

BOLTON TOWN BOARD

Call To Order : 7:00pm

Pledge: Councilmember Owen Maranville
Regular Meeting

July 5, 2011

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

Minutes: Approve minutes of Regular Meeting held June 7, 2011.

RESOLUTION #116

Councilman Maranville moved, seconded by Councilman MacEwan to approve the minutes of the Regular Meeting held June 7, 2011. All in Favor. Motion Carried.

Councilman Maranville requested that all reports and minutes be forwarded to him via email whenever possible.

Public Hearings: None

Public in Attendance:

- Atty. Benjamin Pratt representing Sagbolt, LLC, 110 Sagamore Road regarding PUD Amendment to: 1. Convert the existing indoor pool to an outdoor pool with amenities; 2. Create 16 new guest rooms; 3. Increase the size of Shelving Rock Terrace by approximately 2000 square feet and enclose it; 4. Remove impervious areas and install landscaping around all newly renovated locations to improve storm water runoff and 5. Modify existing docks to move the cruise ship Morgan's primary berthing from the south to the west side of the island and rental boats from the front of the hotel to the former Morgan dock area.

Ben Pratt stated that they are several aspects to this project. The first PUD amendment is to enclose the Shelving Rock area which they received approval for in 2004 and renewed in 2008. They are seeking to use that approval and modify it to add another 2,000 sq. ft to that area. The additional 2,000 sq. ft. is under areas that now exist with awnings and will be used for service aspects of this facility. Shelving Rock serves as the second banquet area for the hotel and this would allow them an opportunity to use it longer into the season as opposed to the tent. At the present time there are no kitchen facilities, adequate bathroom facilities or ADA accessibility in the way that they would like. They

are proposing to expand to the north and south to accommodate the kitchen prep work area, brand new and additional bathrooms and add an elevator, among other things to improve handicapped access.

Ben Pratt stated that the Shelving Rock area presently does not have any stormwater control or management. They intend to pick up substantially more than what is required by the Code and propose to include infiltration in the ground between the hotel and lake. They will also be reducing the amount of blacktop and impervious area. Additionally, the Shelving Rock area will have a green roof; this is not only an environmental benefit, but it will also be functional. They will be able to accommodate a small event or reception in this area.

With regard to the swimming pool, Ben Pratt stated that they have found that the outdoor swimming pool has been the most popular entertainment for both kids and adults at the hotel. It is very busy and crowded everyday all day. As a result, it has become a difficult place to find any quiet relaxing time for adults who come to the hotel without their children. They are proposing to take the roof off the indoor swimming pool and convert it to an outdoor pool only for the use of adults. They will have limited food and bar service.

Ben Pratt stated that while they are working on the pool conversion they also plan to add an additional 16 guest rooms in this wing between the pool and the existing hotel using a combination of new and existing space. He provided further details of the addition.

Ben Pratt stated that they will also be addressing the stormwater in this area as well. Currently there is a blacktop emergency road that comes around the front of the hotel. This is also used to load and unload the Morgan. They will add more infiltration in this area and will be removing those impervious areas and replacing it with structured pervious surface. This surface will be pervious but will provide enough support to allow for emergency vehicles. Ben Pratt stated that this project reduces the impervious area of the hotel by 8,000 sq. ft. and captures a ton of stormwater that was never captured before.

They are seeking to improve the hotel experience by moving the Morgan. Ben Pratt stated that they are proposing to move the Morgan around to the other side of the island to dock for provisioning and garbage removal on the west side of the island in Sawmill Bay. The Morgan would pick up and drop off its passengers at the steamboat dock. This move will improve the hotel visually, and it eliminates the need to provision the Morgan and remove the garbage in plain view. Additionally, it removes the spotlights on this dock which have been a concern and allows them to move Chic's Marina Rental Boats away from the swimming area. Ben Pratt stated that both areas will have a slight reconfiguration of the docks to accommodate the new setups.

Ben Pratt stated that they are proposing to have 7 cabanas that will be rented daily and used only on a seasonal basis. These cabanas will be placed between the former indoor pool and lake. The platforms will be 10' x 10' wooden platforms with a brown tent so

that they blend in. This will be another profit center for the hotel and provide a nice area for guests to enjoy the recreation area.

With regard to water and sewer use, Ben Pratt stated that before they made this proposal to the Town they talked with the Supervisor and Water and Sewer Departments. The Water and Sewer Departments assured them that this was not a capacity issue for them at all. All of the new rooms and facilities will have the low flush toilets as they have in the past. Ben Pratt stated that Barry Kimble has indicated that doing this will save a significant amount of water. He understands that the sewage treatment plant is operating effectively and that flows have not been as large as they used to be and hopefully as a result of the slip lining that they anticipate it only getting better. Tom Guay indicated that Shelving Rock holds close to 350 events per season, so the savings on the toilets would be significant.

Councilmember Rehm asked how much square footage will be added to the hotel. Mark Tabor replied approximately 5,000 sq. ft. on each floor but that is not an increase in the footprint, that is just additional space added.

Councilmember Rehm asked if there were any concerns from the neighbors about moving the Morgan. Ben Pratt stated that the neighbors did not attend the ZBA but were present at the PB and were given permission to speak. He stated that he received a call from the attorney representing 2 of the 3 owners of the property who asked for a copy of the plans. The attorney did indicate that the neighbors were concerned but also that someone was to be there at the meeting tonight. Councilmember Rehm read an excerpt from the plan proposal. "The removal of Chic's operation from the front of the hotel will certainly enhance the guests' waterfront experience by improving safety and reducing noise, odors and activity." She stated that she could see why the neighbors would be concerned because it seems that they are moving the noise, danger and odors near them. Ben Pratt stated that they are trading the Morgan for those boats, which he feels will be less impact.

Councilmember Rehm stated that none of the approvals indicated any conditions on the operating times for Chic's. Ben Pratt stated that they only operate in the day time, but there has never been a specific condition.

Supervisor Conover stated that there was a condition from the ZB regarding the seasonal use of the cabanas. Ben Pratt stated that they do not have any problems with that. Supervisor Conover stated that the PB had additional recommendations: 1) the lighting on the bridge and 2) switching out all toilets and showers to low flow within the next 2 years.

Ben Pratt stated that they have a good relationship with the PB and they try to listen to their concerns. Historically they have had 3 issues with them every time they come in regardless of the project; 1) the lights on the Morgan dock, 2) the lights on the bridge and 3) water and sewer usage. Ben Pratt stated that every improvement they make they try to do their best to deal with those issues that are part of the project and with those issues

they can deal with. Sagbolt inherited the bridge; there are some that think the lights are too bright and some that feel that the bright lights are a good thing. Ben Pratt stated that they are looking at what it would cost to change out the fixtures or bulbs. He stated that if they have to take the poles out, it would cost approximately \$4,000/light. If they don't have to take them out, it would be a different number but he does not have that figure tonight.

Ben Pratt stated that they are asking that the PUD amendment be approved without that condition. The lights on the bridge are not at all related to what they are doing, they are a separate issue. Although the lights on the bridge upset some of the members on the PB it is not something that they get complaints about from the public or guests of the hotel. They do not want to address this issue at this time, and would rather handle this at another time after they get more information regarding cost and feasibility.

With regard to the second recommendation of the PB, Ben Pratt stated that the Planning Board proposed that they change all of the toilets and shower heads to low flow over the next two years. He stated that already they have changed out approximately 40% of the hotel as they have gone along plus the additional facilities. They feel that all of the proposed changes are adequate to support what they are doing with respect to this project. They are saving significantly more water than they are generating. It is important that the hotel do what they can to make sure the water and sewer plant operate appropriately and efficiently and they are being told that it does. Ben Pratt stated that they are aware that there have been problems historically and that there is concern for the future but at the present time things seem to be working well. Ben Pratt stated that his problem with this recommendation is that this is not a request that is being made of anyone else in town. He stated that they understand that they are the big guy in town and they try to do as much good as they can for the Town but they believe that any condition that would require them to change out all of their fixtures in the next 2 years is not reasonable when viewed in the light of this proposal.

Supervisor Conover asked if the time frame was too restrictive. Ben Pratt replied that if they are to go ahead with the condition any extension of the time frame would be appreciated. However, it is the concept overall that they object to. They are being asked to do things that do not pertain to this project and they are being treated differently than other people in town.

Councilmember Rehm asked if Sagbolt was willing to comply with the other recommendations of lighting for the Morgan dock and Museum dock. Ben Pratt stated that they have no problems with those recommendations.

Supervisor Conover asked what the wattage was for the bridge lights. It was stated that they are 150 watts. Supervisor Conover asked what alternatives they were looking at in terms of the bridge lighting. It was stated that they are looking at everything from reducing the wattage, providing downward shielded fixture or changing them out altogether.

There was discussion on the stormwater calculations. Mark Tabor stated that they will be treating over an acre of stormwater. Supervisor Conover asked for further details on the green roof. Mark Tabor stated that the roof will provide an opportunity for the rain water to be captured and stored within the soil. Within the system it provides the opportunity for evapo-transpiration and will slow down the run-off. He stated that this is a highly engineered project and technology that they are seeing used more and more. DEC is now requiring that they at least look into it as part of stormwater management. This is a benefit not only for the hotel to provide an additional area to gather but also serves an environmental purpose. Councilman MacEwan asked what materials will be used for the roof. Mark Tabor replied that it will mostly be a standard lawn with perennial beds along the outside. The soil depths will vary from 4"-16" so they can do some small tree plantings as long as they are stabilized correctly.

Ben Pratt stated they are in the major stormwater definition because even though they are not disturbing new ground the area of construction is occurring within the existing building footprint and is therefore considered an area of disturbance. They are actually reducing the amount of impervious soil rather than expanding it. Supervisor Conover stated that the 5,000 sq. ft of roof is actually a stormwater device itself which is in addition to the other stormwater facilities proposed.

Supervisor Conover opened up the application for public comment.

Zandy Gabriels suggested that the TB give consideration to the PB's recommendations regarding the bridge lights because he agrees that they are too bright. The PB has been encouraging Sagbolt to look at this for the past 2-3 years and the response has been consistently that they will deal with it later. He stated that the antique lights that the Town put up were about \$1,200/each. Supervisor Conover replied that they are now \$2,000/each and that is not installed and feels that their estimate of \$4,000/light is pretty accurate.

Zandy Gabriels stated that it is nice that Sagbolt is putting in low flow toilets in their improvements. He does agree with Ben Pratt that it is an inappropriate request to make them do that for the rest of the building. However, he would like them to consider installing a sewer meter like had been conditioned in a prior approval for Green Island Associates. This would insure that the water flowing over is equal to the water flowing back. This never got installed and he feels that it is germane to put this as a condition to the PUD amendment. Zandy Gabriels stated that the current systems are working fine. However, he is not sure if any of the staff would bother telling the TB that they have troubles until they reach critical levels. He stated that Chet Dagles is required to look 1-2 years ahead but it is incumbent upon the TB to look much further out in consideration. Although slip lining is helping, it still has problems when there is a significant rainfall. They need to address these problems to protect the water quality of the lake which is their primary driving economic force. Zandy Gabriels stated that the Sagamore has always been very attentive to the sewer system. He feels that they should be required to install a meter. If the numbers are the same, it would satisfy everyone to show that the Sagamore is clean, which is important to the image of the Sagamore and TB.

Chris Navitsky, Lake George Waterkeeper, stated that the Waterkeeper does recognize the efforts of the applicant for the improvements that it will have on water quality benefits. They appreciate the efforts to reduce the storm water run-off and the installation of the green roof and reduction of impervious cover. Their efforts are commendable which recognizably had minimal stormwater planning.

As the comprehensive redevelopment and upgrade project continues for the benefit of Sagbolt, the Waterkeeper recommends the implementation of additional measures to increase water quality protection. He provided details of their recommendation in his letter. The Sagamore resort is one the jewels of Bolton and a showcase resort on Lake George which it deserves. Lake George's beauty and water quality are the sole reason why Sagbolt LLC has made such a large investment to the Sagamore Resort. For these reasons they feel that Sagbolt should raise the standards for water quality protection of Lake George and become a showcase for low impact development.

Chris Navitsky stated that they are pleased with the stormwater improvements proposed. However it is their hope that there will be a focus on improvement of water quality above and beyond what simply is required. The Waterkeeper would recommend and would look forward to working with Sagbolt in many improvements in the future. Chris Navitsky shared some of their additional recommendations such as reducing surface run-off with reducing impervious pavements and increasing the utilization of rain gardens. Chris Navitsky stated that they are still concerned with chlorine getting into the lake. He feels that they could increase their amount captured through their rain tanks. He also indicated that there were not a lot of details regarding the new dock configuration for the Morgan. Lastly, he agreed with Mr. Gabriels that they need to have ongoing assessment of the sewage treatment system.

Ben Pratt stated that they were told by the sewer department that the new rooms by the pool area will not have an impact on the overall system. Additionally the fixtures being changed out in Shelving Rock will reduce the volume that historically was at Shelving Rock at the present time. Supervisor Conover stated that looking at the reports over time they can see why Mr. Dagles does not feel that this is a serious issue. Nevertheless the plant needs to be conscientious of what they use and where they put it for the future. He stated that right now it seems that the Sagamore represents approximately half of the flow. The Sagamore has always been willing to work with the Town to address any issues and hopes that they continue to do so. Ben Pratt stated that they intend for that to continue.

Supervisor Conover asked Ben Pratt to make some comments with regard to chlorine water. Ben Pratt stated the decking around the indoor pool will be redone in the same fashion as the current outdoor pool. The deck will be graded slightly towards the pool in the splash area so that the chlorinated water will be recycled back into the system and the remaining part of the deck slope away and will catch rain water which will go into the stormwater surface drains and into the infiltrator tanks.

Councilmember Rehm asked if the applicant would consider installing a sewer meter which would help them understand what the flow was from the island. It might help them better understand the flow and how the installation of the current fixtures are working. Ben Pratt stated he does recall this issue being raised in the past. However, he is unsure of the reason why it was not done. He feels that this is definitely something to consider and entertain for the future. He stated that he would like to talk with their consultants first. Supervisor Conover suggested that they may want to start with videoing the lines first. Ben Pratt stated that he understood that it was something that they looked into but he is not sure of the outcome. This is something that they would be willing to work with the Town on. Zandy Gabriels stated that he recalls that the lines were videoed back when the Town had it first done but is unsure of where those tapes are. Supervisor Conover stated that the technology has come a long way and feels it would be worth the investment because it can tell them a lot about the condition of their system and lines.

Supervisor Conover asked what the Board felt with regard to the lighting recommendation. Councilman Maranville asked if they had objected to the recommendation at the PB meeting. Ben Pratt replied no, they had quite a bit of discussion regarding the lights, but did not object at that time because he had not had the opportunity to consult with their clients to know what their position would be on that issue. However they did indicate that they felt that it was not appropriate for this project. Councilman MacEwan agrees that he is not a fan of attaching conditions to something that is not relative to this project. He stated that he is satisfied that this is something that the Sagamore will address. Councilmember Rehm stated that she does not recall if the bridge and lights even came before the PB when it was first constructed. Ben Pratt agreed he is not sure whether it is PB jurisdictional. Councilmember Rehm agrees with Ben Pratt's point that the current applicant did not construct the bridge nor erect those lights. However, she would like to see them move ahead in the near future to address reducing the light pollution. She stated that it will not only benefit the environment but it will be a cost savings to the Sagamore.

Supervisor Conover asked how the Board felt with regard to the PB recommendation regarding the water use and low flow fixtures. He asked Ben Pratt if this had to do with concerns from a marketing point of view in terms of expectations of their guests. Ben Pratt replied yes there is a concern over the amount of complaints they would have if they were to convert to low flow showers.

Councilman MacEwan agreed that this is not relevant to this application. Councilman Maranville stated that he would be happy if they were to just do the toilets and hope to have the showers changed over later on. Councilmember Rehm stated that she is not a planner and that is what the PB is for. She would like to find a compromise with the condition. Ben Pratt stated that as they redo the rooms they are changing out the fixtures. Their concern is that they are being told that there are no issues at the water and sewer plant but the PB has this issue every time. Councilmember Rehm stated that she does not want to offend the PB members but is not concerned about this issue because the sewer plant is operating fine.

Ben Pratt stated that the LGPC has a pending application in front of them for the Morgan dock. He has received a letter from the APA and they have no objection to the project however they wanted some additional information on a few things. NYSOPRHP (NYS Office of Parks Recreation and Historic Preservation) indicated in their site visit that they had no problems with the proposal.

- Resolution regarding PUD Amendment for Sagbolt LLC, 110 Sagamore Road (see ZBA condition of approval and Bolton Planning Board conditions of approval).

RESOLUTION # 117

In answer to the SEQRA questions (C) Could action result in any adverse effects associated with the following:

(C1) Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding, problem? NO

(C2) Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? NO

(C3) Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? NO

(C4) A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? NO

(C5) Growth, subsequent development, or related activities likely to be induced by the proposed action? NO

(C6) Long term, short term, cumulative, or other effects not identified in C1-C5? NO

(C7) Other impacts (including changes in use of either quantity or type of energy)? NO

Councilmember Rehm moved, seconded by Councilman Maranville to issue a negative declaration for SEQRA for Sagbolt, LLC application. All in Favor. Motion Carried.

Councilman Maranville read an excerpt from the PB minutes regarding lighting. "John Gaddy stated that their letter talks about how their organization is an environmental leader and he is looking for the lights to be downward facing and shielded on the Morgan dock as well as all of the other parts of this proposal including the bridge. He stated that just like with the water usage they have had to ask 2-3 times about addressing the lights on the bridge. Barry Kimble stated that the flood lights would be removed at the Morgan dock and they only plan some pedestrian lighting for safety and not adding any other lights." Ben Pratt stated that throughout this process, they have addressed the lighting to make it downward facing and shielded. Councilman Maranville read another excerpt, "John Gaddy agrees that they have done a nice job with all the replacement lighting but the bridge lights are still a glaring exceptions to the lighting plan." Councilman Maranville feels that the bridge lights can be addressed at a later time.

RESOLUTION #118

Councilmember Rehm moved, seconded by Councilman MacEwan to approve the PUD Amendment for Sagbolt, LLC that will add at least 5000 sq ft more enclosed area with the following conditions: 1) that the lights are removed from the current Morgan dock and any new lighting as proposed will be downward facing and shielded and 2) that

Sagbolt, LLC will cooperate with the Town with regard to the bridge lights and addressing water and sewer use. All in Favor. Motion Carried.

Supervisor Conover thanked the Sagbolt team for their attention to a lot of these issues and to Sagbolt and the Walsh family for their faith and investment in Bolton and he wishes them all the best.

Correspondence:

- Pam Kenyon, Zoning Administrator letter to Sagbolt LLC regarding decision of Bolton Zoning Board of Appeals relating to Sagbolt application relating to PUD Amendment.
- Pam Kenyon, Zoning Administrator letter to Sagbolt LLC regarding decision of Bolton Planning Board relating to Sagbolt application relating to PUD Amendment.
- Coco Vonnegut, Visitor Studies Intern, Adirondack Museum regarding desire to do visitor interviews in Bolton Landing.
- Lawrence Eichler, Darrin Fresh Water Institute regarding summer water testing program for Bolton.
- Thomas Damiani, President Bell Point Shores Homeowner Association submittal of 2011 Maintenance Report for Bell Point shores prepared by Daniel R. Wacks, P.E. P.C. Consulting Engineer.
- Richard F. Laberge, P.E., Laberge Group regarding professional services.
- Richard E. Weber, III, Deputy Director Adirondack Park Agency regarding construction of a structure greater than 40 feet in height in a hamlet land use area at Melody Manor, LLC.
- Peter Bauer, Executive Director, The Fund for Lake George, thanking the Town of Bolton for financial support and Public Works Department assistance relating to the Lake George Asian Clam Containment and Eradication project.
- Steven C. Russo, Deputy Commissioner and General Counsel, NYS Department of Environmental Conservation regarding open burning and election not to enforce the ban against Towns relating to downed limbs relating to weather conditions.
- Press Release, June 21, 2011, NYS DEC regarding program assistance to help reduce open burning.
- Brian LaFlure, Director / Fire Coordinator, Warren County Office of Emergency Services update regarding flood damage on Memorial Day weekend.
- Ronald Montana, 132 Cotton Point Road regarding poor condition of Cotton Point Road and that it be brought up to standard.
- U.S. Federal Energy Regulatory Commission Errata Notice regarding correction to Warrensburg Hydroelectric drawings Project No. 9074-052.
- Jean Symannek 48 Three Oaks Colony regarding maintenance of the 50 hp engine law for Trout Lake.
- Richard Weber, Deputy Director Adirondack Park Agency notification of conditional approval to The Rocks-1906, LG, LLC for four lot subdivision on the North Bolton Road.
- Sound Amplification permit request from Edward J. Corcoran Jr. for The Great Magua to be held August 6, 2011, 260 South Trout Lake Road between the hours of 1pm to midnight.

- Carl Schoder, Schoder River Associates, proposal for professional service for drainage issue on New Vermont Road and David F. Barrass, Land Surveyor for survey services related to the proposal.
- Jennifer Hershaft regarding desire for 8 year old daughter to use front of Town Hall for bake sale for charity on either July 9, 10, 16 or 17 with proceeds going to “Save the Children Fund”.
- Joseph Dinapoli, President, Bolton Chamber of Commerce & Kelly O’Neil Teer, Event Organizer regarding change of date for French and Indian Reenactment at Rogers Park to June 14-16, 2012.
- Christopher Navitsky, PE, Lake George Waterkeeper regarding Sagbolt LLC/Sagamore Resort amendment to PUD.
- John S. Mucha, Director, Government Relations, Time Warner Cable regarding possible changes to programming.
- Karen Kronenwetter, 70 Upper Highland Road expressing her concern at event held at Highland Castle on June 30, 2011 including traffic and noise.
- Lou Putre, 70 Upper Highland Road regarding commercial use of Highland Castle and danger to children and that the Board take immediate steps to stop this activity.
- Maria O’Connell, P.E. NYS Department of Health regarding a survey of the Bolton Water System relating to a Grade IIA operator certification.
- Ed Sheridan, Bolton Landing Business Association thank you letter for 2011 fireworks contribution.
- Richard and Wauneta Waller, 33 Highland Drive, regarding Highland Castle use.
- Bob Larson, Upper Highland Rd., regarding use of Highland Castle for commercial activity.
- Karen Kronenwetter, 70 Upper Highland Road regarding use of Highland Castle for commercial activity.
- Jay McBain, 58 Highland Drive, regarding use of Highland Castle for commercial activity.

Committee Reports:

Councilman Robert MacEwan

Transfer Station- Total receipts \$7,711. Spring Clean-up cards totaled \$3,021. They started the new pricing for the C & D. Lisa comments that many have expressed their concern over the raise. She will keep track for the next two months until they get into a routine. They have ordered a new sign for the pricing. They removed the carpet in the office.

Water Department- actual flow through the plant 8,712,700 gallons. They are doing normal maintenance of the facility. Their monthly samples came back satisfactorily. They applied the first round of copper sulfate to the pond. They have the Dodge truck in the shop for repairs.

Code Enforcement Officer- 19 page report, 38 sites visited, 200 miles logged, 1 inquiry attached, 1 ZA determination and 1 voluntary compliance request. The report is available for review.

Councilman Owen Maranville

Police Department- Councilman Maranville thanked the Police Department for their efforts during the past two weekends which were very busy with the holiday and Adirondack Distance Run. They patrolled 4,311 miles and used 349 gallons of fuel. An itemized list of all the calls answered is available for review.

Assessor- Maintenance of deeds and property information was kept up to date in their computer file. Since the last report there have been 5 more sales making the total 33 since July 1, 2010. In June, he prepared a combined report of Water and Sewer District properties to assist the Town Clerk and Water and Sewer Departments with up to date owners from their files. This will also help out with billing of association and condo association properties where only one meter serves the entire association. On July 18 and 19th he will be taking a class at Cornell in order to maintain his continuing education requirements. Dave Rosebrook would also like the TB to consider the resolution for the in house re-evaluation for 2012. In spite of the small number of sales he believes it's possible to do a quality job. Their last re-evaluation was done in 2004 and since that time their level of assessment has fallen to about 65%. The re-evaluation is the best way to maintain equity with all of the properties.

Justice- Hon. Harry Demarest took in \$5,620 Hon. Edward Stewart took in \$5,955. Total monies forwarded to the Town amounted to \$11,575. Itemized lists are located in the Court for review. Annette Saris wishes everyone a happy summer.

Councilmember Deanne Rehm

Conservation Club- On September 24, they will be holding fall festival event which will include a BBQ, dance and other festivities.

Seniors- Their calendar is listed on the Town website. On Friday, they are going on the Floating Classroom. On July 12th, they are going to the Racino. On July 13th, Ed Sheridan will be doing a slide show on his recent trip to Crete. Twice during the month they will be going to Lake George for the Youtheatre presentations. On August 3rd, they will be going to the Saratoga Race Track, seats may still be available. On the first Wednesday of the month, between 11:30-12:30pm they have a free blood pressure screening at the meal site.

Recreation Department- The calendar of events is now out and has been distributed. The Bolton Summer Camp started today for children 7-12 years old. They have 40 children in the camp. The camp includes swimming lessons, field trips and supervised play. Starting tonight, every Tuesday they will have music in the park; tonight is the Stony Creek Band. Every Wednesday they will have movies in the park.

Councilmember Rehm thanked the lifeguards for going over and above their call of duty. They have been doing a lot of small handy work, such as raking the beaches and cleaning up some of the beach erosion.

Councilmember Rehm thanked the community for their support for the Mohican Boat

ride. She specifically thanked the local business support from the Sagamore, Stewarts, Nueffer's Deli, Bolton Fire Department, American Legion, Grand Union, Ben & Jerry's and the Seniors for their contributions. She also thanked those who volunteered their time including Councilman MacEwan, Pat Cushing, Don Russell, Wendy Burkowski and Joan Baldwin.

Library- They are having their book fair on July 29, 30 and 31st. It is their largest fund raiser each year. Each year the St. Sacrament Episcopal Church has a raffle where they share with a local organization and this year the Library will be the beneficiary of that raffle. Their summer program is in full swing, the Sembrich Museum will have a few movies on Monday nights, July 11 and August 1st. Their summer reading program for children starts tomorrow and will run until the end of the summer. On July 20th, they will have a pajama party with Lindsay Gates.

Sewer- Took in 6,843,000 gallons of waste water and an average of 228,000 gallons/day. Monthly samples were complete. DMR's mailed with no violations. Had Green Mountain cut out lateral for Norowal's boat pumping station. Had P/M done on all pump stations. Had headlights fixed at North Station so they could clean the pit. Filled North Station generator with fuel. Installed new bulbs in the sand filter room. All beds dry but the one in use. Hauled 38,5000 of liquid sludge. There is a dead tree by the EQ tank, they will be having it taken down. Lawn maintenance is done when they have time.

Supervisors Report:

- Receipts: \$338,672.55
- Disbursements: \$446,200.51
- Sales Tax Receipts: For Warren County were down in the month of June by -0.6 from 2010 –year to date sales tax revenue is up 2.8% over last year.
- Storm Report

Supervisor Conover stated that crews have been working on New Vermont Road and making good headway on the shoulder work due to the damage from the storm during Memorial Day Weekend. They have saved the Town a lot of money by doing a lot of the work themselves.

- Draft Peddler Permit regulations and application.

A second draft will be available in the near future.

- Junk Yard Ordinance update
- Culvert Project on New Vermont Road Substantially complete
- Lake George Clean-up Day is planned for August 6, 2011. Kathy Bozony of the Lake George Waterkeeper's office is handling this event. They will participate in the clean-up by providing garbage bags at Town Hall but also a location and truck for depositing the bags afterward. Supervisor Conover commended the Waterkeeper's efforts for this "Keep the Queen Clean" program.

Old Business / Tabled Resolutions:

- Lower Brereton Road
- Lake George Camping
- Peddler Permit

New Business:

- Resolution regarding National Grid proposal to upgrade Lighting in municipal buildings.

Supervisor Conover reviewed the analysis information from Kevin Fuscus of National Grid. All of the lighting in the municipal buildings was reviewed and he indicates that the biggest payback will be at the Water plant with a 15 month payback. It is a project that he feels that they should move forward with. Some of the other buildings were not as quick of a payback. National Grid is proposing to pay for a healthy percentage of the upgrade. They will come with their own contractors, do the work themselves and will guarantee and warranty their work. Supervisor Conover suggested that they move forward with the Water Plant and then they could revisit the other buildings in the future.

Councilmember Rehm stated that this upgrade would save them \$1,500/year at the Water Plant and \$1,000/year for the Town Hall. She feels that it would make sense to have the Water Plant on a 12 month payback and either the 12 or 24 month on the Town Hall. Councilman MacEwan asked if they could do some of this work on their own for the other buildings that do not have that great of a payback. Supervisor Conover replied yes. Councilman MacEwan agreed that they should take the two biggest offenders at this time.

RESOLUTION #119

Councilmember Rehm moved, seconded by Councilman Maranville to approve the National Grid proposal to upgrade lighting at the Water Plant and Town Hall with a payback schedule to be determined at the Supervisor's discretion. All in Favor. Motion Carried.

- Resolution changing mileage reimbursement for use of personal vehicles for Town Business to 55.5 effective July 1, 2011.

Supervisor Conover stated that the Town does not do a lot of reimbursement for mileage and use of personal vehicles but they are moving along with the IRS recommendation.

RESOLUTION #120

Councilman Maranville moved, seconded by Councilman MacEwan to approve changing mileage reimbursement for use of personal vehicles for Town Business to 55.5 effective July 1, 2011. All in Favor. Motion Carried.

- Resolution approving sound amplification permit for Edward Corcoran Jr. for the Great Magua between the hours of 1:00pm and midnight at 260 South Trout Lake Road.

Councilmember Rehm stated that typically they do not allow for sound permits after 10pm unless it is a special occurrence. This is the 10th year that this event has been held and they have never had a complaint so she is willing to allow the later time.

RESOLUTION #121

Councilmember Rehm moved, seconded by Councilman MacEwan to approve sound amplification permit for Edward Corcoran Jr. for the Great Magua between the hours of 1:00pm and midnight at 260 South Trout Lake Road. All in Favor. Motion Carried.

- Resolution authorizing Supervisor to enter into professional services contract in an amount not to exceed \$5,000 with Schoder Rivers Associates and David F. Barrass, Land Surveyor for an amount not to exceed \$1,800 for survey services relating to drainage project on New Vermont Road.

Supervisor Conover stated that this deals with a drainage issue on the lower end of New Vermont Road, they have a bad drainage situation and the Highway Superintendent recommended that they bring an engineer in to look at it.

RESOLUTION #122

Councilman MacEwan moved, seconded by Councilman Maranville to authorize the Supervisor to enter into professional services contract in an amount not to exceed \$5,000 with Schoder River Associates and David F. Barrass, Land Surveyor for an amount not to exceed \$1,800 for survey services relating to drainage project on New Vermont Road. All in Favor. Motion Carried.

- Resolution directing the Town Attorney to commence a legal action in the Warren County Supreme Court seeking all available remedies including injunctive relief to prohibit the commercial use of residential property known as Highland Castle located at 18 Skyline Drive, owned by John Lavender, Tax I.D. 171.10-1-7 and in addition to injunctive relief, full zoning code and all ordinance enforcement, seeking fines and or penalties, costs of the proceedings, disbursements, and recovery of the Town's expended attorney fees and it is further resolved by direction of the Town Board that the Zoning Administrator and Code Enforcement Office shall act to provide such information and other support or assistance as may be required by the Town Attorney on this action.

Jay McBain, 58 Highland Drive resident, stated that Mr. Lavender has gone against the Town's decision that was made to stop the commercial activity. He stated that this weekend was out of control. He requested that the TB do whatever possible to stop the activity. They have seen many vans and trucks using the road and many families would not let their kids out because of the safety concern. He stated that they have provided letters and pictures documenting their concerns. These are small roads that are being utilized by large vans and trucks.

Bob Hayes, 87 Upper Highland Rd., agreed with all that Jay McBain stated. He stated that it is a very bad situation up there in terms of liability. He is concerned that the Town denied the commercial use/activity of the Highland Castle and yet Mr. Lavender has complete disregard for their decision. He stated that he and his wife came up last Sunday. On Thursday, they had a big wedding up there. He saw the stretch limo coming up the road and found himself looking for a camera to be able to take pictures, which is not the reason he came up to his house. He has a private home in a private community and he hopes that the TB can help put a stop to this activity from occurring.

Laurie Gollhofer, 90 Upper Highland Road, year round resident, he has had 2 events in

one week and they are requesting that the TB put a stop to it.

Wauneta Waller, 33 Highland Drive, agrees with the other residents. Aside from having events, they have had music, which they do not believe were granted sound permits. Mr. Lavender is going to continue doing what he is doing without any regard to their safety or peaceful enjoyment of their neighborhood. Rich Waller stated that they learned through Trip Advisor and his Facebook page that they are already planning more events; one on August 18, 2012 as well as more next year. He stated that there are about 6 events planned between now and the end of September. Mr. Lavender does not care what is being asked of him. He is going to continue with this commercial activity. He feels that he will look at what he is making in comparison to the fine imposed and will continue with the activity.

Rich Waller stated that he is also concerned that they should be looking at the APA permit. He believes that he is in violation for the additional structures that have been added to the property. All of the structures that have been added are residences each with kitchens which allow him to live in them during these events. The APA permit was for a single family residence that was over the 40' height structure.

Rich Waller stated that Mr. Lavender's property is land locked up there, so no one can enter onto without approval, calling and asking to come up or getting a search warrant. They are asking for them to be stopped immediately. There are cars flying up and down the roads and there are 2 families with young children that can't even let their kids out of their sight.

Wauneta Waller stated that one of their events was through the Sagamore so he cannot say that he rented it to a family for private use; this was a planned event directly through the Sagamore. This is only a 2 bedroom residence that was not meant to have 100 plus people at a time. They feel that they need to address septic concerns as well.

Bob Williams, 24 Highland Drive, stated that they have not found any littering in their pond lately, but he does have concern with the obvious intent to deceive. Jay McBain stopped one of the limo drivers and asked what they were doing since they were not supposed to be up there and the driver's response was that he was there to see a friend. There were a couple of vehicles on Sunday that were on the road in rainy conditions. He stated that they were going 40 mph on this small road. He stated that they have a new neighbor that has recently put up some large stones between the back of his house and the road. He is concerned that someone going that fast could end up in his living room. This issue needs to be addressed immediately.

Dick Burmaster, 54 Skyline Drive, stated that they are not having the same problems with the cars due to the location of their property. However the interesting thing to note is that if you go to the Lavender property he now has it posted as private property. He doesn't want anyone up there and is telling the general public to stay away but yet he will open up their roads to his functions. Dick Burmaster stated that they are holding functions because you can hear them. Even in their location they can hear the first dance. They are

asking the TB to stop this activity immediately.

Lynn Gollhofer, 90 Upper Highland Drive, stated that her concern is environmental. She is not sure how they can handle that many people using a small facility. There is no indication of any kind of provisions to address stormwater and sewer. This property is on the top of the hill and all of the neighbors have wells below him. She asked the TB to look at this issue as well.

RESOLUTION #123

Councilman Maranville moved, seconded by Councilmember Rehm to direct the Town Attorney to commence a legal action in the Warren County Supreme Court seeking all available remedies including injunctive relief to prohibit the commercial use of residential property known as Highland Castle located at 18 Skyline Drive, owned by John Lavender, Tax I.D. 171.10-1-7 and in addition to injunctive relief, full zoning code and all ordinance enforcement, seeking fines and or penalties, costs of the proceedings, disbursements, and recovery of the Town's expended attorney fees and it is further resolved by direction of the Town Board that the Zoning Administrator and Code Enforcement Office shall act to provide such information and other support or assistance as may be required by the Town Attorney on this action. All in Favor. Motion Carried.

- Resolution regarding use of the front of Town Hall for a bake sale to benefit charity. Supervisor Conover stated that he has taken care of this item. They are hoping to incorporate this 8 year olds interest by holding the charity bake sale during the craft fair in August.
- Resolution authorizing use of Rogers Park by the Bolton Chamber for Reenactment on June 14-16, 2012.

RESOLUTION #124

Councilman Maranville moved, seconded by Councilman MacEwan to authorize use of Rogers Park by the Bolton Chamber for Reenactment on June 14-16, 2012. All in Favor. Motion Carried.

- Resolution authorizing refund for \$50 to Sheila Smith and Charles Barrie as they were unable to use the refrigerator at the Conservation Club for planned activity. Councilmember Rehm extended an apology to both individuals. She stated that the Recreation people took advantage of the facility to chill the soda for the cruise not realizing that there were events scheduled that weekend. She stated that they hope to not have that happen again.

Councilman Maranville stated that several years ago when the Conservation Club was redone he had asked for a business plan and never got it. Part of the business plan would include schedules which would help avoid conflicts such as this. Councilmember Rehm stated that they do have schedules, it was just an oversight. Councilman Maranville stated that they spent so much money up there and it bothers him that they do not have a business plan.

RESOLUTION #125

Councilman Maranville moved, seconded by Councilman MacEwan to authorize refund for \$50 to Sheila Smith and Charles Barrie as they were unable to use the refrigerator at the Conservation Club for planned activity. All in Favor. Motion Carried.

- Resolution approving update of assessment roll to maintain said roll at full market value and allocating sufficient resources for staff and services to complete the project and further resolved that the State Office of Real Property Tax Services and the Warren County Office of Real Property Services provide the assistance that is normally afforded to projects of this nature.

Councilmember Rehm stated that she has been an assessor for over 30 years for various communities in Warren County. She strongly supports Mr. Rosebrook, he is a real professional and knows what he is doing. The last update was done in 2004 and this is the best way to achieve equity. This will be done in house; so any costs associated with it will be reimbursed by the State.

RESOLUTION #126

Councilman Maranville moved, seconded by Councilmember Rehm to approve the update of assessment roll to maintain said roll at full market value and allocating sufficient resources for staff and services to complete the project and further resolved that the State Office of Real Property Tax Services and the Warren County Office of Real Property Services provide the assistance that is normally afforded to projects of this nature. All in Favor. Motion Carried.

Public in Attendance

Zandy Gabriels asked Counsel Muller about the ability of the Code Enforcement Officer to get onto private property in her proper pursuance of her authority to make sure that the Zoning Codes are being complied with. Counsel Muller stated that the authority is given and stated in the ordinance. However if the owner resists then the only method is to go with a search warrant under application to the court. Zandy Gabriels asked if that action will also be taken in addition to this injunctive relief. Supervisor Conover stated that this is a matter of litigation and stated that the Town Attorney may respond if he feels that it is advisable. Counsel Muller stated that he is pursuing all avenues available to him, including investigation of septic and contacting the APA.

Zandy Gabriels agrees with Deanne Rehm about the re-evaluation and the fact that Dave Rosebrook is fully capable to do the job. He did suggest finding a way to note whether or not a property has broadband cable. Councilmember Rehm stated that she recalls discussing this matter before but she is not sure that there is a place to note this in the property record card that is provided by the State. She stated that she supposes that he could make some sort of notation but she is not sure how easy it is for the assessor to determine whether or not they have Broadband cable. Zandy Gabriels stated that Time Warner could provide that information as well as the Supervisor.

Zandy Gabriels stated that they received correspondence from DEC regarding lifting the burning ban on the burning of brush. He asked if Bolton will be lifting the ban. Supervisor Conover stated that will be a decision of the TB and no resolution has been

made to reintroduce burning at the transfer station.

Transfers

RESOLUTION #127

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

| | | |
|-------------------|---------------------|-------------|
| General Fund | | |
| FROM | TO | AMOUNT |
| Increase Budget | 16202 Blds&Grounds | \$11,127.50 |
| Increase Budget | 71102 Parks | 11,127.50 |
| 51824 Lights | 51822 Lights Equip. | 165.00 |
| 19904 Contingency | 71804 Ballfield | 1,048.00 |

Sewer Transfer for July 2011 \$25,000

HIGHWAY FUND

51484 Services 14404 Engineer 3,343.00

SEWER DISTRICT

81101 Payroll 81202 Sewage Collection \$4,260.00

All in Favor. Motion Carried.

Pay Bills :

RESOLUTION #128

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

| | Voucher # | Amount |
|------------------------------|------------------|---------------|
| JUNE MID ABSTRACT 6A | | |
| Highway | 283 | \$2,100.00 |
| Water | 119 & 120 | 302.00 |
| General | 635 - 637 | 257.75 |
| Tourism | 9 & 10 | 384.72 |
| Lighting | 636 | 3,287.59 |
| JUNE MID Abstract 6B: | | |
| General | 698 - 716 | 3,070.93 |
| Highway | 300 | 16.54 |
| Water | 126 & 127 | 1,243.97 |
| Sewer | 140 – 143 | 2,679.31 |
| Lights | 699,715 | 285.84 |
| Tourism | 20 | 900.00 |
| JULY ABSTRACT: | | |
| General | 635-697, 717-751 | 53,678.27 |
| Highway | 283-299, 309-314 | 19,780.01 |

| | | |
|------------------------------|------------------|-----------|
| Sewer | 127-139, 144-151 | 13,181.88 |
| Water | 119-125, 128-137 | 4,593.17 |
| Tourism | 11-19, 21-23 | 6,172.49 |
| Storm Damage General Repairs | 1-7 | 52,302.46 |
| Rogers Park Dock | 1 | 7,345.28 |

All in Favor. Motion Carried.

Executive Session: Personnel Matter and Contractual

Supervisor Conover announced that Councilman Gregory Smith has submitted the following resignation letter:

Due to the New York State General Law 800-809 which prohibits municipalities from conducting business with a Town Board member that is owner or part owner of such business; I find that it is in the best interest for myself, family and Bolton residents, that I with great regret and much hesitation must resign effective immediately my position as Town Board member.

The Board deeply regrets the resignation and wishes him well.

RESOLUTION #129

Councilman Maranville moved, seconded by Councilmember Rehm to enter into Executive Session at 9:15pm 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