

BOLTON TOWN BOARD

Call To Order: 7:00pm

March 6, 2012

Pledge: Councilmember Wilson

Regular Meeting:

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

Minutes: Approve Minutes of February 7, 2012

RESOLUTION #43

Councilman MacEwan moved, seconded by Councilman Maranville to approve the Minutes of February 7, 2012 as written. All in Favor. Motion Carried.

Public in Attendance:

- Dave Wick, Director Warren County Soil and Water Conservation District regarding storm drainage assessment on Stewart Creek.

Dave Wick stated that there are a number of projects going on in Bolton, most recent is the assessment of Stewart Brook which runs into Dula Pond. The Town received a \$15,000 grant from the LGPC to perform a stormwater assessment for most of the hamlet area. The priority for the Town, Town Board and Town Supervisor was to take a look at Dula Pond. There has been some concern over a number of years, going back to the mid 90's, with the amount of sedimentation going into the pond. The grant from the LGPC was divided into 2 aspects; 1) to look at the Stewart Brook watershed and 2) the rest of the stormwater infrastructure in Town. Today they have completed half of the project with the watershed assessment for Stewart Brook and Dula Pond assessment. They completed a draft of their assessment and findings. Recently they held a meeting with the Town Supervisor, another Board member and residents committee to discuss what is going on in the watershed and what sources of sedimentation and stormwater are coming into the pond.

Dave Wick provided a quick synopsis of what some of the impacts are. He stated that there are some opportunities to do some stormwater retrofitting within the road corridor around the brook itself. He stated that the Town has a grant through WC Soil and Water Conservation in the amount of \$24,000 to pay for these improvements. Dave Wick stated that the Supervisor feels

that Stewart Brook watershed is of high priority. The next step is to meet with the Highway Superintendent Tim Coon to see if the solutions proposed are going to be feasible with regard to ground water table, bedrock, etc.

Dave Wick stated that the project consisted of walking the entire stream corridor, road networks and looking at the drop inlets and stormwater pipes going into the brook and ultimately into the pond and Lake George. The brook itself is fairly confined and down cutting into the channel and does not go out into its flood plain. They are seeing a lot of down cutting and failure of a lot of retaining walls. Currently there are no mandates that state that anyone has to do anything with their existing stream bank condition. However, if people do come into the DEC and request permission to work within the stream corridor the DEC is encouraging people to get away from using retaining walls.

Lastly, Dave Wick stated that they looked at some of the upland properties. There is one property of concern that has been noted in the past; it is currently owned by Jeff Tennent. He has spoken to Jeff Tennent this afternoon and he has agreed to meet at the property to look at what is going on up there. Jeff Tennent has made a good effort to control the sediment with a number of silt fences along the property, but he feels that more can be done to protect that property as well as minimize the amount of sediment coming off the property and into the brook.

Dave Wick stated that they need to continue working with the Citizens committee that is headed by Supervisor Conover. He feels with the funding the Town has and Mr. Tennent's efforts they will be able to reduce the amount of stormwater and sediment going into Stewart Brook, Dula Pond and Lake George. Dave Wick stated that Joann Parillo, concerned land owner on Dula Pond, has had an interest for the last decade to restore the pond to its original depths. The sediments that have come into the inlet area of the pond now have a number of wetland species growing on them. To get in and excavate that would require an APA permit and he is not sure that they would be granted permission.

Dave Wick stated that this outlines half of the project funded through the LGPC grant. They anticipate working on the other half in the upcoming months. Once that work has been completed they will come back to the Board with that analysis on different stormwater projects that will help them further protect Lake George.

Councilmember Wilson asked Dave Wick to explain how they plan to retrofit the existing system. Dave Wick stated that they are proposing to take out the road grates and install large infiltration systems. This has been done in the Village of Lake George and has been very successful. The idea is to eliminate the direct discharge of stormwater and all of its pollutants into a waterway. In the Village they have 39 different systems and they have eliminated a vast amount of stormwater fluid going into the lake. Dave Wick stated that the challenge with Bolton is that they are dealing with higher water table areas so it is not as easy to do these retrofitting projects. However the nice thing is that they have some funding from the Lake Champlain Basin Program to give it a shot. Tim Coon and the Highway Department have already agreed to

provide the back-up support with loader trucks.

Supervisor Conover thanked Dave Wick for his time and efforts. He indicated that he will have Dave Wick's report uploaded to the internet site and would provide Dave Wick's contact information for any future questions.

- Winslow Moore, Edge Design and Consulting on Solar Power Projects for Bolton. Winslow Moore stated that oil is going up and uranium/nuclear is having problems. The sun will always be here and has enough power to supply more than oil, coal and uranium can over the next hundreds of years. Solar is safe for the environment and renewable. Winslow Moore stated that what he is proposing will ultimately save taxpayers money. He is proposing this system at no cost to the Town. He stated that the only loser in this scenario is National Grid.

Winslow Moore stated that Bolton can be a leader among local towns in being green. He stated that the Town of Chester already has a solar system; they were one of the first towns in this area. This is the way of the future; it shows that the Town is open for new business and doing things right. He stated that Chestertown has already had some press on their systems and some political figures have come to see the systems.

Winslow Moore stated that large ground mounted arrays are not feasible in New York because of the lack of funding. He works with NYSERDA and the federal government and puts in systems that they allow. He plans for systems that are viable today and will not hurt them in the future. If the rules change and more funding become available they can always add onto this system or go with someone else. He stated that doing something now won't preclude the Town from doing something bigger or more elaborate in the future.

Winslow Moore stated that there are many different types of systems. Roof systems are not good for this area, and are typically found in the south. Roof systems in this area would have issues with ice and snow build-up. Additionally most structures were not designed for roof systems. The systems that he installs are expected to last at least 25 years.

Winslow Moore stated that they have looked at the Town properties; there are approximately 6 properties that can be converted. He stated that the system has 108 panels. For the average town this would produce approximately 25% of the town's power. He stated that might be lower for Bolton because they have extremely high loads.

Winslow Moore stated that this system will cost in excess of \$500,000. However, there is no cost to the Town with the exception of legal fees, if required. There is also no maintenance cost for the upkeep of the system. His company has an interest in maintaining these systems to make electricity. If the system does go down, the Town won't even know it and it just won't add to the system. Additionally it will not hurt the existing power system.

Winslow Moore explained that his company is an engineering firm out of Plattsburgh. His

company does not have any assets so engineering these systems helps him gain assets for the company. Unlike the money that they earn in other parts of the engineering he is able to take depreciation on this. The depreciation that the Town can't claim is something his firm can take because he is a business and why this is financially advantageous for him.

Winslow Moore stated that they will not be installing a system that follows the sun, also known as trackers. He will be paid less money for a system that tracks the sun. Therefore this will be a stationary system. He stated that his company will own and maintain the system. If the system earns \$300, 10% will go to the Town and the other part goes back to him to pay for the system. He stated that the Town will not make a lot of money but they will make some money for up to 20 years and at no cost for set up or upkeep. Some of the Towns do some of the basic work such as digging trenches or cleaning up the land which allows him to raise the numbers; 10% is the minimum. Bottom line is at the least, the Town gets 10% savings on any electricity that this system makes. The billing cycle can be done 1-3 months.

Winslow Moore stated that his company is made up of industrial engineers who have worked in large industry with big projects. He stated that a lot of their work has been contracted overseas so his firm sought other things such as solar power systems to stay viable. With the economy they learned that they had to be flexible. He stated that they have a lot of partnerships with union electricians and sub contract with them for the electrical work. His firm only does the designs, engineering and financing.

Winslow Moore provided a sample legal contract for Counsel Muller to review.

Frank McDonald asked why only 10% goes back to the Town; he feels the bigger the town the more that they would give back. Winslow Moore replied that NYSERDA only allows municipalities to put in a 25KW system on each meter. Therefore he will have to go to a lot of different meters in the Town. He stated that if he had a big open field he could do that, but they do not have that option. He is only able to produce so much energy so he is limited to the amount. Frank McDonald stated that he does not understand why NYSERDA would pay less for trackers. Winslow Moore replied that NYSERDA pays him per panel. A tracker with one panel follows the sun and creates more power. He is not paid by how much power he produces but rather how many panels he puts in. He stated that NYSERDA makes him do it this way; if the rules change and he gets paid for how much power he can produce he will look into trackers.

Tony Hall asked how much power will go to the Town. Winslow Moore replied that it is 10% of what he makes. He stated that all of the net metering will go back to the grid and what the Town takes gets subtracted from that number. He stated that he will get paid less than what the Town is paying National Grid.

Supervisor Conover thanked Winslow Moore for the presentation and accelerating the Town's assessment. This will move the Town into a good position should they decide to move forward. He stated that they will be dealing with legislation later in the meeting to allow Counsel Muller

and himself to further explore this possibility. Winslow Moore indicated that they are also working with Warrensburg and the Town and Village of Lake George. He stated that in the near future they will start to see some of their approved projects at the Town Hall in Chester, the Health Center and Dynamite Hill.

- Benjamin Pratt representing Sagbolt, LLC regarding minor PUD amendment for deck and canopy change at 110 Sagamore Road, Bolton, NY.
 1. Resolution regarding SEQRA determination for unlisted action by Sagbolt, LLC
 2. Resolution regarding PUD amendment for Sagbolt LLC.

Ben Pratt stated that this is a minor amendment to the PUD which has already been approved by the ZBA and PB in terms of a favorable recommendation. At the beginning of last summer the applicant proposed to make some modifications in the Shelving Rock part of the hotel. As part of the renovation they had proposed a hard deck over half of the dining deck, from the hotel toward the lake, with an awning over the remainder of the deck. As always, Sagbolt looking for improved ideas as they move through any of these projects, someone suggested to convert the roof to a full hard roof over the dining deck and to provide balconies on top of that to add amenities to the second floor hotel rooms.

Ben Pratt stated that the façade of the hotel would not significantly change aesthetically or practically. There is no change on the ground or to stormwater. Ben Pratt stated that they will be using a clear glass barrier on the balconies so that the visibility is not significantly changed. Additionally they have moved some windows and turned some of the windows into doors so they can access the balconies from the hotel rooms. They also added a window to add to the symmetry. This is a cosmetic change other than the fact that it will produce a significant more revenue for the hotel in terms of being able to sell those rooms at a premium because of the balcony.

Supervisor Conover stated that he likes the plan better than what was previously proposed. Ben Pratt stated that it is very utilitarian without changing the aesthetics.

Frank McDonald asked when they plan to start the project. Ben Pratt replied that they would like to get started as soon as possible and be done by summer. The APA was waiting for the TB to act. Additionally, they had some litigation that has since been resolved. The APA has indicated that once the town has made a decision they anticipate a quick review.

Zandy Gabriels stated that as a neighbor they like this application. He feels that it will be good for the hotel which means good for the Town. He stated that Mr. Pratt did not mention anything about lighting; however he presumes that it will be dark sky compliant lighting. Ben Pratt stated that, as usual, the plan is to use dark sky compliant lighting.

With regard to lighting, Zandy Gabriels stated that they still need to address the lights on the bridge. The applicant has come before the TB for various amendments over the past couple of

years and the preceding couple of times there has been a condition on the recommendation for the TB to discuss the lighting on the bridge itself. Zandy Gabriels stated that a few months ago Ms. Anthony provided a presentation on dark sky compliant lighting and highlighted that the lights on the Sagamore Bridge are not compliant and that it is possible to get them to be or to significantly reduce the illumination.

Zandy Gabriels stated that in the past, Mr. Pratt has indicated that it is not part of this application. He feels that it will never be part of any application because there won't be an application that gets to the bridge because it was recently redone. He feels the lighting can and should be changed and should be a condition by the TB as part of this PUD amendment.

Zandy Gabriels stated that in preceding times the engineers have told them that they have started to look at it but they were not aware of the requirements. He feels that after 4 years they should know the requirements. Mr. Pratt has indicated that the applicant is working on this but there is no deadline associated with it. Zandy Gabriels stated that the applicant has a few options that they can explore; replacing the ballasts at approximately \$1,000 total for all 4 lights, or replacement of the entire light at approximately \$1,500/light for a total of \$6,000. He feels that these are well within the budget of this project and with the increased revenues that the hotel will receive in the first year of operation would more than substantially pay for this minor modification.

Supervisor Conover stated that a few weeks ago he was contacted by the Sagamore Engineer who was interested in getting information about the new standards the Town was putting on Main Street. The uninstalled cost of each fixture is approximately \$2,000/standard. In terms of lighting, from underneath going under the bridge, there is no way to stop that illumination.

Ben Pratt stated that the PB did not put the bridge lighting on their recommendation. Supervisor Conover agreed and stated that Sagbolt has made a commitment to the Town to address this issue. Ben Pratt stated that the commitment is to make the bridge dark sky compliant and they estimate that it will cost 2,000+/light. However they have to be aware that dark sky compliant on the bridge is not the same as dark sky compliant elsewhere.

Supervisor Conover reviewed the SEQRA.

A. Does the action exceed any Type I threshold? **No.**

B. Will action receive coordinated review as provided for any unlisted actions? **No.**

C. Could action result in any adverse effects associated with the following:

1. 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 problems? **No.**

2. Aesthetic, agricultural, archeological, historic or other natural or cultural resources; or community or neighborhood character? **No.**

3. Vegetation or fauna, fish, shellfish, wildlife species, significant habitats, or threatened or endangered species? **No.**
4. 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.**
5. Growth, subsequent development, or related activities likely to be induced by the proposed action? **No.**
6. Long term, short term, cumulative or other effects not identified in C1-C5? **No.**
7. Other impacts (including changes in use of either quantity or type of energy)? **No.**

D. Will the project have an impact on the environmental characteristics that caused the establishment of a critical environmental area? **No.**

E. Is there, or is there likely to be, controversy related to potential adverse environmental impacts? **No.**

Determination of Significance: Based on the information and analysis above, and any supporting documentation that the proposed action **will not** result in any significant adverse environmental impacts.

RESOLUTION #44

Councilman MacEwan seconded by Councilmember Wilson to make a negative declaration with regard to SEQRA by Sagbolt, LLC. and PUD amendment. All in Favor. Motion Carried.

RESOLUTION #45

Councilmember Wilson moved, seconded by Councilman Maranville to approve variance and PUD amendment for Sagbolt, LLC as submitted, presented and recommended by the Zoning Board of Appeals and Planning Board. All in Favor. Motion Carried.

- Highlands Residents Concerns

Wauneata and Rich Waller, 33 Highland Drive, stated that their concerns and issues are with determination that the Zoning Administrator provided after the Court decision on the Lavender case. Per the order it brought it back to the ZA for an interpretation of the code and she wanted to voice the community's rebuttal to that interpretation.

Wauneata Waller stated that Pam Kenyon admittedly based her determination on conversations she had with the Lavenders. She stated that she, her husband and neighbors have submitted affidavits, photos, printed proof and a list of accounts, none of which were taken into consideration, nor did Pam take the time to speak to any of the community members that provided the information.

Wauneata Waller stated that John Lavender's intent to have weddings and events at the castle have been evident for 2 years but ignored by the ZBA. Some examples include, April 2010, John Lavender hosted a bridal show, showcasing his venue and other venues. The Castle is listed on dozens of wedding and travel websites citing his residence as a wedding events and corporate gatherings venue. June 2010, John Lavender stated in an interview with Examiner.com that his intent was to have weddings, keeping them small and intimate with under 150 people. On June 25, 2010 the American Bar Association held a function at the Castle through the Sagamore. On October 14, 2010 a cease and desist order was issued and John Lavender had at least 3 more events. Even the Castle website stated the events services available but was revised after John Lavender incriminated himself at the January 18, 2011 ZBA meeting which Pam Kenyon attended. On August 26, 2011, the Fort William Henry held a wedding at the Castle. John Lavender even disregarded a restraining order and held a wedding on October 8, 2011 where he allegedly instructed the bride not to use vans or limos but to carpool so that the neighbors would not be aware of the wedding. Wauneata Waller stated that these are not your typical family rental situations. Their community is appalled by the lack of Pam Kenyon's ability to make impartial determinations when it comes to interpreting the intent of the zoning code and her lack of concern for the safety and well being of the Town's residents. They feel that Pam Kenyon had a personal agenda when it came to this matter and question her ethics as she never discussed the matter with them.

Rich Waller stated that he has 12 letters from the residents of Highlands. He stated that most of the letters are the same indicating their frustration and disgust with how things were handled and the lack of determination for a year and half. He stated that they will be at the ZBA meeting in April to voice their concerns as well. He stated that it is not fair how Pam Kenyon sat by and stuck her head in the sand until she was forced to make a decision. Supervisor Conover stated that they only received 9 letters from the residents and requested that Mr. Waller provide the letters to be sure that they incorporate all of them into the record.

Rebecca Smith, 36 Highland Drive, neighbor to the castle stated that she can concur with the Wallers. She stated that this is a strange occurrence to rework the wording of the ordinance. It is not worded properly for them to define commercial and what is going on up at the Castle. She stated that her parents were involved in advertising and John Lavender is advertising. She does not see anything being done with regard to the possibility of someone being drunk coming down a one-way road. There are children on the road all of the time.

Rebecca Smith stated that she is disappointed with the Supervisor. Regardless of what happened with Pam Kenyon and not signing the letter; Kam Hoopes has lost his position on the ZBA and the vacancy was not advertised. She has seen similar advertisements for other Boards in local papers. These things are supposed to be public so that anyone may join a Board.

Rebecca Smith stated that she has known Councilman Maranville since they were young and she is concerned with his relationship to the Town Supervisor, by marriage. She does not feel that he

should have the seat on the Board. She is uncomfortable with it because it brings nepotism to mind. She is not saying that anyone is evil but it seems that there is a lot of tangling going on in Town. She stated that 2 years is a long time for something to come up. Whether money has been spent or not, or lawyers hired, she does not feel that the community is being protected. Rebecca Smith stated that they will now have to go before the ZBA and deal with this because there is not enough room in this zoning for their protection. Rebecca Smith stated that she knows that there has been a slippery slope over the past few years and feels uncomfortable and hopes that others may feel the same. She is disappointed on every level and hopes that it can be cleared up. They need to be protected up at the Highlands. Rebecca Smith stated that Pam Kenyon should have interviewed the residents. She stated that it is not a safe situation up there regardless of whether John Lavender needs to make money. She stated that they need to deal with the situation. She hopes what she heard is wrong with regard to the reason why Pam Kenyon didn't feel comfortable coming forward with what she wrote in the recent determination.

Jay McBain stated that it is a shame that it took 2 years; it is unacceptable. He stated that he is looking for a little clarification on the order from Judge Krogmann, page 6, "the Town Board as the sole legislative body of the Town, has the legal right at all times to properly amend or modify the provisions of the Zoning Ordinance to reflect what it feels is in the best interests of the residents of the Town as to the uses permitted in any zoned district within the Town and how those uses may be integrated within any zoned district. He asked if the Town Board has the authority to oversee this and take control of this, because they are looking for their support, guidance and help on the matter.

Jay McBain disagrees with the way this was handled and is disappointed that it took 2 years to get it settled. He feels the Town of Bolton and TB need to step up and help them. They have an unsafe condition up there. It has changed his life up there. They can hear broadcast music and wedding announcements, which he feels is a violation in itself.

Jay McBain stated that the determination that was made could really affect any residential area in Bolton. The TB really needs to take a look at this and make a decision with how they see the future of Bolton Landing; this is not the future that he wanted. Jay McBain stated that they have commercial activity in all the right areas. It is where loud music and gatherings should be occurring and in an area that brings income to the Town. John Lavender is holding commercial activity on his property, which is not bringing any revenue into the Town and is taking away from the neighborhood's revenue, right, investment and enjoyment of their homes. Additionally John Lavender and his guests are using the private road that he and his neighbors have paid to maintain. Jay McBain stated that he will do what he can to legally stop it and he does not want any litigation with the Town but asked the Town to step up and help.

Councilmember Wilson stated that since there is continued litigation on this matter the Town Board cannot comment on the matter. She stated that they are following the proper procedure as per the order but the Town Board does hear their concerns.

Bob Williams stated that everything that John Lavender has done has put a muzzle on the Town Board which does not allow proper communication with the community. He stated that the law is the law. He stated that John Lavender has toned down his websites so that individuals have to go to different areas to find the fees for photography, venue rental, etc. He stated that he gets \$22,000 for a wedding party to rent the castle. When one is specific as to who is going to stay there, they are setting down a trend. He stated that John Lavender has lied and deceived.

Bob Williams stated that he does not understand why Pam Kenyon has not gotten the neighbors sides of the story. Due to the litigation, the TB cannot comment which is a waste of everyone's time. He stated that this has been a long drawn out process and now back to square one and in the meantime John Lavender is counting his change. He stated that John Lavender's attitude has completely changed; he is not defending himself at these meetings nor has he stopped to talk to anyone in the neighborhood. He stated that he was almost hit by his car this past Saturday as he sped by. John Lavender has no respect for their neighborhood and feels that it is time for the TB and ZBA to take a stand and move forward. The more litigation the more that it will cost for the taxpayers to fight this.

Rebecca Smith stated that she understands what everyone is saying but she needs to reiterate, they cannot make Pam Kenyon the patsy. There is no doubt that she screwed up, by not interviewing the neighbors or done her homework. However, she asked why the TB didn't step up and ask her why she didn't sign the determination. Rebecca Smith stated this should have been addressed 2 years ago. Someone should have suggested that they go before the ZBA and request to rework this ordinance. Due to the confines of the outdated code Pam Kenyon was unable to make the determination. She stated that Pam was afraid to talk, she didn't sign the letter, Kam Hoopes no longer has a job on the ZBA, and the vacancy was not advertised. She feels that all of this is very muddy. She is upset about the issues at the Castle but she is also concerned with the lack of guidance from the Town. She feels that there should be more of an ethical experience going on in Town.

Councilman MacEwan stated that it is very difficult to sit here and not be able to speak.

- Chris Navitsky

Chris Navitsky stated that since he addressed the Board last month another project with potential impacts to the lake was passed over for a public hearing by the PB. This may not have been the most troubling oversight of this project by the Town and its representatives. A large re-development project on Boon Bay requiring 4 variances and a revised subdivision condition. He stated that typically the hearings are left up to the prerogative of the PB. On this particular application the PB determined that a public hearing for the site plan concerns was not necessary since the ZBA would have a public hearing for the project, despite the interest expressed by the public.

Chris Navitsky stated that Boon Bay is one of the hot spots for algae growth and currently has the largest infestation of Asian Clams on Lake George totaling over 5 acres which extends in

front of the subject property. The Asian Clams thrive on the nutrients in the water column and according to Dr. Sandra Nierzwicki-Bauer of the Darrin Fresh Water Institute increase in stormwater run-off and nutrients would benefit their continued growth. This fact alone is reason to scrutinize excessive variances for the shoreline development and require maximizing the stormwater and water quality protection. The 4,500 sq. ft impervious roof area of the home is proposed to be managed to a level which is 20% of a minor stormwater project. However this is the type of information that is prevented from being provided when a public hearing is ignored. Even more troubling is that the PB was advised by the Town Attorney not to make a recommendation for a major stormwater plan, which would maximize water quality protection since the Town Code states that all determinations for project classifications shall be made by the Zoning Administrator. It seems that the PB should be able to make a simple recommendation based on their experience with the project, site conditions and concerns regarding water quality. As of this afternoon, this determination has yet to be made and it is not known if the Town will take a stance on maximizing water quality protection over development.

Chris Navitsky requested that the TB to consider the requirement for public hearings for projects within the critical environmental area of Lake George, similar to the Towns of Lake George and Queensbury.

- Robert Weisenfeld on behalf of Madeline Weisenfeld, asked for an update regarding his request for the Code Enforcement Officer to send a letter to Bell Point Shores. Counsel Muller stated that they have sent two different letters to Mr. Damiani; one about the common lot and the other about bi-annual report. Robert Weisenfeld stated that he had received one letter but not the other and requested a copy of that as well. Counsel Muller replied that they will get that to him.

- Zandy Gabriels-regarding Asian Clams
Zandy Gabriels stated the Lake George Asian Clam Rapid Response Task Force is trying to raise money for eradication efforts. They will need approximately the same amount of money as last year to finish up. So far they have been able to identify approximately \$300,000; they will be about \$200,000 short for this year. He stated that other municipalities have contributed some magnitude of money. He stated the Task Force has been made aware that the EPF will not be increased by the State to funnel additional funds through the LGPC as they did last year. He stated that the Task Force is going out to all municipalities and other entities to seek the additional funding to control the invasive species. Zandy Gabriels asked for the Town and community to consider donating to the cause.

Correspondence:

- BT Benetech, Wynantskill, NY regarding benefits, payroll, human resource consulting management services.
- Tim Cantele, President Tavern Concrete Products letter of introduction and product catalogue relative to precast concrete restrooms.
- Tod M. Beadnell, P.E. regarding 2011 Town Waste Management Report.

- Robert A. Weisenfeld 230-39 53rd Avenue, Bayside, NY regarding failure to provide required stormwater report by Bell Point Shores and requesting that Code Enforcement send a letter requiring compliance.
- Michael Muller regarding payment in full by Twin Bay for Town Engineer costs relating to project review.
- Victoria M. Schmitt, P.E., Chief, Compliance Assurance Section, Division of Water Annual Certification Form for Bolton WWTP SPDES permit #NY0093688 due to NYSDEC by March 28, 2012.
- Richard E. Weber, Deputy Director Adirondack Park Agency notification regarding permit application received by them on February 21, 2012 for construction of a hunting and fishing cabin by John A. Esper near East Schroon River Road, Town of Bolton, Section 170.01, Block 1 Parcel 3.
- Janine Stuchin, Project Manager regarding establishment of tobacco free outdoor policies for Parks, Playgrounds and Beaches.
- NYS Senator Elizabeth O’C Little regarding launch of the Mandate Relief Council website and public hearing schedule and internet site www.governor.ny.gov/mandatereliefcouncil.
- Jaeger & Flynn Associates, Inc. regarding regulation 194 Primary Disclosure of compensation and quotes.
- Chris Dion, National Grid regarding decrease in National Grid bills for 2012.
- William J. Doolittle, Director of Marketing, B&C Bowers and Company CPA’s PLLC regarding attendance at 2012 NYS Association of Towns Training School and Annual Meeting.
- Ed Scheiber, Secretary, Hemlock Point Association regarding thank you and recognition for Timothy Coon, and entire highway department for their diligence and hard work on Cotton Point Road project last fall.
- Dolores E. Gianquitto, 20 Amalia Lane, Rensselaer, NY letter of complaint regarding increased minimum water and sewer charges.

Supervisor Conover stated that this was the first full January billing in quite some time. The rate structure mentioned in the letter has been in existence for 3 quarters. However, if you are seasonal and weren’t here you are recognizing it the January bill since the meters were installed.

- Rich & Wauneata Waller, 33 Highland Drive regarding complaint against John Lavender regarding holding commercial events and requesting that the Zoning Officer provide a use determination.
- John Kronenwetter 70 Upper Highland Drive regarding complaint regarding use of Highlands Castle and safety issues and review of conduct of Zoning Officer and request for schedule for Zoning Officer determination.
- Armand Canestraro, Lake George Power Squadron, Inc. regarding donation of pedestals and fire extinguishers for Rogers Park.
- Richard A. Keil, Program Manager, NYS Dept. of Taxation and Finance regarding change in valuation for special franchise companies in the Town of Bolton (Tentative Full Value \$4,888,756).

- L. Paul Rice regarding resignation as member of the Board of Directors from Hudson Headwaters Health Network.
- Alexander Gabriels regarding Aquatic Invasive Species Grant Program through the Lake Champlain program.
- Jay and Jackie McBain 2742 6th Avenue, Troy NY regarding dissatisfaction with Zoning Officer decision-making and request for written response relative to zoning issue.
- Richard J. and Elizabeth Burmaster requesting explanation of who other than Zoning Officer has interpretation responsibilities.
- Tim Larson, LA Group regarding revised schedule for Rogers Park Improvements.
- Warren County Bicentennial Citizens Advisory Committee regarding Town financial support for the Bicentennial celebration.
- Tracey Clothier, LA Group regarding the provision of Natural Gas to the Town of Bolton and need for letter to National Grid from the Town to begin the process.
- Andrea Thomas, CPC, Analyst with the Hudson Headwater Health Network regarding renewal of the Hepatitis B immunization contract with the Town of Bolton (same as 2011-\$60/shot).
- H. Craig and Lora Treiber, 16 Skyline Drive, Highlands urging the Town to take action to resolve issue of Highland Castle.
- Robert Williams and Deborah Milos requesting determination from Zoning Officer regarding use of Highland Castle.
- Wauneata Waller regarding use of meeting rooms at Town hall on Sunday May 13, 2012 from 8:30am to noon for fitness class as part of Girlfriends Getaway.
- Fay and Roger Barrows, Highlands, requesting that all zoning codes be enforced.
- John and Linda Pera requesting that the zoning officer make a determination relative to the use of Highland Castle.
- John and Lorie Gollhofer 90 Upper Highland Drive requesting explanation of zoning code for their residential area.

Committee Reports:

Councilman Robert MacEwan

Water Department- Flow through the plant was 8,589,717 gallons. They were looking for some leaks around Town and found a large leak at the school with the help of New York Rural Water Company. They hooked up to the fire hydrant and listened and determined that there was a good flow of water. With the help of Don Kingsley they got the problem resolved. New York Rural Water Company did indicate that the water system is pretty tight considering the age of the system.

Supervisor Conover stated that with the water corrections that John has been doing over the last couple of months has really reduced the flows. They will have to wait and see over the next few months but he feels that it will bring them back to where they were or even lower.

Transfer Station- Total Receipts \$3,617. The summer schedule will start April 9th. Senior Pick-up will have set up dates on May 14th and 15th. They are in contact with Jim Madison and hope

to have a meeting next week to discuss the compactor. They have to address their Spring Clean-up card. Supervisor Conover stated that they had some suggestions last year to get the cards started earlier in the spring so in the resolution he has it starting April 1 which will create a minor overlap with last year's card.

Sewer Department- Took in 2,318,910 gallons of waste water an average of 79,962 per day. Monthly samples were done and DMR's were mailed, no violations. General maintenance has been done. They sent annual flows to DEC. They have been working on the sewer jet and it should be done soon. They hauled 8,000 gallons of liquid sludge. They renewed the SPDES permit.

Supervisor Conover commented that the flows for February were the lowest that the sewer plant has experienced in the last 12 years.

Councilman Owen Maranville

Police- Patrolled 1,723 miles and used 143.6 gallons of fuel. An itemized list of calls answered is available for review. The department attended and completed the CPR/AED and First Aid Training at the Warren County Sheriff's.

Highway- They had 2 snow storms; 4 inches and 10 inches. They hauled about 50 loads of sand. They have been cutting brush and dead trees along various roads. They have been working with frozen culverts. They hope to have the street sweeper out this week.

Justice- Hon. Harry Demarest took in \$2,525 and Hon. Edward Stewart took in \$4,341. Total monies forward to the Town \$6,866. Itemized lists are available for review.

Assessor- The computer file was kept up to date with deed transfers and address changes. The processing of splits and merges will take place during March. Regarding arm's length sales they now have a total of 30 from July 1, 2011.

The in house re-evaluation project has completed the review process and impact notices were prepared and sent to property owners at the beginning of March. He has been scheduling informal reviews during morning hours and Saturday hours are also available. Besides personal visits he is also doing telephone reviews. Deanne Rehm, Assessor from Lake Luzerne, has offered and is helping out with evening and Saturday reviews. Dave appreciates her services. Because of the time involved with the revaluation project all of his field work regarding new construction, has not been completed. He hopes to finish this work on Saturday afternoons during March and early April.

Councilmember Susan Wilson

Local Waterfront Revitalization Program- The committee will meet again on March 14th to discuss details for the recommended projects and action that have been identified in various subject areas. These projects and actions are being prioritized by sub-committees in areas

including: infrastructure, recreation, land use, transportation, economic development and water resources, natural resources and quality of life. The sub-committees will provide descriptions of action needed; identify who we could partner with to accomplish those actions and a time frame to complete. The Committee remains on track with its goal to have a completed program ready for TB review in late spring/early summer.

Code Enforcement Officer- For the month of February, made 8 site visits, has a 26 page report detailing her actions.

Library- The Library will be celebrating Dr. Seuss' birthday on Saturday, March 10th at 1pm. Lots of Seussical activities, fun and refreshments are planned. For children of all ages. On Tuesday, March 13th, 7pm, the Sembrich Winter Film Festival continues with "The Wind that Shakes the Barley", a brutal, sad, powerful film of the Irish rebellion against the British, and the civil war that followed.

The Library Book Club will meet on Wednesday, March 14th to discuss Songs of the Humpback Whale by Jodi Picoult. The meeting will be held at Fredericks and starts at 7pm. Come early and get a bite to eat and do a little socializing.

The Board of Trustees will hold their monthly meeting on Wednesday, the 28th at 7pm, and the public is welcome to attend.

On March 31st, Vince Palazzo will have his book launch for This Little Piggy Belongs to the Devil.

Seniors- March 7, Wednesday, Business Meeting 10:30am at the Senior Center, Cross Street, Lunch will follow at the meal site.

March 13, Tuesday- Racino. Call Pat Merchant for more information 644-9359.

March 14, Wednesday- Wii Bowling- 10am at the Senior Center. Pizza for lunch at the center.

March 21, Wednesday- Bingo at the Senior Center 10:30am. Subs for lunch at the Center.

March 28, Wednesday- 10am Bowling at Sparetime in Lake George, Lunch to follow at Chinatown.

March 29, Thursday- ACC Lunch 12:30pm. Sign up at the business meeting on 3/7.

Reminder: Any Bolton resident who is 50 years of age or older is welcome to participate in all activities.

The Seniors wanted to let the Town know how much they appreciate the tree removal and trimming that was done at the Center. Councilmember Wilson indicated that she has shared this appreciation with George Mumblow as well.

Supervisor's Report:

- Receipts: \$871,678.73

- Disbursements: \$551,132.00
- First Notice for Sales Tax for month of February is up approximately 6.4% year over year. They will wait and see what the second notice says, hopefully it will hold.
- Solar Energy Opportunities Assessment- contacted and met with Winslow Moore regarding doing assessment of municipal solar power opportunities for Bolton- sent them copies of our electric bills will report back as this develops.

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Supervisor Conover stated that he was happy to hear that the water and sewer plant, among other places lend themselves to the opportunity of solar. He feels that they should look at this more closely.

- Bolton Water System leak inspection by Morris Cooledge- NY Rural Water.

They did a complete system-wide assessment and were able to identify at least one major leak. He stated that they will be bringing NY Rural Water back periodically to check the system; it is a free service to the Town.

- New Vermont Road Culvert replacement hazard mitigation grant through County filed with NYS DEC.
- Bridges on Padanarum

Supervisor Conover stated that he provided a letter from the WC Highway regarding the bridges. He asked the Board to look at the letter. They will be meeting with the County Engineers and Tim Coon in the near future to chart a path to proceed. The County Engineers have some ideas about how to get some crossing back in there without spending too much money, by utilizing County services, WC Soil and Water and coming off State bid contract as opposed to trying to design something individually.

Old Business/Tabled Resolutions:

New Business:

- Resolution authorizing Supervisor to execute Certificate of Acceptance of ownership, restricted use and indemnity with Warren County for Phase 2 Wastewater Collection System Improvements- slip lining gravity sewers s (WC27-11) Contract including change order no. 1 and any other necessary close-out documents.

RESOLUTION #47

Councilman MacEwan, seconded by Councilman Maranville authorizing Supervisor to execute Certificate of Acceptance of ownership, restricted use and indemnity with Warren County for Phase 2 Wastewater Collection System Improvements- slip lining gravity sewers s (WC27-11) Contract including change order no. 1 and any other necessary close-out documents. All in Favor. Motion Carried.

- Resolution regarding Statutory Installment Bond:

This is for the installment bond for the borrowing of the tandem truck that the TB previously authorized. This is the expanded version of the original resolution that was provided by the Bank.

RESOLUTION #48

Councilman Maranville, seconded by Councilmember Wilson to approve the following:

STATUTORY INSTALLMENT BOND RESOLUTION
DATE MARCH 13, 2012

Whereas, the Town Board of the Town of Bolton, New York by Resolution duly adopted on the 6th of March, 2012, authorized the Town Supervisor to purchase a 2012 Western Star Chassis Tandem Truck at a total cost of \$220,451.00 provided that the cost was to be paid from the proceeds of obligations issued pursuant to the Local Finance Law.

Now therefore be it resolved:

1. The specific object or purpose for which obligations are to be issued pursuant to this Resolution is to finance the cost of such truck.
2. The maximum cost of such motor vehicle is \$220,451.00. Such cost is provided by the issuance of a Statutory Installment Bond in the amount of \$220,451.00.
3. The following determinations are hereby made:
 - (a) The period of probable usefulness of such motor vehicle is five years.
 - (b) The subdivision of paragraph a of section 11 of the Local Finance Law which is applicable in the circumstances is subdivision 29.
 - (c) The proposed maturity of the obligation authorized by this Resolution will not be in excess of five years.
4. The Town of Bolton issues its Statutory Installment Bond in the amount of \$220,451.00 to finance such cost in accordance with the financial plan set forth by the Town of Bolton and the power to fix and determine the exact date of such Bond is hereby delegated to the Supervisor.
5. Such Bond shall be in the amount of \$220,451.00, and shall mature the 13th day of March, 2017 and shall be paid in equal annual installments of Forty Four Thousand and Ninety Dollars and Twenty Cents (\$44,090.20) on the 13th day of March in the years 2013 to 2017 in five (5) equal annual installments.

The power to determine the date upon which such installments of principal and of interest shall become due and payable is hereby delegated to the Supervisor. The Bond shall be issued in bearer form without coupons and shall not contain a power to convert to registered form. The Bond shall bear interest at a rate not exceeding three and one quarter per centum per annum payable annually. Interest will not be paid on any installment of principal, or of interest, after the due date thereof. Both the installments of principal and the interest on this Bond will be evidenced by notation on the Bond at the time of the payment.
6. The Supervisor is hereby delegated the power to prepare such Bond and to sell such

Bond at private sale at not less than par and accrued interest, and at such sale to fix the interest rate to be borne by such Bond within the limitations as set forth in this resolution. The Supervisor shall deliver such Bond to the purchaser thereof only against cash or a certified check. The proceeds of sale of the Bond shall be deposited in a special bank account as required by Section 165.00 of the Local Finance law. The powers delegated to the Supervisor by this Resolution shall be exercised in conformity with the provisions of the local Finance Law.

7. This Resolution shall take effect immediately.

The Resolution, having received at least a two-thirds vote of the members of the Town Board, was declared by the Supervisor to be duly adopted.

All in Favor. Motion Carried.

- Resolution regarding establishment of summer hours at the Bolton Transfer Station to be 8:00am-4:15pm, 7 days a week beginning Monday, April 9, 2012.

RESOLUTION#49

Councilman MacEwan moved, seconded by Councilmember Wilson to establish summer hours at the Bolton Transfer Station to be 8:00am-4:15pm, 7 days a week beginning April 9, 2012. All in Favor. Motion Carried.

- Resolution authorizing Town Clerk to prepare and distribute 2012 Spring Cleanup Cards with commencement date of April 1, 2012 and expiration of March 31, 2013.

Councilman MacEwan stated that he feels that the card should be a little more detailed regarding a pick-up truck full of brush or construction. He stated that sometimes they have larger vehicles full who want to use their card, which they cannot do. He suggested changing the language to a pick-up truck rather than pick-up load. Councilmember Wilson agreed that it would clarify the language.

RESOLUTION #50

Councilman MacEwan, seconded by Councilmember Wilson to authorize Town Clerk to prepare and distribute 2012 Spring Cleanup Cards with commencement date of April 1, 2012 and expiration of March 31, 2013 with the minor change the pick-up load will be changed to pick-up truck load. All in Favor. Motion Carried.

- Resolution authorizing Supervisor to send National Grid a letter of expression of interest on the part of the Town in Natural Gas Service for the Town of Bolton.

Supervisor Conover stated that this is a result of the LWRP asking Tracey Clothier to contact National Grid. National Grid was interested in beginning the process. They are dealing with a lengthy process, but if they are going to get anywhere they have to start the process of evaluation.

RESOLUTION #51

Councilman Maranville moved, seconded by Councilman MacEwan to authorize the Supervisor to send National Grid a letter of expression of interest on the part of the Town in Natural Gas Service for the Town of Bolton. All in Favor. Motion Carried.

- Resolution authorizing Supervisor to work with Edge Design and Consulting for the provision of solar power to municipal, sewer and water buildings and facilities in the Town of Bolton and to negotiate terms and conditions of a possible lease arrangement.

Councilman Maranville stated that he is very interested in this concept. He asked if the Supervisor has heard much feedback from the other municipalities participating in this. Supervisor Conover replied that Chester is very satisfied with their results. He stated that he also spoke to Kevin Geraghty in Warrensburg who has indicated that they plan to do something over there as well. Even though this is at Edge's expense he would like to see more of the details and terms. They looked at 5-6 sites in Town; the Water and Sewer plants are very viable and they looked at the hillside behind the transfer station to deliver to the highway garage and/or transfer station as well as a few additional sites.

Councilman Maranville asked if the subcontractors would be from Plattsburgh or hired locally. Supervisor Conover stated that he was not sure but the installation would involve using concrete slabs brought in and solar panels bolted to them.

Councilman MacEwan stated that it is definitely something they should look into. Councilmember Wilson feels that the Town would be remiss if they were not to try and pursue saving energy.

RESOLUTION #52

Councilman Maranville moved, seconded by Councilmember Wilson to authorize Supervisor to work with Edge Design and Consulting for the provision of solar power to municipal, sewer and water buildings and facilities in the Town of Bolton and to negotiation terms and conditions of a possible lease arrangement. All in Favor. Motion Carried.

- Resolution authorizing Supervisor to sign the Hepatitis B Vaccination Agreement for 2012 with Hudson Headwaters Health Network.

This is for anyone that they hire at the Transfer Station, they need a series of shots.

RESOLUTION #53

Councilman MacEwan moved, seconded by Councilman Maranville to authorize Supervisor to sign the Hepatitis B Vaccination Agreement for 2012 with Hudson Headwaters Health Network. All in Favor. Motion Carried.

- Resolution authorizing Senior Pick-Up Day for May 14 & 15, 2012 (cutoff date to make reservation May 11, 2012).

RESOLUTION #54

Councilman Maranville moved, seconded by Councilmember Wilson to authorize Senior Pick-Up day for May 14 & 15, 2012 (cutoff date to make reservation May 11, 2012). All in Favor. Motion Carried.

- Resolution amending Resolution 218 of November 2011, Drug Free Work Place Policy to include the following language: **“To ensure the accuracy and fairness of our testing program, testing for CSEA unit employees in the Highway Department will be in accordance with drug testing procedures specified by OTETA (Omnibus Transportation Employee Testing Act of 1991, as amended) and related federal regulations as all the town employees in the CSEA unit hold a NYS Commercial Driver’s License (CDL). With respect to all other town employees, testing will be conducted according to Substance Abuse and Mental Health Services Administration (SAMHSA) guidelines where applicable and will include a screening test; a confirmation test; the opportunity for a split sample; review by a Medical Review Officer, including the opportunity for employees who test positive to provide a legitimate medical explanation, such as a physician’s prescription, for the positive result; and a documented chain of custody.”**

This language replaces the current drug policy 1st paragraph on page 2 under the heading Drug Testing that mentions the testing for all town employees will be done to SAMHSA “standards”. Supervisor Conover stated that this fits with the CSEA relative to the updated drug testing policy and it has been reviewed by Counsel Muller.

RESOLUTION #55

Councilmember Wilson moved, seconded by Councilman Maranville to amend Resolution 218 of November 2011, Drug Free Work Place Policy to include the following language: **“To ensure the accuracy and fairness of our testing program, testing for CSEA unit employees in the Highway Department will be in accordance with drug testing procedures specified by OTETA (Omnibus Transportation Employee Testing Act of 1991, as amended) and related federal regulations as all the town employees in the CSEA unit hold a NYS Commercial Driver’s License (CDL). With respect to all other town employees, testing will be conducted according to Substance Abuse and Mental Health Services Administration (SAMHSA) guidelines where applicable and will include a screening test; a confirmation test; the opportunity for a split sample; review by a Medical Review Officer, including the opportunity for employees who test positive to provide a legitimate medical explanation, such as a physician’s prescription, for the positive result; and a documented chain of custody.”** All in Favor. Motion Carried.

- Resolution allowing the use of meeting rooms at Town Hall on Sunday May 13, 2012 from 8:30am to noon for fitness class as part of Girlfriends Getaway Weekend.

RESOLUTION #56

Councilman MacEwan moved, seconded by Councilman Maranville to allow the use of meeting rooms at Town Hall on Sunday May 13, 2012 from 8:30am to noon for fitness class as part of Girlfriends Getaway Weekend. All in Favor. Motion Carried.

Public in Attendance:

- Zandy Gabriels

With regard to natural gas, he stated that he is a little disappointed that this is putting the cart before the horse with the LWRP. He understands their desire to start the project since it will be a very long process. However he is disappointed that they have not finished up the broad banding of the rest of the Town. He understands that it is underway but that too is a long process and it is still not done. The LWRP has not encouraged the Town to seek the Governor and Tech Valley Communications to bring fiber optics to finish the project. Zandy Gabriels feels that this is a more important issue. It is not as long of a process as natural gas and it is more feasible and instrumental to the livelihood and well being of the residents of Bolton.

Councilman Maranville commented that Ms. Rebecca Smith needs to look up the definition of nepotism before she uses it in the public forum. Additionally she needs to understand how the election process works. They are all elected officials; there is no favors or monetary exchanges going on.

Transfers: None

Pay Bills:

RESOLUTION #57

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

	Voucher#	Amount
February Abstract 2A		
General	184-207, 230	\$5,684.55
Highway	95	16.54
Water	33, 34	1,352.01
Sewer	35-38	3,606.05
Lights	190, 195, 204	365.25
 March Abstract 3		
General	120-183, 208-229, 231-239	51,077.41
Highway	52-74, 76-94	32,343.21
Water	22-32, 35-41	5,330.97
Sewer	18-34, 39-45	7,886.43

Lights	231, 232	4,001.42
Tourism	1	10,000.00
Zoning Ordinance Update	2	4,947.62
Conservation Park	1	72.00

Executive Session: CSEA Contract Negotiations, ongoing litigation and personnel matter that involves a specific individual.

RESOLUTION #58

Councilman Maranville moved, seconded by Councilman MacEwan to enter into Executive Session at 8:50pm to discuss CSEA Contract Negotiations, ongoing litigation and a personnel matter, 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