

BOLTON TOWN BOARD

Pledge: Councilmember Deanne Rehm
Regular Meeting

June 7, 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 May 3, 2011.

RESOLUTION #95

Councilman Maranville moved, seconded by Councilman MacEwan to approve the minutes of the Regular Meeting held May 3, 2011. All in Favor. Motion Carried.

- Approve minutes of Special Meeting on Water and Sewer Districts held May 18, 2011.

RESOLUTION #96

Councilmember Rehm moved, seconded by Councilman Maranville to approve the minutes of the Special Meeting on the Water and Sewer Districts held May 18, 2011. All in Favor. Motion Carried.

Public Hearings:

- Local Law NO. 2-2011, New Ordinance #31, Regulation of Size and Horsepower of Inboard and Outboard Motors on Trout Lake.

Introduce letters received to be part of the public record.

Mike Hill of Miller, Mannix, Hafner and Schachner, representing Trout Lake Boaters stated that they feel that the proposed ordinance is not necessary. There are no traffic or speed problems with the boats on Trout Lake and as far as they know no tickets have been issued under the existing ordinance. The residents of Trout Lake get along very well and cooperate in their use of Trout Lake; they are very careful and responsible boaters. Mike Hill urged the TB to visit the lake to see for themselves if a problem truly exists. On a July afternoon, they will see that the boating is carefully done and that the boaters are responsible and considerate of one another. This is a peaceful and tranquil lake that does not have speed or traffic problems.

Mike Hill stated that the proposed ordinance is not going to further the intended purpose of the ordinance, which seems to be to regulate speed. Regulation of horsepower does not directly translate into regulation of speed. A 50 horsepower motor on a 10-12' light

weight boat can go very fast, whereas that same motor on a 17-20' heavier ski boat is not going to be able to obtain excessive speed. There are too many variables that will affect speed such as the size, width, length and weight of the boat. Therefore they do not feel that regulating horsepower is an adequate way to address speed.

Mike Hill stated that enforcement of this ordinance is going to be impractical and will strain Town and County resources. They respectfully suggest that in these days of tight budgets that the funding simply isn't there to have Town and Sheriff's patrol on Trout Lake trying to enforce this ordinance. Additionally, the determination of horsepower of motors would be problematic for law enforcement officers. Some boats have horsepower information on them, some have decals, which may or may not be accurate, and in some cases they don't have any information at all. So it will be difficult to determine whether or not a particular motor will be in violation of the ordinance. The resources of the Town and County will be better spent pursuing real criminal investigations of serious crime.

Mike Hill stated that one unfortunate effect that may come out of this ordinance may pit neighbor against neighbor which does not seem like an outcome that the TB would favor.

Mike Hill stated that the enforcement of this ordinance is likely to become unlawful. Most boat owners cover their boats and motors at various times in order to protect them and in order for law enforcement officers to determine whether or not a motor is in violation of the ordinance they would have to take the cover off the boat or motor to view the motor. If they do that without a boat owner's permission or consent it would constitute a warrant-less search under the law and would be a violation of the boat owner's constitutional rights. Warrant-less searches are likely to result in litigation against the Town. Additionally, obtaining a warrant will put a strain on the judicial system; going before judges, providing affidavits about probable cause and seeking warrant approvals. He feels that this is more onerous and involved than this Board would want to see happen.

Mike Hill stated that the proposed ordinance will have a negative impact on the businesses and residents on the lake. The residents who boat and water ski are very responsible in how they do it. They are careful and safe boaters. They have Camp Walden, which has been in existence for decades and has water skiing as an essential part of their program. The boats they use will likely require motors in excess of 50 horsepower at some point when motors are replaced. This would impinge greatly on the ability of Camp Walden to offer their water skiing program, which could potentially result in less campers coming to the camp. It will also have a negative effect on the residents recreational use as well. They request that the TB consider that impact of this ordinance with respect to replacement motors in the future.

Mike Hill stated that they feel that there is no problem that exists on the lake and certainly none for this ordinance to solve. They urge the TB not to adopt it or give it further consideration. However, if they do give it further consideration they respectfully ask out of fairness and consideration of the residents on Trout Lake that the TB come out

and visit the lake on a July day when boating activity is going on to see how the boating and water skiing occurs on the lake. They feel that they will be convinced that there is no problem that needs to be addressed by this ordinance.

Jeff Curren, Coolidge Hill Road, family owns Sportsmen's Paradise. He doesn't understand why this ordinance cannot be maintained. He stated that people on Trout Lake have been coming for 20-30 years. He stated that it is not the number of boats it is the way that they are operated. He doesn't see why they cannot maintain using 50 horsepower.

Mark Roden stated that he personally had a bad experience with being on a boat with a 150 + horsepower boat on Trout Lake before the regulation went into effect. He feels that Trout Lake is a lake where you learn to operate a boat and operate it correctly. They need to have these types of smaller lakes to train people for bigger lakes like Lake George and this is why he feels that it is necessary to regulate on this lake. He suggested raising it from 50 to 70 horsepower because it takes more to power for water skiing these days.

Mark Roden stated that there are no public launches on Trout Lake so all of the boats on this lake have to come off a private citizen's property. If they have a rule and regulation, the private citizen that launches that boat should be responsible for what happens on their property. He feels that the TB should do a real polling of the property owners on Trout Lake to see if they 1) want regulations controlling horsepower or not and 2) if they had the ideal scenario, what would they feel would be appropriate. He does not want to see the lake without regulation.

Mark Zuckerman, Pine Tree Lane, disagrees with Mark Roden's suggestion of a vote of the Trout Lake residents. He does not feel that this is legal or practical. They do not have referendum voting on issues like this, and the majority rule is not how laws are made. Legislators make laws in response to problems that they need to address if there are such problems. He stated that the TB is the legislative body and it is their decision to make. The majority rule might be nice but it is not the way things work, nor should it be because in a majority rule situation, the minority also have rights and they need to be represented as well.

Mark Zuckerman stated that legislative bodies act in response to problems for the health, safety and welfare of the communities that they serve. If they act without a problem and enact legislation, it is arbitrary. He agreed with Mike Hill that the Board should come up to the lake to see if there is a real problem because a lot of people in this room do not feel as though there is a problem. He stated that there are no speed or safety issues, there has not been a ticket issued or reckless driving.

Mark Zuckerman stated that this is not just a revision of the old ordinance, it is a legislative act and the creation of a new law. They are now criminalizing the mere possession of something that is not contraband, and criminalizing it on private property

which is a big step to take. If there is a need for a new law, he feels that they should slow down and take a look and decide together how to address the problem. Mark Zuckerman stated that the beauty of Trout Lake is that everyone gets along and respects one another. There are so many different people that live up there in harmony. He stated that the saddest thing is what has happened up there this year and why it had to happen this way. He stated that he has lived many different places in the world and this area lives in complete harmony in its ability to get along and regulate themselves. They do not need more law enforcement on the lake. If there ever is a problem, people get together and talk about it. Unfortunately that has been destroyed by this ordinance which is creating animosity in the community.

Steve Place, 23 Trout Lake Village Association, stated that it is private on Trout Lake. He stated that allowing larger motors cannot happen unless a private citizen allows it to happen on their property. They are responsible for everyone they bring to Trout Lake. He has a 90 horsepower motor and has been using it for 10 years. He agrees with Mark Zuckerman that there is harmony on Trout Lake. He does not feel that there is any reason for this ordinance. He feels that he has been grandfathered in for 10 years and now there is a problem. He wants to know what created the reason for this enforcement. He stated that whenever there has been an issue it is dealt with privately with the community and would like it to continue that way. He does not see any reason for this change. He stated that it will be cheaper for him to pay the fines than to take his boat out of the lake.

Mark Bernstein, owner of Camp Walden since 2005, stated that if he thought for a moment that Trout Lake was not safe, he would be screaming about it because he runs a camp that is responsible for keeping 300+ kids safe. He stated that he took down 80 tall pine trees to keep his children safe. He mentions this because he would do whatever was necessary to insure the children's safety. Mark Bernstein does not feel that this is an issue nor does his Waterfront Director. He stated that often times they are the only boats out on the lake.

Mark Bernstein stated that he took what was happening to heart and did some research. There are studies that can be done by different environmental groups. He suggested that if the Town is convinced that there is a problem, they could have a study of the lake and boat use done. He stated that it would be costly, but they could have an official study done to show whether or not they have a problem or what problem to address. He feels that all this legislation will do is pit neighbors against neighbors. The only thing that this has changed is the peaceful community.

Mark Bernstein stated that there are technologies out there to monitor speed, but it is difficult to find a radar gun that will pick up the speed of a boat. He doesn't feel that there is a speeding issue on the lake, but if they wanted to insure that there isn't he suggested setting a 36 mph speed limit and having a police officer check speed by land 3 times a week for 30 minutes. It will be the only way to do this because once the Sheriff goes out on the lake, no one will use their boats.

Mark Bernstein stated that boats have changed over the years. The weights of engines and boats have changed from 30 years ago. The smallest boat as a bow rider is a 17' Glastron and a 50 horsepower on that would make it dangerous because then people would be going out without spotters.

Colleen Klass, 15 Nellie Lane, Trout Lake Village, stated that she and her son have done a lot of research regarding the weight of boats and horsepower. They have found that there is a huge difference between boats from the 60's and 70's to the present. Boats today weigh a lot more for safety reasons; they are built for safety, not speed. Not only have boats gotten heavier but motors have as well. All motors are required to be 4 stroke engines which are heavier. As boats started to get heavier and better built it took a higher horsepower to move them safely. According to the manufacturer a 16-17' boat should have a minimum of 60 horsepower and they actually recommend 75-90 horsepower. She stated that as people have gotten new boats they have had to get larger motors. Even though people have had to upgrade their motors to larger motors they are not abusing it, they are using them to water ski or tube.

Colleen Klass stated that she does not see why there is even an issue because there are hardly any boats out there. They do not have an abuse or accident problem because if there was they would tell you. She gave an example of an event from last summer. She stated that her son was trying to teach a friend how to ski and he was getting frustrated because a Camp Walden was too close which was making it difficult for the new skier to get up. There were some words exchanged and that was that. A short time later, someone from Camp Walden came to their dock and asked what had happened. Her son explained and the people from Camp Walden stated that they would talk to their staff to be sure that this same issue did not happen again. She stated that she was so pleased with the fact that it was handled the way it was.

Gary Haight, 53 Oak Place, stated that there seems to be some animosity between some of the people here. He stated that he does have an issue with some of the existing conditions on the lake and he does feel that there is a problem. There seems to be continuous disrespect for the law in many ways, such as covers and operation of boats within 100-200' from shore. He stated that all they are talking about is boats. However, he does not feel that Trout Lake is just about boats, it is about a community, resources and citizens. Back in 1976 when the original law was enacted someone had the great foresight in which direction they wanted Trout Lake to go by limiting the horsepower. It is a small lake, 50 horsepower was ample for water skiing. He stated that they need to be talking about the direction in which they want the lake to go and what they want to have. People are complaining that property values will go down. He disagrees, property values have increased and will continue to do so. If they take a different direction with this lake they might as well abandon all the laws. There has to be some kind of regulation for the enjoyment and peace of all the people on the lake, not just boats or water skiers, but for kayakers, canoers, fisherman, etc. They are not here because there is a huge problem, but they are there because of a certain few people and events. They all need to think reasonably for the benefit of the lake and community.

Dennis Murphy stated that he is the one that brought this issue to the Town Board 3 years ago. He asked if anyone on the Town Board has spent any time up at Trout Lake. The Town Board replied no. Dennis Murphy stated that he believes if they were to come up to the lake they would really see no difference in some of the things occurring on Lake George.

Dennis Murphy stated that several people from Trout Lake have made this a personal attack on himself. He stated that it does not matter if someone has been here for 1 year or 100 years, whether they are seasonal or year-round, whether they are lakefront or lake rights or part of the public that uses the public access on the north end of the lake. These attacks are only to draw attention from the facts. There is currently a law in effect as Ordinance 31 and the updating of this ordinance closes a loophole that has existed and allowed people to blatantly break and flaunt the law.

Dennis Murphy stated that over 9 years ago an attempt was made to raise the horsepower limit to 90 horsepower. The public comment was overwhelming with 98% wanting to leave it at 50 horsepower. However, since then illegal engines have more than doubled on the lake. With the attitude and excuses made those same feelings can now justify operating a personal watercraft. The biggest voices against changing Ordinance 31 are the same people that championed Ordinance 41 that prohibited the use of personal watercraft on Trout Lake and uses the same word "operation" on Trout Lake but not the word maintenance.

With regard to respect for the lake, Dennis Murphy stated that not only are these larger illegal engines a safety factor through speed but they are an environmental factor causing larger wakes and churning up sediment in the lake and clouding the water clarity. He asked if Trout Lake self polices itself then why are illegal engines proliferating. If one only fishes or cruises around the lake, then there is no need for a larger engine than what the law calls for.

Dennis Murphy read the following comments from the April 2002 TB meeting in which they were considering changing Ordinance 31:

- 1) Supervisor Gabriels, in an email, stated that he has been out on the lake several times and has observed the blatant disregard of the 50 horsepower ordinance.
- 2) Councilman White, prior to the motion to not change the horsepower, stated "The original ordinance was written for good reason given the size of Trout Lake and now more than ever it is important to adhere to the 50 horsepower limitation, specifically in light of the increase in the number of residents."

Dennis Murphy stated that not only has there been an increase in the amount of homes in the last 9 years, almost 2 dozen, but there is a potential in the near future for another 2 dozen homes to be built. He stated that on any given Sunday or Monday during July and August there are between 120 and 150 boats with a steering wheel and at least a 25 horsepower engine on the waters of Trout Lake. It is not uncommon for there to be 2-3

dozen motor boats out on the lake, especially on the weekends. Now picture these boats having 70-90 horsepower engines on them. Already today, there are 49 boats docked on the shores of Trout Lake. Bolton needs to update the ordinance to protect itself, so that if one of these illegal boats is involved in an accident the Town will not become party to litigation and held liable. Dennis Murphy stated that he and his family are in support of the update of Ordinance 31 and respectfully request that enforcement take place to reduce the illegal engines on boats.

Dennis Murphy stated that there are a group of individuals that are not happy with this update and hold him personally responsible. He stated that they know the law and took the chance and broke it. Whether the Board decides to update this law or not, there is a law that will still be in effect. He stated that he has been informed that these people are looking to continue attacking him, not through letters and emails, but to start frivolous lawsuits and questioning his financial and health matters. These people are purported to be affluent and are licensed in New York in the legal field. They are looking to do this to affect him and his family in a financial matter. He stated that he puts all on notice that he will seek any and all options to defend himself, not only through civil but criminal action. He stated that he will not be bullied into silence.

Resident of 59 Millstone Drive stated that she finds it hard to believe that there are 150 boats on Trout Lake. She stated that she has a 70 horsepower that has a 50 horsepower decal on it; she got it at Norowal and that was all they had. She stated that she too has researched boats. For those that don't want to raise the horsepower she warned that they will see why when they go to buy a new boat. The smallest new Glastron boat is 17' and it comes with a 75 horsepower. She stated that she has a 70 horsepower and Mr. Murphy sent her a letter indicating that 70's go 46 mph. She stated that her boat only goes 27mph with 2 people in it. Her old boat which was a 14' boat with a 50 horsepower motor went faster than her new Glastron. Raising the horsepower will not create a speed problem because of the size and weight of the boats.

Joel Jacko, Trout Lake Club, stated that there is a bigger issue than just the horsepower, which is enforcement. They are not going to be able to monitor the size or horsepower of these engines. He wants to know how the Town intends to address this problem. He stated that some have changed their covers or sanded off their numbers so that they can conceal the fact that they have a larger engine which is a moral and ethical issue that they need to deal with.

Andy Roden, Manager and Owner of Trout Lake Club, believes in some form of restriction on the lake. He stated that he contacted and encouraged all of the property owners to contact the Town regarding their feelings on the matter. He stated that he did not put in that letter that he supported the 50 horsepower but he does feel that some restriction is good for the lake. He stated that he likes the 50 horsepower restriction but it should be enforceable and everyone should have to obey it.

Diane Jacko, Trout Lake Club supports the ordinance and the update to the ordinance.

She stated that she also supports obeying the law and enforcing the law. She agrees that Trout Lake is about more than just boating.

Julie Curren, Sportsmen's Paradise, stated that there is an issue. There is a huge increase in the amount of boat traffic in the last 10-15 years. This is a small lake and there is a safety issue. She would welcome anyone to come up on a weekend and see the issues for themselves. There are many different users on Trout Lake and there is enough room for everyone who knows the rules. She does not think that the majority of the people out there understand clearance for when you have a smaller craft, who has right-of-way, and how much you need to be away from the shore or dock. She stated that she personally has had issues of people doing donuts around her while she is in a canoe. She has also had kayakers that have almost been tipped over because a boat pulling a skier went flying by 10' off their bow. She stated that this happens a lot, so much so that she has warned their campers not to go out until it settles down. She supports regulation of some sort for the safety of all the users of Trout Lake.

Doug Jetter, 87 Pine Tree Lane, stated that Dennis Murphy is his family's neighbor and they could not ask for a better neighbor. However, he does not feel that there is a problem with horsepower on Trout Lake. He feels that it should be regulated to an extent. This lake is small and self-contained. When there are issues they are handled personally. He stated that his family bought a 17' Glastron boat 4 years ago, at that time the dealer would not sell them a 50 horsepower engine because it was under the limits for the Coast Guard. He stated that they have a 70 horsepower on it now which allows them the proper use for recreation. They do not use it for drag racing or speeding. He feels that 70 horsepower is a legitimate and reasonable horsepower for regulation since most boats do not come with anything less as required by the manufacturer.

Charlie Klass, 15 Nellie Lane, stated that it doesn't matter what the horsepower is, people can be disrespectful with any horsepower. If people are doing things wrong, they need to be talked to, which is what has been done over the years.

Clare Hippele, Acorn Drive, stated that she has grown up on Trout Lake. She stated that she and her husband purchased a boat last year and didn't even occur to them not to get a 50 horsepower engine. She understands that there are a lot of issues and concerns, but they are all very blessed and lucky to live on such a pristine and beautiful lake. She thinks they all get along pretty well and communicate well. She hopes that they can resolve this so that they can continue to live in harmony and establish a law that they can all respect. She stated that they need to work together to be safe and enjoy the lake that they live on.

Bill Taft, 19 Trout Lake Club Road, stated that he is very familiar with the changes that have occurred at the lake over many years. He does not understand much about technology but he feels that the real issue is the operators of boats. He suggested that they familiarize themselves with the existing rules, laws and regulations that affect navigation on the water ways of Trout Lake and pass that information along to visitors of the lake. He feels that it is the visitors that are perpetrating the abuses and not the year

round residents. He feels that it is their obligation to pass along use information to those users of Trout Lake.

Jean Russell, 114 South Trout Lake Road, suggested that everyone take a moment and not think of themselves first. She suggested that they have a BBQ and work this out the way it is supposed to.

Supervisor Conover closed the public hearing.

Resolution regarding Local Law NO.2-2011, New Ordinance #31 Regulation of Size and Horsepower of Inboard and Outboard Motors on Trout Lake.

Councilman Smith stated that he has spoken to many of the residents in the past few months and his consensus of this is that the majority of the residents would like to leave Trout Lake the way it is. He stated that they are all very fortunate because it is like they have their own private little lake and he does believe that most of them do get along. Councilman Smith stated that his feeling is to leave Trout Lake the way it is since there have been no accidents, fatalities, issues or major troubles up there.

Councilman MacEwan stated that he is not a boater and does not use either lake. He stated that he did some research, and was not aware of all that factors into the horsepower of a boat. He stated that he can somewhat agree with Councilman Smith that there have been things brought to light that they need to address, but at this juncture he does not feel that he has enough information to make a good decision about that.

Councilmember Rehm thanked Mark Zuckerman for pointing out that this is a legislative body that makes the law. She feels terribly responsible at this juncture to think that her vote could in fact jeopardize someone else's life or someone's feeling of well-being. The US Army and federal government has been dealing with "Don't ask, Don't Tell" for some time and she feels that she is in the same boat tonight and she is not comfortable with that. She believes the law is the law and it was put in place for a reason. It is a small lake and it needs to be protected. She stated that people that are there knew the law because it has been in place for 35 years and has stood the test of time. The addition of this word "maintain" does strike her as an improvement since it will protect their liability. She believes that it can be enforced reasonably. Councilmember Rehm stated that she will be able to rest easy tonight if they were to adopt these revisions tonight.

Supervisor Conover stated that they received over 100 letters regarding this matter. He stated that out of those only 1 asked for the ordinance to be removed and all the rest stated that it needed to be regulated but were not sure how this would be done. He stated that this law exists today and it was put in use not to play cat and mouse but rather set a standard that everyone could live by and they have for a long period of time. The vast majority feel that the lake needs to be regulated and a very large margin believe it should remain at the 50 horsepower and that it should be enforced. Supervisor Conover stated that it has been suggested that this Board will be onerous in their enforcement, but the

fact of the matter is that this law exists today. It existed yesterday and to him this is a concern to him that a law exists and there has been a decision made by some to not observe the law. He stated that some members of this Board may be interested in the subject of increasing the horsepower to 70 but he is not sure if there is support for that. However, that is not the question in front of the Board right now. The question is to either leave the law the way it is now but make it easier to enforce. Additionally, they have adjusted the penalty to a fine rather than jail time. Supervisor Conover stated that they felt that the changes were modest and it continued to communicate that the law was 50 horsepower and he felt that needed to be restated.

Supervisor Conover stated that if there is a desire or need to change the law this is the place to do it. He does not feel that the place to change the law is on the showroom floor of the boat dealership. He is prepared to vote for this piece of legislation. However, those who feel deeply that there should be modifications then it is this Board that needs to listen and consider it. He feels that this has been a good law for Trout Lake. It has helped to protect that lake for a very long period of time. With regard to modifications in the future, he stated that they have to think about what they want Trout Lake to be 5+ years from now. He stated that in the end all of the residents will have to make that decision through this Board in some fashion.

Supervisor Conover thanked the public for attending and for all of their input through letters and emails. He stated that the TB felt that it was important to have a public hearing on this to give everyone an opportunity to have their say. He feels that it has been a healthy discussion and that it should continue. However, the legislation that is before them tonight is the existing legislation with some modifications.

Councilman Smith stated that he has never heard of any problems on Trout Lake. He suggested leaving the law the way that it is. Supervisor Conover stated that this legislation is to keep the 50 horsepower but added the term maintain and revised the penalty.

RESOLUTION # 97

Councilman Maranville, seconded by Councilman Smith to keep the 50 horsepower but added the term maintain and revised the penalty. Councilman Smith opposed. All Others in Favor. Motion Carried. The ordinance is as follows:

Town of Bolton

ORDINANCE #31
REGULATION OF SIZE AND HORSEPOWER OF
INBOARD AND OUTBOARD MOTORS ON TROUT LAKE

The Town Board of the Town of Bolton provides an ordinance regulating upon the water of Trout Lake, as follows:

SECTION 1

No person shall operate or maintain upon the waters of Trout Lake in the Town of Bolton a

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mechanically propelled vessel which is propelled by an inboard or outboard motor having a manufacturer's rating of more than fifty horsepower (50hp). For the purposes of this ordinance, the term "operation" shall pertain to the use or navigation of a motorized vessel upon the waters of Trout Lake. For the purposes of this ordinance, the term "maintain" shall include the keeping, docking or use of a motorized vessel upon the waters of Trout Lake.

SECTION 2

The requirements and limitations specified in this ordinance shall not apply to a vessel propelled by an inboard or outboard motor exceeding a manufacturer's rating of fifty horsepower (50hp) where such vessel has been specifically exempted from the application hereof by prior ordinance and only where such prior ordinance required appropriate notice to the Town Clerk prior to October 1, 1976 and such vessel and motor have been registered with the Town Clerk in accordance with prior ordinance. In no case, however, shall the transfer by such registered exempt owner of an exempt vessel and motor be permitted as a continuance of prior exemption.

SECTION 3

A violation of this ordinance shall be considered an offense, and upon conviction thereof, a fine shall be imposed not exceeding One Hundred Dollars (\$100.00) for a first offense; not exceeding Two Hundred Fifty Dollars (\$250.00) for a second offense; and not exceeding Five Hundred Dollars (\$500.00) for a third and subsequent offense.

SECTION 4

This ordinance shall take effect intending to supersede prior Ordinance #31 in accordance with the requirements of law.

A brief recess was taken at 8:25pm.

The meeting was reconvened at 8:35pm.

Public in Attendance:

Tim Larson, Architect, LA Group, Improvements to Rogers Park.

Councilmember Rehm introduced Recreation Commission members Don Russell and Joan Baldwin who have been working for several months on the next phase of the Rogers Park Improvement Project. This project has been going on for about 3 ½ years; the first phase was building the road out to Rogers Pier and the second was the reconstruction of the pier. Rogers Pier is now the focal point for the community. They are now going to phase 3, which will improve the user experience of the beach front.

Councilmember Rehm stated that this project is going to encourage boaters using the docks and pier to start a walk up through the park. These improvements include a walkway across the beach front, the addition of a comfort station and bathroom facility on the north side of the beach and a continuation of the walkway up the hillside past the tennis courts. At the south side of the beach they will be taking out the deteriorating wall and expanding the beach area. Additionally they are proposing to improve the park visually by burying the electrical and utility wires that are currently running along the

parking lot and beach. They feel all of these changes will create a better user experience.

Councilmember Rehm stated that if this project gets bid in August or September they would hope to start in the fall or early spring for the next summer season. She stated that if they decide to do everything in the proposal they would be short approximately \$27,000. The TB will have to decide whether all items are a go or whether they need to eliminate a few pieces or elements.

Tim Larson stated that this is a total DOS grant match of \$245,000 and a total project cost of \$490,000. That is not their total cost, but rather the grant structure of the funding available if they want to do the full project. With this being a grant project they do have a work program or detailed plan that they have to follow through the DOS in order for the Town to be reimbursed. One of the big goals for the Town's match is to utilize the cash overages that were spent to construct the pier as the Town's match for this project. They will be able to use the money that was spent last year towards this project. The TB is being very proactive in using those funds and being cost sensitive.

Tim Larson provided details of the beach improvements for the project. He explained that there will be a walkway to the new bathhouse facilities and sloped walkway connection to the top of the park. A big program element that the State sees as a big benefit for the project is improving storm water run-off to Lake George. They will have a series of rain gardens that will treat and convey any storm water run properly. Additionally they will be adding some electrical and decorative lighting.

Tim Larson stated that they will be taking out the stone wall and re-grading the beach area. This will improve the aesthetics and the use of the beach. The walkway will extend from the pier and dock to the bath facility. They will also create a very low retaining wall of approximately 30" and a little seating area with some trees for shade. The walkway connection would be on the beach side of the low retaining wall that currently exists. He stated that although this is a benefit they do need to consider the fact that they will be taking away 5-6' of usable space with this walkway.

Tim Larson stated that the main part of the grant project is the bath facility. They are proposing a structure with 2 unisex facilities with storage in the back for the Recreation Department. The footprint of the building would be 18' x 19' and more than likely of pre-fab construction. They feel it will be a cost effective way for the Town to have a facility like this down at the water. He gave some idea as to the look and feel of the building. He provided further details of the bathhouse facility.

Tim Larson stated that the walkway will extend from the bathhouse facilities along the tennis courts and then hug close along the rock outcropping and head up to the top of the hill. This will not be an ADA accessible walkway because they do not have enough walkway to work with. However this is providing a clear delineated path for people coming up and down the hill to preserve the green space. With regard to materials used for the sidewalk, Tim Larson stated that they decided to go with an asphalt type material.

It will be the most cost effective solution and it will require minimal maintenance.

With regard to lighting, Tim Larson stated that they are proposing to bury the utility lines that run parallel to the tennis courts and beach space. Additionally they propose to put up some nice fixtures.

Supervisor Conover stated that removing the rock wall and expanding the beach area is brilliant. He stated that he would not under estimate the amount of additional usable beach that could get them. Tim Larson agreed that they will lose beach space due to the bathhouse and walkway but they will gain a lot back when they re-grade the beach area. Supervisor Conover stated that this project really focuses on their priorities to get current with their restrooms. He commended the Recreation Commission for really creating a project that will improve the user experience.

Hal Heusner stated that he is confused with this proposal since the Sustainability Committee worked for a year and half on projects like this. This project is a significant difference between what they presented and what is being presented tonight. He asked how they got to this point.

Councilmember Rehm replied that they had looked at those plans, but the next phase initially discussed an amphitheater in lawn area. However, the Recreation Committee and the State felt as though it didn't make sense to jump around in the park and recommended that they finish the waterfront and work their way up the hillside. Councilmember Rehm stated that they hope the next phase will be improvements to the lawn and performance gazebo. When asked if they still intend to move the tennis courts, Councilmember Rehm replied that moving the tennis courts was not eagerly endorsed by the Recreation Commission. It was stated that they got good feedback from the community when they had their open forums. Councilmember Rehm agreed but at this point they feel that the tennis courts are working really well now and if they can find a better location then they will discuss that segment.

Sue Wilson asked if the overlook area will be large enough to accommodate a seating area. Tim Larson replied that currently it is shown as a 10' diameter area. They do have benches allocated for that area. He stated that the Sustainability Plan had a much larger area but at the end of the day they have to deal with the overall cost.

Sue Heusner asked about the rain gardens. Tim Larson replied that they will have 3 rain gardens; two located at the base of the hill at either of the gazebo and the other area will be around the overlook and promenade area. Mrs. Heusner stated that her experience with rain gardens is that a lot of sediment builds up and asked how will they be maintained. Tim Larson replied that they will need to be maintained annually or bi-annually.

Mrs. Heusner stated that currently with the craft fairs and Building and Grounds Department there are vehicles that drive up the hillside. She asked if there was any thought on addressing this issue because that seems to be the main problem with the

hillside today. Tim Larson stated that his recommendation would be not to have vehicles driving on the hillside but rather utilizing key locations from the top and bottom of the hill.

Supervisor Conover stated that he is concerned with the location of the pathway since the proposed pathway will be further off to the side closer to the rocks. People tend to use the most direct route which is down the hillside and he fears that it will create 2 pathways. Tim Larson stated that they can create a plant bed that would extend a little beyond the path to encourage people to use the path. Councilman Smith stated that he shares the same concern that people will not use the path because it is rather round about. Joan Baldwin stated that the path is not really that off the path, it just looks that way in the plan. She stated that they are trying to get this work on the next phase of the amphitheater.

Chris Navitsky, Lake George Waterkeeper, appreciates looking at storm water issues. He suggested that they may need to raise up the retaining wall near the beach to capture some of the water. Regarding the walkway up the hill he suggested looking at pervious material.

Zandy Gabriels asked how tall the building will be in comparison with the tennis courts fence or wastewater pump station. Tim Larson replied that they have not studied what the height would be but obviously it will be designed so that that no one will have a vantage point over the facility. Zandy Gabriels asked if they will be winterized. Tim Larson replied no. Zandy Gabriels asked if they will be considering it as some point. Tim Larson replied no. Zandy Gabriels stated that the only reason the grass is not growing on the hillside is because there is no irrigation and asked if they have given any consideration to irrigation for this area. Tim Larson replied that they did talk about that earlier with the Supervisor but given the funding, they have they had to eliminate it for this phase but hope to address it in the next phase.

Tim Larson stated that their budget as it stands now, utilizing \$250,000 from the cash overages from the pier and applying that to this project, there would be a current shortfall of approximately \$90,000. Councilmember Rehm stated that currently they have approximately \$64,000 in the bank and the shortfall would be the difference. Supervisor Conover stated that the original approach would have required them to come up with an additional \$250,000 to match the State's match. By using the money from the other project they have been able to hone this down and is a great deal for the Town. Councilmember Rehm stated that the LA Group is going to move ahead with more details and would hope to go to bid. Tim Larson stated they will meet with the Recreation Committee at the end of June to firm up the design development plans, have construction documents and specifications by August 1st, and come back to the Town Board for the SEQR process at the August Town Board meeting. They would go out to bid on August 15th and open bids early September, start October and be done 2012.

Stanley Pratt, Bolton Farmers Market, July 2, 2011-September 2, 2011, upper lot, Bolton

Central School parking lot.

Stanley Pratt stated they received approval from the school to utilize their upper parking lot. However, in the meantime they talked to the Catholic Church about utilizing their parking lot. They feel that this is a better location since they will have more walking traffic in town. They have offered the use of their bathrooms and they are close to the ATM across the street.

Supervisor Conover stated that he thought the school was a great location and it was wonderful to see them offer their space. Eva Bird agreed that Mr. Ciccarelli was the most amazing man. She stated that he was more than willing to extend whatever privilege to them. Supervisor Conover stated that the Catholic Church is a superior location. Eva Bird stated that one of the vendors suggested that they change their time to earlier in the morning and are proposing Friday mornings from 9am-1pm. Stanley Pratt stated that they will have a set-up and break down time which would extend the hours from 8am-2pm. Eva Bird stated that the church has provided a letter to the Town approving the use of the parking lot and hours of operation. They have also agreed to rope off the parking lot the night before to save room for parking and for the vendors.

Sylvia Phillips, 23 Anchorage, Bolton regarding replacement of broken fence at Rogers Park.

Sylvia Phillips stated that her family was so excited for the beautiful renovations at the park. Their home borders that area directly and there is approximately 12' between their home and the Town's chain link fence. The old fence is at least 28 years old and it is no longer serving as a security protection to their residence as it has deteriorated to the point that as little pressure as a tree limb made it come to the ground. It is currently being held in place by a small cord which is tied to it. Additionally, the construction of the new black metal fence on the pier has made the old fence uncomplimentary to the beautiful project in the park.

Sylvia Phillips stated that she has called 911 several times to report dangerous activities in the park. She overlooks the park and sees a lot of inappropriate activities in the park especially in the summer. She respectfully requested that the Town correct the situation as soon as possible for their safety. She stated that she feels blessed to live in such a lovely setting of the Adirondacks and in such a warm and caring community.

Sylvia Phillips provided a letter from Jim Keats, President of the Anchorage Association, regarding the chain link fence issue especially near the Phillips' residence. He feels that it does not provide the necessary security and it would be necessary to replace the fence.

Sylvia Phillips stated that she appreciated Supervisor Conover meeting with her and her husband at their home. She stated that they have been willing to put up with all the noise and construction from the pier project because they knew in the long run it would be a fantastic project. She stated that this fence makes the project seem almost incomplete

because of the aesthetics. However, now it is more of a security issue because it has fallen down and it is rusted out.

Sylvia Phillips stated that the Afsco Fence Company distributes the fence for Ameristar Security Systems, with locations in Latham, Saratoga and Queensbury. She would like to see approximately 109' of fence replaced for aesthetics and security. She hopes that she is received positively because this is very important to the Anchorage and her family.

Supervisor Conover stated that the difference between this area of fence and the remaining that runs along the other Anchorage properties is that this is their front yard and it runs along everyone else's rear yard. This is something they look at every day. He is not sure what they will be able to do relative to cost but it needs to be addressed as soon as possible. Councilman Maranville asked if it could be incorporated as part of this next phase of the project for the park. Supervisor Conover replied yes if that is the wish of the Board, however it might be costly due to the current set up of the fence. The fence is now installed on the rock outcropping which will require some labor. Councilmember Rehm stated that she would like to see comparison of cost with regard to replacement with options as well as the cost to just repair the fence. Supervisor Conover stated that they will provide some cost estimates but in the interim, make sure that the fence is secure.

Dan Daniger, Coolidge Hill Road, stated that he liked the project for the beach front and feels that it will truly be an asset to the Town. However, he does caution the Board that the 2% tax cap could influence other services down the road such as the Sheriff patrols, sanding/salting or plowing. He stated that although they have the money they should do whatever they can to pare down the cost to save for the future.

Dan Daniger stated that he has noted the recent ZBA minutes with regard to renters of properties with concerns being raised about parking and septic which is no different than the issues he has raised for the past few years. The Zoning Office works under the Town Board's direction and at the Town Board's discretion. He stated that they have codes on the books that need to be enforced. He has raised several complaints regarding these same issues and these codes are not being enforced to the extent that they need to be enforced. He continues to have issues with neighbors and wants to know what the TB would like to see enforced in Town. The TB has the ability to put the direction into the Zoning Department to see that their laws are enforced. Supervisor Conover stated that they will be sure to keep after it.

Chris Navitsky, Lake George Waterkeeper, stated that they recently had an appeal to the ZBA on a project that brought to light the increased need for public hearings for projects in the critical environmental areas along Lake George. Most of the towns in the Lake George Watershed have public hearings for the PB applications for those along the lake except the Town of Bolton. It makes it difficult to make comments. Public hearings are at the discretion, by law, of the PB but they feel that a lot of times there are issues that they or others would like to raise but aren't heard. Chris Navitsky stated that he would

like to carry on this discussion at a future date where they can provide a better presentation to the Board.

Correspondence:

- Tracey Clothier, LA Group regarding update of Local Waterfront Revitalization Program and Land Use Code.
- Dean L. Moore, Sr. District Technician Warren County Soil and Water Conservation District regarding Hydro-seeding for Municipal use.
- John Mucha, Time Warner Cable, regarding possible changes to programming.
- David F. Van Aken regarding concrete steps at Senior Citizen Center.
- Alon Dominitz, P.E., NYS Department of Environmental Conservation regarding Dam Safety Regulations and reporting requirements.
- Scott Sopczyk, Transportation Director, Greater Glens Falls Transit regarding FTA operating and capital assistance funding.
- Jack Christie, RISE Engineering regarding energy assessment of municipal and district buildings.
- Chris Kane, Member at Large, Rensselaer Outing Club regarding use of Veterans Park parking lot for annual event on Turtle Island for Intercollegiate Outing Club event September 23-25th (this is the tenth year for this event and use of Veterans Park).
- Bob and Sunny Ferro regarding the fantastic job they feel the Bolton Highway Department and Tim Coon are doing relative to our roads and facilities.
- Monte Klein, Director, NYS Public relations board regarding notice of conference.
- Richard E. Weber, Deputy Director, Adirondack Park Agency regarding complete application relative to 7 lot subdivision on East Schroon River Road.
- New York State Office of Real Property Tax Services relative to tentative equalization rate for the Town of Bolton as 65.5 and appeal procedure.
- Alexander Gabriels enforcement and compliance history EPA, historical flow charts for Bolton water and sewer districts.
- Alexander Gabriels water memo to Town Board, March 14, 2002 relative to water produced and estimates for non metered water and questioning water estimates provided by Water Department for non-metered use.
- Arthur Baker, P.O. Box 1116, Bolton Landing, Michael Arthur's Steakhouse LLC, 4959 Lake Shore Drive, Intent to Renew Liquor License.
- Bob Phillips, 23 Anchorage regarding use of Town dock by Double H Hole in the Woods on July 15, 2011 (depart 9:30-10:30 am return 4:00-6:00 pm).
- Sound amplification permit request by Anchorage Homeowner Association for July 2, 2011, 6:00pm-10:00pm for a DJ.
- Sylvia W. Phillips, 23 Anchorage, Bolton expressing concerns regarding deteriorated and broken fence post (including letter from maintenance crew relative to tree incident).
- Wauneata Waller regarding 6th annual Sidewalk Art Show, Saturday and Sunday, July 30 and 31, from 10:00am-4pm.
- Kevin Rosa, Marketing Manager, Sagamore regarding appointment as a marriage official for the Town of Bolton for 1 year.

- Christine McCarthy regarding placing of tents at Veterans Park on July 16, 2011 for a birthday/graduation party.
- Board of Directors, Bolton Landing Chamber of Commerce, letter of support for Farmers Market.
- Helen Barton Benedict, Lake George Land Conservancy regarding Local Arts Series every Wednesday evening.

Committee Reports:

Councilman Robert MacEwan

Water- 8,101,500 gallons flowed through the plant, after reduction it was 7,173,739 gallons. They flushed the hydrants starting 5/2/11 and completed it on 6/6/11. John reports that Justin finished and passed his 60 hour water course and now all he needs to do is take the DOH through the plant to prove that he can run the plant, he will then be moved to a Grade 2A Certification.

Transfer Station- Total receipts was \$7,654. East Side took 4 loads of metal. The senior pick-up went well with over 30 people. The Highway Department did a wonderful job for them. Lisa wants to look into different options for tire removal; she has someone that wants to take them for \$2.50/tire. The Spring Clean-up Cards using the purple and blue at the same time has resulted in \$3,112 for the blue cards and \$2,687 for the purple totaling \$5,799 in free stuff.

Councilman Owen Maranville

Police Dept- They patrolled 3,520 miles and used 272.6 gallons of fuel. A report of all the calls answered is available for review. They attended and completed fire arms training and certification at the Warren County Sheriff's Department range.

Assessor- Since the last report there have been 5 more sales in town. The number of real estate sales since July 1st is now up to 28. There have been 216 notices of assessment change that have been mailed out to the property owners. On May 26th the Board of Assessment Review met to hear 13 grievances and one correction to the roll. After deliberation the Board made 3 changes and ratified the 1 correction for final roll that will be filed July 1st. This year both the owner of the three Grand Union properties (Eton Centers) and their tenant (Grand Union Markets) filed 6 of the grievances reported. Dave Rosebrook would like the Town to give consideration to doing an in house re-evaluation for 2012. In spite of the small number of sales, Dave believes it's possible to do a quality job. The last re-evaluation was done in 2004 and since then their level of assessment has fallen to approximately 65%. To best maintain the equity among all of the properties they should proceed with the project. Supervisor Conover stated that they can address this at a later date; he feels that Dave just wanted to approach the Board with his concern. Councilmember Rehm stated that Mr. Rosebrook will want to know where the Board stands by next month so that he can start to prepare.

Justice- Hon. Harry Demarest took in \$2,630 and Hon. Edward Stewart took in \$2,965. Total monies forwarded to the Town \$5,595. Itemized lists are available in the Court for

review.

Councilmember Deanne Rehm

Library- The Library continues to increase its circulation. The summer hours will start on June 18th, 6 days a week with at least 3 evenings until 8pm. After Independence Day they will start their film festival on Monday evenings in conjunction with the Sembrich Museum.

Recreation Department- Congratulations was extended to Director Michelle Huck on the birth of her daughter. June 13th is the annual boat cruise on the Mohican. Everyone should be at Rogers Park at 5:30pm. Hot Dogs, Ben & Jerry's Ice Cream and soda will be served. They will board at 6:30pm and depart at 7:00pm for a 2 hour cruise.

Conservation Club- They had a wonderful Community Work Day at the Conservation Club. They put in a community garden, planting was done and the nature trail is moving ahead. They had a pig roast and luncheon. They had a wonderful turn out with their volunteers especially Jane and Ted Caldwell, Bill Campbell, Susan Wilson and Barry Kincaid. Tentatively, September 23, they will hold their Harvest Fest which will be in conjunction with those that have the community gardens and those who have been instrumental in getting the building built and operating. They would like to celebrate with the community. They plan on many fun events for that day.

Councilmember Rehm stated that she is pleased that for the past 3 years the American Legion has asked one of their young students to speak at the services at Veterans Park on Memorial Day. She is struck by the fact that the students get what Memorial Day is all about. She was also pleased to see some of the students and Girl Scouts putting flags up at the cemetery. Councilmember Rehm stated that she is so happy to see that volunteerism is alive and well in Bolton.

Councilman Maranville stated that he would like to thank Councilmember Rehm for her volunteer efforts as well. He stated that he often sees her on the side of the road picking up trash by herself.

Councilman Gregory Smith

Sewer-

The plant took in 7,402,220 gallons of waste water with an average of 238,781 gallons/day. Monthly samples done and DMR's mailed in with no violations. Green Mountain cleaned out the grit in the north and south pump station. All beds are dry except the ones in use. DA Collins fixed the man hole by Water's Edge, cleaned the EQ tank, fixed diffusers and cleaned the grit chamber, took sewer jet to the highway to be fixed, cleaned up around the plant, put new fuses in air compressors for sand filters, refilled all holes, changed oil in trickling filter, as well as other maintenance. They hauled 16,000 gallons of liquid sludge. The ceiling and wet well at south station is starting to fall down. They still need lights in the sand filter room. Roof in the main office still leaks.

Councilman Smith stated that they need to address the lighting in the sand filter room. The lights are in a spot where they are difficult and dangerous to get to. They need to get new lights or find a safe way to change the bulbs. Supervisor Conover stated that they are having an energy audit of all their buildings and they are starting with lights. He stated that he would have them look at these lights as well.

Building and Grounds- They have been very busy taking care of the re-wiring of the street lamps. They have been very busy keeping up with all parks and getting them ready. Councilman Smith commended the crew on the great job getting the parks ready for Memorial Day weekend. They have also been helping the Highway Department in cleaning out culverts with all of the rain that they have gotten. He stated that the Buildings and Grounds has been more than helpful to all Departments that call them for assistance.

Councilman Smith also commended the Highway Department on a job well done during all of the rain storms. He stated that there were 6 driveways on his road alone that were washed out at 6:30 and by 9:30 they had their culverts back in place and driveways functioning.

Supervisors Report:

- Receipts: \$713,608.70
- Disbursements: \$460,027.54
- Sales Tax Receipts: Sales tax revenues for April, 2011 for Warren County were down .8 % (\$24,806.87) from 2010.
- Mortgage Tax Receipts: For period ending March 31, 2011 \$60,528.12
- Occupancy Tax receipts \$96,835.93
- Storm Report, Pictures, Bridge Issues on Padanarum Rd. (see letter from Carl Schroder and 2002 Report).

Supervisor Conover stated that they have closed the bridges and will need to have further discussion regarding repair. He agreed with Councilman Smith that the Highway Department did a tremendous job. They did it quietly and during a busy weekend. The support of the Parks Department has been tremendous as well.

- Tree on Transfer Station property fell onto adjacent garage which we had removed by Barry Kincaid, there appears to be a few dents to the metal ridge cap of roof. He will be dealing with that in the next couple of weeks.
- Accept with regret the resignation of William Pfau from the Bolton Zoning Board of Appeals.

Supervisor Conover stated that William Pfau has resigned from the ZBA. He has served the ZBA since 1992.

RESOLUTION # 98

Councilmember Rehm moved, seconded by Councilman MacEwan to accept the resignation of William Pfau with regret and thanked him for his 19 years of service. All in Favor. Motion Carried.

Old Business / Tabled Resolutions:

- Lower Brereton Road
- Lake George Camping
- Peddler Permit

New Business:

- Resolution authorizing Supervisor to sign professional service contract with the LA Group for improvements to Rogers Park with fee of \$49,900 which includes historical investigation, costs of project administration and putting into the State for our reimbursement.

RESOLUTION #99

Councilmember Rehm moved, seconded by Councilman Maranville to authorize Supervisor to sign professional service contract with the LA Group for improvements to Rogers Park with fee of \$49,900 which includes historical investigation, costs of project administration and putting into the State for our reimbursement. All in Favor. Motion Carried.

- Resolution authorizing Supervisor to sign professional service contract with the LA Group and Elan for the update of the Waterfront Revitalization Plan and zoning updates at a fee of \$69,212.

Supervisor Conover stated that the amount shown is the top amount and they are hoping to do it for less.

RESOLUTION #100

Councilman Maranville moved, seconded by Councilman Smith to authorize the Supervisor to sign professional service contract with the LA Group and Elan for the update of the Waterfront Revitalization Plan and zoning updates at a fee of \$69,212. All in Favor. Motion Carried.

- Resolution permitting Bolton Farmers Market every Friday, from July 1-September 2, 2011, 8:00am to 2:00pm and waiving any fees associated with the market to be located on Goodman Ave. at the Blessed Sacrament Church.

RESOLUTION #101

Councilman Smith moved, seconded by Councilman MacEwan permitting Bolton Farmers Market every Friday, from July 1-September 2, 2011, 8:00am to 2:00pm and waiving any fees associated with the market to be located on Goodman Ave. at the Blessed Sacrament Church. All in Favor. Motion Carried.

- Resolution authorizing adjustment of hourly salary from \$13.66 to \$13.90 for Justin Harvanek relative to satisfactory completion of NYS course study for certification for water plant operation (Grade A/B Water Treatment Plant Operator) as approved by the NYS Department of Health effective 5/4/2011.

Supervisor Conover commended Justin Harvanek on his certification. He stated that he is pleased that they now have 3 plant operators for the water plant.

RESOLUTION #102

Councilman MacEwan moved, seconded by Councilmember Rehm authorizing adjustment of hourly salary from \$13.66 to \$13.90 for Justin Harvanek relative to his satisfactory completion of NYS course study for certification for water plant operation (Grade A/B Water Treatment Plant Operator) as approved by the NYS Department of Health effective 5/4/2011. All in Favor. Motion Carried.

- Resolution setting Bolton transfer station cubic yard disposal fees for C&D at \$35.00 (pickup truck, 6' bed or 2 cubic yards=\$70, 8' bed or 2 ½ cubic yards= \$105, 1 ton dump truck 8' bed 4 ½ cubic yards = \$175, 1 ton dump with racks 8' bed or 8 cubic yards = \$250), new fee schedule to be effective July 1, 2011.

Councilman MacEwan stated that these prices were just suggestions that will help them cover their cost. Councilmember Rehm asked if this is significantly more. Councilman MacEwan replied no. Councilman Smith asked if this is comparable with other towns. Councilman MacEwan replied yes; there are some that are higher and some lower. He stated that they will need to look into getting a scale. Councilman Maranville stated that they should also consider covering the scale. There was further discussion of the rates. Councilman MacEwan suggested that they have signage for the public and additionally provide a fee schedule for the staff.

RESOLUTION #103

Councilman MacEwan moved, seconded by Councilman Smith setting Bolton Transfer Station cubic yard disposal fees for C&D at \$35.00 (pickup truck, 6' bed or 2 cubic yards=\$70, 8' bed or 2 ½ cubic yards= \$105, 1 ton dump truck 8' bed 4 ½ cubic yards = \$175, 1 ton dump with racks 8' bed or 8 cubic yards = \$250), new fee schedule to be effective July 1, 2011. All in Favor. Motion Carried.

- Resolution appointing Donald J. King, 19 Braley Lane to the Bolton Zoning Board of Appeals: Term to expire 12/31/2013.

Supervisor Conover feels that he will be an excellent addition to the ZBA and appreciates him stepping forward and giving his time.

RESOLUTION #104

Councilmember Rehm moved, seconded by Councilman Smith to appoint Donald J. King, 19 Braley Lane to the Bolton Zoning Board of Appeals: Term to expire 12/31/2013. All in Favor. Motion Carried.

- Resolution authorizing use of Veteran's Park parking lot and beach for annual event held on Turtle Island for Intercollegiate Outing Club, September 23-25th (this is the tenth year for this event and use of Veteran's Park).

RESOLUTION #105

Councilman Smith moved, seconded by Councilman Maranville authorizing use of Veteran's Park parking lot and beach for annual event held on Turtle Island for Intercollegiate Outing Club, September 23-25th. All in Favor. Motion Carried.

- Resolution adjusting water and sewer rates.

Supervisor Conover stated that this is a step in the right direction, but it is the first of many steps. They will need to continue addressing their lost water. He asked John to go back through his numbers to check the production numbers at the plant to be sure that his numbers agreed with what was being presented and they do with only small differences. Supervisor Conover stated that he also went back to 2006 to see the difference between the production and billable which was 24-25 million. He stated that he will do that for more years to see if that is consistent throughout that period.

Councilmember Rehm stated that she and Zandy Gabriels were discussing whether or not they had a meter at the old chlorination plant. She asked Supervisor Conover to ask John if there was a meter and if there was, where is it now. Zandy Gabriels stated he would also like to know how they figured out the water production numbers if there was no meter. Supervisor Conover stated that he will be sure to ask.

Councilman Maranville asked if they are able to go and inspect lines especially those with sump pumps. Counsel Muller replied yes, but they may be met with some resistance. Councilmember Rehm asked if they could routinely check the lines. Counsel Muller replied yes but again they might be met with resistance. However, they would have the right to do so. Councilman Maranville asked if this would fall under the Code Enforcement. Counsel Muller replied yes. Councilmember Rehm stated that this is a great idea. They have recognized for some time that they think this goes on; these people do not have an alternative and the district needs the money. She feels that they should be able to charge them.

Supervisor Conover stated that when finish slip lining they will find more issues. He stated that during the slip lining they closed off 15 old branches into the main line. Just last week he got a call from Norowal indicating that their pump out facility isn't working. He stated that at the time Chet Dagles didn't know what this was and they don't have an account with Norowal. Green Mountain has since come in and cut the line out so that they are operational. However since doing so they have noticed some clear water flowing so they will need to monitor it further to see if Norowal's line is functioning properly.

RESOLUTION #106

Councilmember Rehm moved, seconded by Councilman Smith to adjust the water and sewer rates as follows:

Quarterly Water Rate Schedule

1. 0 - 5000 gallons - \$25.00 (\$5.00 per 1000 gallon x 5000 gallon minimum quarterly charge)
2. 5,001-50,000 gallons - \$5.00 per 1000 gallons
3. 50,001-150,000 gallons - \$5.25 per 1000 gallons
4. >150,000 gallons - \$5.50 per 1000 gallons
5. Flat Fee of \$100 per year or \$25.00 per quarter will be charged to all tax Parcels within the water district having property tax I.D. #.
6. Vacant (No Dwelling) parcels in district - \$6.25 per quarter per water

Quarterly Sewer Rate schedule

1. 0 – 5000 gallons – \$20 (\$4.00 per 1000 gallon x 5000 gallon minimum quarterly charge)
2. 5,001 – 50,000 gallons \$4.00 per 1000 gallons
3. 50,001 – 150,000 gallons - \$5.00 per 1000 gallons
4. >150,000 gallons - \$6.00 per 1000 gallons
5. Flat Fee of \$75.00 per year or \$18.75 per quarter will be charged to all tax Parcels within the sewer district having property tax I.D. #.
6. Vacant (No Dwelling) parcels in district - \$6.25 per quarter per sewer

(Rate adjustment to take affect at the next quarterly billing scheduled to take place in July)

All in Favor. Motion Carried.

- Resolution authorizing use of Rogers Park and front of Town Hall for the 6th Annual Art Show on July 30 and 31, 10:00am-4:00pm.

RESOLUTION #107

Councilman Maranville moved, seconded by Councilman MacEwan authorizing use of Rogers Park and front of Town Hall for the 6th Annual Art Show on July 30 and 31, 10:00am-4:00pm. All in Favor. Motion Carried.

- Resolution approving sound amplification permit by Anchorage HOA for July 2, 2011 from 6:00pm-10:00pm.

RESOLUTION #108

Councilmember Rehm moved, seconded by Councilman Smith to approve sound amplification permit by Anchorage HOA for July 2, 2011 from 6:00pm-10:00pm. All in Favor. Motion Carried.

- Resolution approving Kevin Rosa as Marriage Officiate for the Town of Bolton for 1 year beginning June 7, 2011 to June 6, 2012.

Counsel Muller stated that Kevin Rosa works at the Sagamore in Marketing and a couple

has asked him to officiate their marriage. Councilman Maranville asked why he needs a year and suggested that they allow per event. Supervisor Conover stated that he gets asked frequently and he just figured to give it a term. Counsel Muller stated that he suggested that he call the Town Justices to let them know of his desire to officiate and he has done so. Supervisor Conover stated that he does not believe that this will be a full time job, he just has been asked to do so on a few occasions. Councilman Maranville asked if he was a town resident. Supervisor Conover replied no he lives in Lake George. Councilmember Rehm asked if he has to be a member of this town. Counsel Muller replied that he is not sure.

RESOLUTION #109

Councilman Maranville moved, seconded by Councilman MacEwan to table the request. All in Favor. Motion Carried.

- Resolution regarding placement of tents at Veterans Park on July 16, 2011 by Robert McCarthy 13 Horicon Ave.

There was discussion of the amount of tents and area of placement. The Board decided to allow for the tents at the Supervisor's discretion.

RESOLUTION #110

Councilmember Rehm moved, seconded by Councilman Maranville allow the request by Robert McCarthy, 13 Horicon Avenue, for the tents at the Supervisor's discretion for a birthday/graduation party at Veterans Park on July 16, 2011. All in Favor. Motion Carried.

- Resolution authorizing Supervisor to take necessary actions relative to abandoned vehicles, trailers and campers located at 197 North Bolton Road.

RESOLUTION #111

Councilman Maranville moved, seconded by Councilmember Rehm authorizing Supervisor to take necessary actions relative to abandoned vehicles, trailers and campers located at 197 North Bolton Road. All in Favor. Motion Carried.

- Resolution regarding local artist series to be conducted by the Lake George Land Conservancy on Wednesday afternoon and evenings in the Town of Bolton.

Supervisor Conover explained that the LGLC will be hosting its local artist series at their facility. Some of the Board members have raised the possibility and the LGLC has indicated that they would help promote it, to put some local artists at appropriate locations along the street.

RESOLUTION #112

Councilman Maranville moved, seconded by Councilman MacEwan allowing local artist series to be conducted by the Lake George Land Conservancy on Wednesday afternoon and evenings in the Town of Bolton. All in Favor. Motion Carried.

Public in Attendance:

Zandy Gabriels stated that the concept of charging those with sump pumps in the sewer district is an idea. However, they would need to figure out how they would meter it. He also suggested videotaping the storm water lines in the hamlet district to find out their condition and where they go.

Transfers:

RESOLUTION #113

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

General Fund

FROM	TO	AMOUNT
12204 Supervisor	30972 Public Safety	\$ 180.00
51824 Lights	51822 Equipment	\$ 4,326.00
16202 Parks Equip.	71102 Parks Equip	\$ 1,485.00
16204 Parks, Cont.	71804 Ballfield	\$ 774.00

SEWER District

81104 Administration	81102 Equip.	\$ 371.00
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General to Sewer Transfers

March \$25,000

April \$10,000

All in Favor. Motion Carried.

Pay Bills:

RESOLUTION #114

Councilmember Rehm moved, seconded by Councilman Maranville to approve the payment of the following bills with Councilman Smith abstaining from any approvals of payment to Ron's Hardware:

	Voucher #	Amount
MAY Mid Abstract 5A:		
Lighting	505	\$4,024.52

MAY Abstract 5B:

General	588-598,600-605	3,424.79
Highway	267	16.54
Water	107-108	1,317.75
Sewer	115-118	3,928.98
Lights	587-599	286.58

JUNE Abstract:

General:	506-586,606-634	56,753.81
Highway	234-266,268-282	36,849.43
Sewer	106-114,119-126	9,226.40
Water	96-106,109-118	5,023.58
Tourism	5-8	8,215.21
Special Facilities	1	1,190.98

All in Favor. Motion Carried.

Executive Session: Contractual Matter.

RESOLUTION #115

Councilman Maranville moved, seconded by Councilman MacEwan to adjourn to Executive Session at 10:35pm 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