Water.

Councilmember Rehm stated that she had a discussion with Carl Schoder with regard to our Ordinance for Septic and Waste Water in which he indicated that there are deficiencies. Carol Schoder stated that he is very familiar with the Town Ordinance and there are some inconsistencies therein. He discovered something interesting in this last go around. In the ordinance, it currently references the waste water treatment handbook for individual systems as the basis for the ordinance. There is a problem with that because the basis for the ordinance should be the piece of legislation that was passed which is the law of Appendix 75A, which states those requirements. The handbook was written by the DOH to assist engineers and professionals interpret 75A. 75A was finally rewritten in March 2010 but our ordinance still refers to the old handbook. The problem with that is that there is not a new handbook that follows the new ordinance and provisions. The handbook isn't available yet. They are referencing a handbook as the basis for their ordinance which does not comply or address the pertinent ordinance that is

in place.

Carl Schoder recommended that the TB address this issue to gain some better legal ground. He also feels that updating this will keep everyone current and in compliance with the legislation.

- Chris Navitsky, Lake George Waterkeeper

He thanked the Supervisor for referencing a letter that was sent to the Town Board, ZBA and PB regarding a Conference they are hosting on low impact development. He stated that the seminar will be on May 5th at the Holiday Inn. They are bringing in nationally renowned presenters from the Chesapeake and parts of the northeast to speak about low impact development. They structured it to make both the designers/developers and the Board review members more comfortable. They are presenting a few topics and problems which the presenters will talk about real life solutions. Chris Navitsky stated that this goes along with the new DEC standards of their updated stormwater manual and requirements of their permit.

Chris Navitsky stated that this Conference is free and lunch will be provided. The Conference is an accredited seminar so that professionals can get continuing education credits.

Chris Navitsky stated that last year Kathy Bozony from their office provided a presentation on algae blooms and their concerns of fertilizer and pesticide use around the Lake George Basin. As they get near the summer he would encourage the Town to again take a look at banning their use. They are updating their algae awareness project and they will be putting that up on the website.

Chris Navitsky stated that Hague is considering holding a public hearing in the summer. However, they are concerned that if other Towns do not consider this as well it will not have the desired impact. He stated that they would really like to work with the Town to provide some ideas to them.

- John Lavender

John Lavender stated that he is presenting under the recommendation of Counsel Muller to talk to the TB regarding the rental of his home. He indicated that he has 3 standing obligations that he made over the summer of 2010 for upcoming events in the summer of 2011. He provided details to the dates, amounts of people and activities involved.

John Lavender stated that each renter has asked that the TB to honor their reservation since all of these were planned prior to any issues raised by the Town which was not until mid-October 2010. Each of their renters has been made aware of the situation and each

desires to share their special day with their loved ones at his home overlooking Lake George. They are also concerned with being asked to look elsewhere at such a late date because it could prove to be impossible. John Lavender stated that each renter has a strong connection to Bolton Landing and Lake George from childhood memories and family vacations. He understands that as TB members, they want people to visit and vacation in their Town and make each person feel welcome here. John Lavender stated that he hopes that the TB will honor the renter's wishes to rent their home and create their special memories.

John Lavender stated that he wanted to address some points of interest. On March 31, 2009 he reached out to the ZA regarding the rental of his home to the Sagamore for a luncheon meeting. At that time her response was that he was able to rent his home to any one family or group just as many do in this area. He stated that at that time they started to offer his home for rent and created a website.

On October 14, 2010 they received a cease and desist order which was based on a misstatement of facts; it alleged that his home was being used for commercial purposes. It alleged that he catered food and sold alcoholic beverages as well as provided other commercial services. He stated that he has only been renting his home, which he understood was allowed, and not providing any goods or services. John Lavender stated that the cease and desist order has created thousands of dollars worth of expenses because he has to defend himself against false allegations and to protect his rights as a homeowner.

On November 12, 2010 he and his attorney met with the Zoning Administrator, Councilman MacEwan and Counsel Muller. They provided the correct facts that he was simply renting his home. When they left that meeting they felt that the facts were clarified and any issue was resolved. Twenty-five days later everything got turned around again.

On December 7th, he attended a TB meeting because he was made aware that there was something that pertained to him and the rental of his home on the agenda. When he addressed the TB at that meeting he was told to speak with the Supervisor and Counsel Muller in private. During that informal, closed conversation Supervisor Conover stated that he could not politic either way or be involved in the decision. The Supervisor also indicated that he was a creative guy as was Rolf Ronning who knew the Town Code in and out. John Lavender stated that he is not as familiar with the Town Code which is why he reached out to the ZA in the first place. In that meeting, Supervisor Conover did reference commercial uses several times. He also indicated that while he could rent his home to a family, having a wedding would be considered a commercial usage. He also felt that his intent was to run the same level of business as the Inn at Erlowest. John Lavender stated that he does not feel that it is a fair comparison.

In December 2010 there was an article in the Lake George Mirror which Supervisor Conover had an interview regarding the rental of his home. The article headline read "Town of Bolton Says Ridgeline Castle is Used Illegally as a Wedding Hall." John Lavender stated that based on his private conversation that he had with the Supervisor earlier in the month he felt that he was going to remain neutral on this subject but his public statements were just the opposite. He felt that this was a personal attack and wished that the Supervisor would have shown him the same respect that he has shown him.

On March 15 2011, he and his attorney attended the ZBA meeting to argue against the interpretation, which they felt was creating a new law. The only body that has jurisdiction to create new law is the Town Board. His attorney stated that in these tough economic times it would be a shame for the TB to put restrictions on how people rent their houses. People rent their houses so that they can continue to own them.

John Lavender feels that there has been a strong outside attempt to influence the ZA for an interpretation regarding the rental of his home. This is unfair to him as well as the ZA. Pam Kenyon has been nothing but admirable during this whole process. John Lavender stated that he understands the TB will be considering the aspect of writing new regulations for the homeowners in Bolton Landing as it pertains to the renting of homes. He trusts that they will not regulate new laws which will take away the rights of the homeowners.

John Lavender stated that he is requesting that they allow and honor the reservations since it was before any issues arose. He stated that they have the right to rent their home. He does not like how this was handled with the cease and desist order, which he did not feel was necessary. He stated that in this Town they should be more approachable than that.

John Lavender feels that a lot of this got blown out of proportion due to neighbors who complained. He stated that in 2010 he held only 4 events at his house. The amount of guests ranged from 11 to 50 people. He stated that he would like to address the issues the Town Board has with what he is doing. He stated that he knows that there has been a lot of issues with the website, so they have revamped the site so that it is better understood that he is renting out his private home. He stated that they do not discuss catering, beverages or other services. Additionally, he screens potential customers carefully to be sure that they are the right fit. This will not be a wedding factory; they do not plan on having hundreds of events and weddings especially since this is their private home. He feels that even doing 10 weddings a year would be a lot.

Supervisor Conover asked Counsel Muller if he would like to advise the Board regarding

any comments that they might make. Counsel Muller stated that issue of what Bolton's position is on this matter has been determined by the ZBA. As a TB they are not in the position to overrule the ZBA. He stated that he did discuss this matter with John Lavender yesterday and he suggested the best possible posture would be to focus in on seeking some direction from the Board regarding the 3 events that are already scheduled. Counsel Muller stated that he understands that if they were to allow him to hold these events it may seem that they are essentially disregarding the ZBA decision. However, he also acknowledges at the early meeting that he attended with all of the parties on November 12, 2010, the importance of timing for these types of events. Counsel Muller stated that they are seeking minimum relief that the TB may feel is appropriate and discretionary to settle the matter. Counsel Muller stated that there was quite a bit of discussion at the ZBA meeting but some of the best discussion was that between John Michaels and Jeff Anthony.

John Lavender asked if any of the TB members had any questions or comments for him. Supervisor Conover replied that the TB members are welcome to ask any questions at any time. John Lavender stated that he is there for clarification for these 3 renters as well as a home owners' right to rent their home. He stated that after the ZBA meeting he and his attorney walked away without a clear understanding. He stated that even though the ZBA made their decision he is concerned that they created a new law.

Supervisor Conover stated that Mr. Lavender has made his feelings known and has presented information for them to review. He stated that he is welcome to talk to any Board member at any time to discuss this or any matter. He has also spoken to their attorney. If the Town has any further questions for him they will ask him.

Zandy Gabriels stated that he is delighted to see the Town Supervisor received notification from Larry Eichler at the Darrin Fresh Water Institute. The funding from the Fund for Lake George is no longer available to them for doing the testing of the streams and beaches. He is also happy to see that the TB is going to consider a resolution to contract the Fresh Water Institute for stream and beach coliform surveys at whatever cost. He feels that this is a key and critical for the environment and infrastructural problems within their Town.

With regard to the John Lavender issues, Zandy Gabriels offered a suggestion for something that might allow private homeowners under certain limitations or parameters to hold such events under site plan review by the PB. That way the applicant and Town could explore the magnitude of the event and it could potentially be open to public comment. He feels that it would be received on an individual basis for individual events. Currently, the ordinance does not clarify what is allowed and not allowed, length of time

allowed for rentals, etc. They would also need to distinguish between the private owner hosting his own party or hosting a party for his relatives. However, they will need to be careful with the property owners' rights. Zandy Gabriels agrees with Mr. Lavender that this will become a more regular thing to help pay for properties and the Town will need to address this issue.

Correspondence:

- Timothy P. Burns, P.E., Director, NYS Environmental Facilities Corporation regarding Article 15-A requirements regarding Minority and or Women Business Enterprise statutes and MWBE Utilization Plans.
- Keith Scott, The Algonquin Restaurant, 4770 Lake Shore Drive, Bolton, intent to renew liquor license.
- Keith Scott, The Algonquin Restaurant, 4770 Lake Shore Drive, Bolton, alteration notice.
- Carl B. Schoder, PE, regarding review of bids and recommendation to award bid to Stephen Miller General Contractors for New Vermont Road Culvert Rehabilitation in the amount of \$40,597.00.
- Edgar M. Caldwell, Town Historian, annual report of activities.
- Jill Careri regarding passage of Ordinance 31 relative to enforcement of safe boating on Trout Lake.
- Scott Sopczyk, Transportation Director, Glens Falls Transit, regarding \$304 increase in billing to \$1,824 for 2011.
- Resolution from the Town of Hague supporting the Smart Growth Grant Application.
- Alexander Gabriels regarding request for information on sewer lining work.
- James George regarding drainage issues on Second Street.
- Vito C. Caruso, Fourth District Administrative Judge, regarding notification that the Bolton Town Court has been awarded a grant under the Justice Court Assistance Program in the amount of \$8,479.04.
- Kory P. Fretto, VP, Independent Towers Holdings, LLC regarding developing communication Towers.
- Timothy P. Burns, P.E. NYS Environmental Facilities Corporation regarding draft 2012 intended use plan and review of project list for accuracy.
- Dave Wick, District Manager, Warren County Soil and Water Conservation District regarding erosion of bank on Potter Hill Road.
- Megan Baker, Bolton Librarian, thank you card to the Board for recognition of her 30 years of service to the community.
- James Farley, President, Sunrise Shores Condominium advising that Sunrise Shores has not approved or entered into any agreement with the Suzanne Brett property to provide water.
- Larry Eichler, Research Scientist, Darrin Fresh Water Institute regarding coliform sampling and testing services for the Town of Bolton.
- Christopher Navitsky, Lake George Waterkeeper regarding notification of upcoming

- seminar regarding low impact development.
- Robert M. Groves, Director, U.S. Department of Commerce regarding 2010 census count questions resolution program.

Supervisor Conover stated that Bolton is now a major growth center, their population having increased just shy of 10% over the last decennial census period. They were one of the few Adirondack communities to gain population.

- Scott Sopczyk, Director, Greater Glens Falls Transit regarding designation and signs for two new locations for trolley stops.
- Joe DiNapoli, President, Bolton Chamber regarding possible use of Rogers Park in 2012 for an 18th Century living history encampment.

Committee Reports:

Councilman Robert MacEwan

Code Enforcement Officer - 21 page report, 6 site visits and logged 1,192 miles, which was mostly for school.

Water Department - 4,796,500 gallons came through the plant and after reduction was 3,993,163 gallons. They had a lot of snow clean-up. Justin has been attending school at Hudson Valley Community College.

Transfer Station- Total receipts- \$4,131. Lisa French indicated that they are now on the Cornell website in regard to composting leaves. They received a call from Paraco Gas Company which indicated that they wanted to remove the BBQ propane tanks at no cost and they have insurance. The summer schedule is to start April 11th. Senior pick-up will be May 16th and 17th. Eastside is picking up their car batteries at \$9 apiece. She would like to have the metal pile cleaned up as soon as possible.

Lisa has provided information from Town of Horicon and Chester regarding different fees that are charged. Councilman MacEwan stated that she is recommending that they consider charging per cubic yard with regard to C & D. He requested that the TB review the information and consider making some changes.

Councilman Owen Maranville

Highway Department- During March they had a lot of snow clean-up and plowing to do. They have been working on the trucks and patching potholes.

Police Department- They patrolled 2,002 miles used 234 gallons of fuel. There is a list of itemized calls that they answered for review. They assisted with hazards and other debris in the roadways. Assistance was provided to the Parks and Highway Departments for traffic control during snow removal. They also received requests from homeowners for property checks while they were away; they performed 341 property checks.

Assessor- The maintenance of deeds and property information was kept up to date in the computer file. There has been one more sale in the Town and the number of transactions since July 1st is now 20. At the WC Assessors meeting on March 29th they discussed that some money was restored for the assessors training and for any town doing a re-evaluation for 2011. This year's exemption process was difficult due to errors created by the State. He thanked Deb MacEwan for the extra efforts in keeping everything in order. In March Dave Rosebrook spent most of his time working on the properties that he visited in January and February. He had received several requests to review property values for people that now believe that they are over assessed.

Last month, Dave Rosebrook reported that the State appraisers had valued a sampling of commercial property that he believed they had overvalued. He met with them on March 2nd and showed them market evidence proving his position. As a result their ratio went from 58% to 66% for commercial properties. Dave has also now been able to determine their level of assessment for 2011 to be 65.5%.

Deb MacEwan will be out of the office for 6 weeks due to medical reasons but will be back just in time for Grievance Day in May. They anticipate at the end of April they will need some clerical help.

Justice Department- Hon. Harry Demarest took in \$3,615 Hon. Edward Stewart took in \$5,561. Total monies forwarded to the Town are \$9,176. Itemized lists are available in the Court for review. The Court has received a grant. Supervisor Conover stated that this is the second grant that they have received in the last year and a half and they have already received the money.

Councilmember Deanne Rehm

Library- They are going to be beneficiary of many fundraisers in the community. The Episcopal Church for the past few years have had a raffle in which half of the raffle money goes to the Church, with the exception that \$5,000 goes to a local organization and this year it will go to the Library.

Hugh Wilson passed away last year and his estate has given several pieces to the Library for their use. They have had someone do a preliminary review of these items and they have found that they have several thousands of dollars of material that will eventually go for sale.

They will also be the beneficiary of the program going on at TD Bank called Affinity. The bank has named the Library to be the recipient this year. All current customers or new customers can participate they just need to notify the bank. There is no cost to the customer but their funds are used as a basis to determine what percentage or share will be provided to the Library.

Seniors- Their monthly Business meeting is normally the first Wednesday each month,

but this month it will be Wednesday April 13th. There will be a blood drive on Friday April 8th from 12pm-5pm. They will be going to the Racino on April 12th, Proctors on the 14th and Botanical Gardens on April 16th.

Recreation- June 13th will be the annual community boat ride on the Mohican. The event will go from 5-6:30pm and the boarding will be at 6:30 and will embark at 7:00pm for a 2 hour cruise. Prior to the boat ride there will be hot dogs, sodas and ice cream. Councilmember Rehm asked the TB members to consider being celebrity chefs for the event. They also need grills for the event.

Rescue Squad- The Fire Department has always had the Rescue Squad as their subsidiary and by June of this year they are expecting their Squad to be a whole independent entity. By doing this they are hoping to garner more volunteers. Currently you have to become a member of the Fire Company before you can become a Squad member and sometimes that is not as efficient as it should be. There are a lot of benefits with them becoming independent. This will also permit them to start doing some billing for service. Although this may be viewed as negative in the community, but it is just a fact of life. Bolton is one of the few communities in Warren County and the Adirondacks that are not already doing this.

Conservation Club- Councilmember Rehm stated that last month she indicated that she wanted to find some way to recognize the past members of the Conservation Club and all of their volunteers that have been active in getting the Conservation Park up and running. Pat Steele went into the archives and found a great deal of information. To that end, Councilmember Rehm stated she is finding it too large a task. This organization has a long history. She would like the Town Historian to put together a history of the club from day 1 and hopefully put an exhibit together. Lastly, Councilmember Rehm read the pledge of the Conservation Club.

Councilman Gregory Smith

Sewer- No report. They have had quite a few issues that they have been dealing with at the north pump station.

Buildings and Grounds- George Mumblow has been out sick for the past week. They have been helping out the Highway Department. They have been putting together picnic tables for the Little League Field. They are also looking into a better railing design for the bandstand at Rogers Park.

Supervisors Report:

- Receipts: \$75,428.41
- Disbursements: \$409,074.04
- Sales Tax Receipts: No report

- Early working draft for updated peddler permit regulations for the Town of Bolton. Supervisor Conover stated that the LGPC has some oversight relative to beverage and food. He advised that they look at the draft and provide him with some feedback.
- Working Draft of Road survey form for Spring-survey of road conditions for Capital Planning purposes.
- The grant application for the Smart Growth Grant has been submitted, we anticipate very competitive round and the actual grant request was for \$69,000.
- GGF Transit will establish an early season (early May) weekly commuter round trip between Bolton and Lake George and Glens Falls.
- State Bid Contract Information has been provided by the Parks Department on a John Deere Tractor and attachments and information relative to this has been included in your folders.
- On April 30, 1:00pm to 4:00pm, at the Lakeside Lodge and Grill there will be a benefit, auction and raffle to help Jim Palazzo and his family to help with medical expenses, for more information contact: Mark and Linda Perry 644-3020, or email sweetpeafarmperennials@gmail.com.
- May 2nd to 6th the Water Department will be flushing main water lines. Any questions call John Perry, Water Superintendent 644-9350, Notice will be published and flyers will be distributed.
- Letter received earlier from John Lavender.

Supervisor Conover commented that 1) in terms of general neutrality, at no time did he nor did any TB member make any effort to contact any ZBA member relative to this situation, nor does he think that they would and 2) as for what newspapers print or don't print or what headlines they prepare, they don't control that either. As for the published position of Bolton, that was established and written by the Town Attorney and was provided to Mr. Lavender and was a matter of public information which is also available to the public media.

Supervisor Conover reminded the Board of the public hearing on June 7th, relative to Ordinance 31 regulating the size and horsepower of motor boats on Trout Lake.

Old Business / Tabled Resolutions:

- Lower Brereton Road
- Lake George Camping
- Draft amendment to Ordinance #31 regulating size and horsepower of motor boats on Trout Lake (public hearing set for June 7, 2011).

New Business:

- Resolution authorizing Supervisor to sign for \$23,800 grant agreement with the New York State Department of State for update of Local Waterfront Revitalization Plan.

RESOLUTION #62

Councilmember Rehm moved, seconded by Councilman Maranville to authorize the

Supervisor to sign for \$23,800 grant agreement with the New York State Department of State for update of Local Waterfront Revitalization Plan. All in Favor. Motion Carried.

- Resolution authorizing award for New Vermont Road Culvert Rehabilitation to Stephen Miller General Contractors in the amount of \$40,597 and authorizing Supervisor to sign necessary contracts to complete this project.

Councilman Smith asked how long this project will take. Carl Schoder replied that he anticipated that it would take about a month and they will start after the 1st of June. Supervisor Conover stated that they looked at some historical photographs of the pond and found that the elevation of the pond has been raised significantly over time due to beavers as well as potentially a private homeowner at one time. They will be lowering the pond significantly. Supervisor Conover recognized the assistance of John and Deb Gaddy in providing necessary easements to complete this work.

RESOLUTION #63

Councilman Maranville moved, seconded by Councilman MacEwan to authorize award for New Vermont Road Culvert Rehabilitation to Stephen Miller General Contractors in the amount of \$40,597 and authorizing the Supervisor to sign necessary contracts to complete this project. All in Favor. Motion Carried.

- Resolution authorizing Supervisor to pay an additional \$304 to GGF Transit bringing Bolton contribution to \$1,824 for 2011.

Supervisor Conover stated that they are going to be going on a regular 2 hour schedule to accommodate the boats so it added an additional service for the day which would increase their contract \$304.

RESOLUTION #64

Councilmember Rehm moved, seconded by Councilman Smith to authorize the Supervisor to pay an additional \$304 to Greater Glens Falls Transit bringing Bolton contribution to \$1,824 for 2011. All in Favor. Motion Carried.

- Resolution authorizing purchase from State Bid Contract of John Deere 2320 4 wheel drive tractor and attachments a total sum of \$22,254.20.

Councilmember Smith stated that this is long overdue; he is surprised that the 1999 tractor held up as long as it did. He does not want to wait until fall because the cost will only go up and they have to have it. Councilman Maranville asked how they will be paying for it. Supervisor Conover stated that if things keep going the way they have, they will have an operating balance in their general fund. If not, it will need to come out of their fund balance.

RESOLUTION #65

Councilman Smith moved, seconded by Councilmember Rehm to authorize the purchase from State Bid Contract of John Deere 2320 4-wheel drive tractor and attachments a total sum of \$22,254.20. All in Favor. Motion Carried.

- Resolution setting Summer Transfer Station hours as 8:00am to 4:15pm, 7 days a week starting April 11, 2011.

Councilmember Rehm stated that she is opposed because she does not feel that they need to be open 7 days a week. She stated that Bolton is the only Town to offer 7 day/week full-time service.

RESOLUTION #66

Councilman MacEwan moved, seconded by Councilman Maranville to set the Summer Transfer Station hours as 8:00 am to 4:15pm, 7 days a week starting April 11, 2011. Councilmember Rehm opposed. All Others in Favor. Motion Carried.

- Resolution setting Senior Pickup for May 16 &17, 2011.

RESOLUTION #67

Councilman Smith moved, seconded by Councilman MacEwan to set the Senior Pickup for May 16 and 17, 2011. All in Favor. Motion Carried.

- Resolution setting the hourly rate of pay for Recreation Director at \$22.72 per hour. Supervisor Conover stated that this is being done because the Director is expecting a baby. As they move forward the amount of time that she can contribute may be reduced. She is not sure how much, but if they put it on an hourly basis they will pay for the time that she can give them. This is an exact breakdown of the hourly salary that she is receiving. Councilmember Rehm added that this position is permanent part time position. Since she will not be receiving maternity leave this will allow her to work from home if the necessity dictates and treat her fairly for the time that she works.

Supervisor Conover stated that they may maintain this on a more permanent basis as they move forward since it seems that it is a better way to go.

RESOLUTION #68

Councilmember Rehm moved, seconded by Councilman Smith to set the hourly rate of pay for Recreation Director at \$22.72 per hour. All in Favor. Motion Carried.

- Resolution authorizing Supervisor to sign agreement for coliform testing services with Darrin Fresh Water Institute for 2011 (public beaches and additional testing as needed).

Supervisor Conover stated that Mr. Eichler indicated that they will show the lifeguards how to do the collection. The approximate cost for the testing would be \$60 bi-weekly.

Supervisor Conover stated that given the nature of this they should do this.

RESOLUTION #69

Councilman Maranville moved, seconded by Councilmember Rehm to authorize the Supervisor to sign agreement for coliform testing services with Darrin Fresh Water Institute for 2011 (public beaches and additional testing as needed). All in Favor. Motion Carried.

- Resolution authorizing Supervisor to coordinate placement of two trolley stop signs per request of GGFT request.

Supervisor Conover stated that they are seeking to place a couple of signs; one at the Town Hall and the other in the northbound lane by the Library. They will have to coordinate with the DOT relative to this.

RESOLUTION #70

Councilman Smith moved, seconded by Councilman MacEwan to authorize the Supervisor to coordinate placement of two trolley stops signs per request of GGFT request. One at the Town Hall and the other in the northbound lane by the Library. All in Favor. Motion Carried.

- Resolution authorizing Supervisor to purchase Victorian Light Replacement Fixtures for Lake Shore Drive.

Supervisor Conover stated that they had 2 lights lost near the Grand Union due to motor vehicles, 1 lost at the Town Hall by a DPW pay loader, 1 lost at Frank's that was hit by the Parks and Recreation guys and 1 by Sagamore Road in which the head is missing. The company that they are using continues to provide this standard. The Town electrician is currently looking into these standards.

Councilman Smith stated that they look the same as what already exists. He stated that he has spoken to DOT and Parks Department about moving the lights to the back side of the sidewalk. This way they will be better protected from motor vehicles. Additionally the flags that have been placed on the poles will also be out of the way of traffic. Councilman Smith stated that they are also looking at the possibility of eliminating the light at Frank's or at least reducing the wattage used.

Councilman MacEwan stated that he liked the idea of moving them back because it will allow for better use of the sidewalk and help with snow removal. Supervisor Conover stated that as they continue to replace the lights they will work on moving them back.

RESOLUTION #71

Councilman Smith moved, seconded by Councilman MacEwan to authorize Supervisor to purchase Victorian Light Replacement Fixtures for Lake Shore Drive. All in Favor.

Motion Carried.

Public in Attendance:

Zandy Gabriels agreed with moving the lights back from the edge of the sidewalk.

Zandy Gabriels stated that he is a little disappointed that the Darrin Fresh Water Institute approval because he is concerned that they need to look at the streams as well as the beaches. Supervisor Conover stated that it does state “public beaches and additional testing as needed”. Mr. Eichler is going to provide a letter of service, so he is waiting to see what the cost will be for the other services. Zandy Gabriels stated that he would really encourage them to look at the streams as well. Supervisor Conover stated that they have a lot to be proud of and their quality of water is one of those things and the testing helps them. Zandy Gabriels stated that he does agree that they have not had any problems in the recent past, but there is one way to assure that they don’t have them by continuing the stream monitoring program. Supervisor Conover stated that if it is reasonable they will continue to test the streams as well.

To follow-up on Chris Navitsky’s comments, Zandy Gabriels stated that they need to really encourage the prohibition of pesticides and fertilizers on lawns. He feels that they need to start acting on this.

Supervisor Conover stated that he has provided this information regarding these newly adopted State regulations relative to phosphates associated with washing detergents and fertilizers. Nothing prevents the Town from having more restrictive requirements. The Lake George regulations are not any more severe than the requirements of the State of New York. However, like most situations like this they rely almost exclusively on a voluntary compliance system. He has not had a chance to review Queensbury’s regulations as of yet. The Town of Lake George started their legislation before they were even aware that the State was entertaining this legislation. Supervisor Conover stated that he is happy to continue this conversation with Chris Navitsky and the Fund for Lake George for what should be done beyond the State regulations at this moment in time.

Zandy Gabriels cautioned the TB when using the State standards because they do not do anything good for those Towns within the blue line. Supervisor Conover stated that the requirements eliminate the usage of phosphate detergents by a certain date in the State of New York and only allow phosphate related fertilizers only under certain circumstances and only in certain locations.

Councilman Maranville thanked Supervisor and Tim Coon for putting together the Capital Improvement Project spreadsheet for their roads. He has not seen anything like that since he has been a Town Board member and he has some suggestions that they improve all Town parking lots. Councilman Maranville asked if they had purchased the

machine. Supervisor Conover replied no, but Mr. Coon does have general authorization from last year to purchase one since it was approved in last year's budget. Councilman Maranville suggested that once that machine is purchased that they consider a sealing schedule for the roads to add as another category to the spreadsheet.

Councilman Maranville asked when the Supervisor would like to receive comments with regard to the peddler issue. Supervisor Conover replied that he would like to get comments by next week. He wants to get it into draft form before moving forward. He asked the Board members to think about the lake as well because their corporate boundary goes to the opposite shoreline, up to Hague and down to Lake George. He stated that it is not a major issue right now, but it is something that gets raised now and again and the current legislation is very old. Supervisor Conover stated that their conversations with DEC last year were not helpful. He asked the Board to consider that their right-of-way is restricted on the road and the sidewalks are very narrow. He stated that there are safety issues as well as competition issues that they will need to address. They do provide some opportunities at Town held events.

Transfers

RESOLUTION #72

Councilmember Rehm moved, seconded by Councilman MacEwan the following transfers:

FROM	TO	AMOUNT
General Fund		
19904 Contingency	71102 Parks	\$437.00
19904 Contingency	80102 Zoning	55.00
80202 Planning	80102 Zoning	450.00
19904 Contingency	97306 Bond Anticipation Note	7,579.00
19904 Contingency	97307 BAN Interest	1.00
Sewer District From General Fund		
March - \$25,000		
April - \$10,000		
Sewer District		
81302 Administration	81202 Sewage Collection	\$40.00

All in Favor. Motion Carried.

Pay Bills: Motion to Pay Bills

RESOLUTION #73

Councilman Smith moved, seconded by Councilman MacEwan to approve payment of the following bills, with the exception that Councilman Smith will have recusal relative to any purchases involving Ron's Hardware.

	Voucher #	Amount
March Mid Abstract 3A:		
General	253	\$600.00
Holiday Lighting	254	96.59
Water	55	325.08
Highway	100	437.69
March Mid Abstract 3B:		
Engineers	1	7,500.00
March Mid Abstract 3C:		
General	322-341	5,301.76
Sewer	60-62, 64	5,205.75
Water	66-67	1,434.17
Highway	142	16.54
Lights	322,334,339,341	6,549.16
April Abstract:		
General:	253-321, 342-371, 373-379	90,025.42
Highway	100-141, 143-168	60,856.02
Sewer	50-59, 65-70	5,549.26
Water	55-65, 68-75	3,563.33
Lights	372	3,674.88
Tourism	2	370.00

All in Favor. Motion Carried.

Executive Session: Contractual and Personnel Matter

RESOLUTION #74

Councilman Maranville moved, seconded by Councilman Smith to adjourn to Executive Session at 9:08 pm with no further business to be conducted. All in Favor. Motion Carried.

Adjourn:

Minutes respectfully submitted by:
 Patricia Steele
 Town Clerk

Minutes respectfully submitted by:
 Kristen MacEwan
 Minute Taker