

BOLTON TOWN BOARD

Pledge: Councilman Owen Maranville
Regular Meeting

March 1, 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

Councilman MacEwan requested a moment of silence in honor of Tim Pratt who passed away Monday February 28th.

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

Supervisor Conover indicated that there was a correction on the minutes. On page 8, it should read: "Supervisor Conover stated that this is just one project of a number of projects as part of a grant that Bolton is the sponsor on and he may have *Dave Decker* present the full program to the Board at next month's meeting."

RESOLUTION #40

Councilman Maranville moved, seconded by Councilman Smith to amend the minutes of the Regular Town Board meeting held February 1, 2011 to reflect the correct name of Dave Decker. All in Favor. Motion Carried.

RESOLUTION #41

Councilman MacEwan, seconded by Councilman Maranville to accept the minutes of the Regular Town Board meeting held February 1, 2011. All in Favor. Motion Carried.

Public Hearings:

- Amendment to Local Law #1 for 2011, Amendment to Ordinance #33; Section 7: Licensing of dogs: (c) Fees for Licensing Dogs: The Fee for a spayed or neutered dog shall be Five Dollars (\$5.00), which shall include a One Dollar (\$1.00) surcharge....

Supervisor Conover opened the public hearing. He explained that the change is in the surcharge collected which will now be \$1.00 as opposed to \$3.00. He asked if there were any comments from the public in attendance.

Zandy Gabriels asked why it was changed. Counsel Muller explained that the State mandates the amount. When the first version came out they thought that the State was collecting \$3.00 but they actually only seek \$1.00.

There were no further comments and the public hearing was closed.

Public in Attendance:

- Amy J. Manney, Deputy Director, Warren County Office of Emergency Services, Warren County Hazard Mitigation Plan.

Amy Manney explained that in 2006 the County applied for a grant for a multi-jurisdictional hazard mitigation plan. The grant went through Warren County but encompasses all of the jurisdictions of Towns, the City and Village, which gives them all an equal part in this plan. Since 2006 they have hired Friends of the North Country, which is a consultant group out of Essex County who has helped them. Amy Manney stated that a draft has been available for the past 9 months and they have asked for public comment through press releases and the internet on the Warren County website. In that time they have received some comments and were able to incorporate them into the plan.

Amy Manney stated that in 2006 there was an amendment to the Robert P. Stafford Act, which requires the Federal, State and local governments to provide a FEMA approved Hazard Mitigation Plan. This process includes a hazard analysis, assessment and identification of mitigation measures that will save lives, property and economic hardship. The thought is that if they can provide these mitigation measures they will not suffer as much. For example if they had proper mitigation measures in place back in 2005 they would not have suffered as much with the flooding. The Federal government is looking to be able to spend less money if the proper mitigation measures have already been put in place.

Amy Manney stated that they are seeking the TB's support for the Mitigation Plan. By having an approved plan they will be eligible for grant money which is the most important thing. She stated that once this is approved there will be money available throughout the year. This past year in December, New York City received a tremendous amount of snow which made emergency response very difficult. In February, the President declared a Presidential Declaration in which the city will be reimbursed for the financial hardship they incurred. Additionally, in that declaration it stated that there would be additional funds for jurisdictions with a FEMA approved Mitigation Plan. She stated that they are asking all of the municipalities to sign off on this as quickly as possible in hopes to get in under the deadline and obtain some grant money out of this particular declaration. She stated that the declaration does not have to affect them; they just have to be in the same state to get mitigation measures.

Supervisor Conover asked what the process would be to add or subtract possible mitigation projects from the mitigation plan. Amy Manney stated that they are planning to leave it as it is for now because the feds like it as it is. She stated that this plan has taken about 3 years to write and some of the stuff is already outdated. However they can make changes when they update regularly. She stated that most good plans are updated annually. It is required that this plan is updated once every five years but they recommend every 3 years. Amy Manney stated that her hope is to update it annually.

Deanne Rehm asked what infestation refers to and why Bolton was not mentioned. Amy Manney explained that it refers to animal or bug infestation. Councilmember Rehm stated that they have beavers which she would think might fall under this category. Amy Manney stated that it was not added at the time because no one specifically mentioned that Bolton had that issue. She stated that she can add this to their list for an update in the future. She also recommended that any further comments or additions can be done on the website.

- Dave Decker, Watershed Conference, NYS EFS financing application for Finkle Brook Delta removal project.

Dave Decker stated that this project has been identified as a problem prior to the development and formation of the Lake George Watershed Coalition. The Coalition adopted this project. It is one of seven major deltas around the lake that greatly affect water quality, fisheries and usage in general. He stated that these projects are recognized as major projects and not something that no one municipality would not be able to handle alone. So they have included it on an ongoing basis to their application made to the Environmental Protection Fund Local Waterfront Revitalization Program that is offered every year through the Department of State. This year and in conjunction with the Project Review Committee, the Finkle Brook project was the one that was included in the most recent contract awarded to Bolton. The work plan has been approved and it is in the contracting process at the DOS. At some point the Supervisor will receive a contract back from the State that includes this \$900,000 grant of which, \$250,000 is dedicated to this project.

Dave Decker stated that three years ago they submitted an application to the Environmental Facilities Corporation, whereby the project was listed on their intended use plan. Each year the project gets scored and this year this project was scored high enough to be considered eligible. The EFC is in the business to finance these projects and they approached the Town to submit an application for some short term or long term funding. Dave Decker stated that they have put together their application. However, it does need to be signed and authorized by the Supervisor in order for the application to be submitted.

Dave Decker explained that they apply for this financing because all of these projects are a 50/50 matching grant and it is a reimbursement grant. The Town has to incur the expenses to take advantage of an invoice in order to receive the grant. The EFC will pre-fund the project and therefore will not have to wait for the grant money in arrears which at times can take months if not years to get reimbursed. They will gain a significant advantage in the contracting market and save them when they go to bid if the private contracting market knows that there is funding already behind them. The EFC provides a funding line at a very preferred rate of 1-2% and gives them an extended time to pay this back. Essentially they will be able to pay the contractor up front and then pay off the EFC when they receive reimbursement from the grant itself.

Dave Decker stated that the application will not commit them to the EFC loan. The

commitment comes down the road, when the documents are in place and they are ready to go to contract for the money in July/August. He stated that once the application has been reviewed, the EFC will return with an offer and you will need to make a decision at that time.

With regard to the actual project itself, Dave Decker stated that they have most of the approvals in place and the engineering reports have been submitted. There have been some conference calls with EFC and the DEC which have resulted in some revisions. The DEC is in the process of notifying all of the parties involved, that they will serve as lead agent to progress a SEQRA review to take it to the next level and get it approved. Dave Decker explained that 7-8 years ago the LGA submitted a generic environmental impact statement completed. It explained all of the major delta projects around the lake and looked at a couple of different processes for sediment removal. The current process being suggested by the WC Soil and Water Conservation District and in the Engineering Plan is not one of those processes. The DEC is going to undertake a supplemental environmental impact statement and part of the funding from the grant will provide them money to do that.

Dave Decker stated that the EFC is looking to get their applications in within the first 2 weeks of March. Again they are looking for authorization of the Supervisor to sign and submit the application. Supervisor Conover explained that the EFC funding is a good option that they may want to consider and recommended approving the resolution. He stated that it will not prohibit them from obtaining other financing on their own, but it at least provides an additional option.

- Bolton Chamber of Commerce request to utilize Veterans Park for event on Thursday, June 9, Friday June 10 and Saturday, June 11, 2011 (set-up after 3pm on the 8th).

Jim White stated that the Chamber of Commerce is looking to undertake a new event during Americade. This event would allow vendors to sell motorcycle items. The objective is to get the participants to spend some time in Bolton instead of just driving through. He stated that they are seeking to use the black top of the area of Veterans Park. They would not use the grass because they do not want to create any disturbance to the area.

Jim White stated that they are not sure how big this event will be but hopes to grow in the next year. They are looking for small scale vendors to sell their wares and goods and not interested in having large trailer truckloads. The vendors would be required to sign waivers just as they do with the craft fair. They would like permission to use the power if the vendors require it. Security would also be in place overnight.

Supervisor Conover asked if they are requesting that the entry fee be waived. Jim White replied yes they are seeking for free admission on Saturday.

Deanne Rehm stated that she does not feel that they will really displace many people

during this time of year since it is early in the season. Additionally, they still have Rogers Park to accommodate those seeking a picnic and beach area. Jim White stated that they are not looking to displace anyone and they don't plan to prohibit people from using the park.

Councilman Smith stated that any events created during the shoulder season is a positive. This brings more tax money and revenue to the Town and businesses. Veterans Park is a great location since it is so visible from the road. Jim White stated that it will involve some advertising of the event. He asked if they would consider allowing some sort of sign or banner for the event. Supervisor Conover stated that he feels that they could provide some type of signage to let people know that the fair is going on. Jim White asked if they would need a permit for the sign. Supervisor Conover stated that they can consider that in their motion.

Councilman MacEwan asked how many vendors they anticipate. Jim White replied that he hopes to have 20 but he is not sure how many they will get especially since this is the first year. He indicated that the vendors will have to pay a fee to participate. The cost of a 10x10 space would be \$100 and each additional space would be \$50.00. He stated that the money will be used to cover their expenses for security, advertising, tables and tents.

Zandy Gabriels asked if they will use the basketball court. Jim White stated that it may be utilized. Zandy Gabriels stated that he would recommend taking special precautions when using the courts due to the delicate nature of the surface.

With regard to Dave Decker's discussion, Zandy Gabriels stated that he agrees that the TB should sign this agreement. He made the observation that they take up the offer of the EFC, they may be taking the chance that the Department of State gives them the grant within the 3 year period of time. He stated that takes a lot of faith and trust in the State in a very financially uncertain time. He doesn't understand what would happen if the State does not process the grant funds allocated. Presumably they could get the EFC to extend the contract but he is not sure if that is the case.

With regard to the proposal for the after the fact applications, Zandy Gabriels stated that they should really consider preventing these after the fact applications from happening in the first place. He feels the only way to prevent these types of applications is to have enforcement of the code right up front. He suggested that this enforcement should be coming to the TB for their review. He stated that it would allow them to assess penalties and seek alternative remedies that are not being done at the PB or ZBA level. He is not sure that \$150 is going to cover the cost for reviewing these applications.

Zandy Gabriels stated that in the past these applications used to come before the TB for review. This process allowed the TB to determine whether or not this was an accidental or intentional mistake or if someone is just pushing the envelope. Applicants could not obtain any permits or approvals from the ZBA or PB until it was heard. He stated that these other Boards do not have the legislative authority to do anything but approve after the fact applications with conditions. He is not sure that they have the legal authority or

the political will to require an applicant to take it down, but the TB does. He feels that the TB should assume that responsibility of enforcement of after the fact applications.

Chris Navitsky recognized the efforts of the Zoning Department and municipal review boards and the service that they provide to the Town and public. They appreciate their assistance in helping them with their responsibilities. They are always looking for ways to improve the delivery of their message for the protection of Lake George. He thanked Counsel Muller, Councilman MacEwan and Pam Kenyon for their efforts of improving the delivery of public messages and comments in a more timely and effective manner. However, he would like to offer some ways to improve the ability for the public to comment and to allow review members to have more information to base their decisions.

Chris Navitsky stated that there is a need to define the procedure for requesting a determination from the Zoning Department. This issue has been raised with the TB previously and discussed as far back as the February 2009 meeting and despite their continued discussion it has yet to be effectively implemented. Initially this became a concern when their 3 requests for a single determination regarding the Pinnacle development were never responded to. The only response they received was from Counsel Muller indicating his understanding of the Zoning Administrator's interpretation of the Code at a Planning Board meeting. When the ZBA denied their appeal, they found out that it was not an actual determination because it was not made by the Zoning Administrator. In an attempt to resolve, Counsel Muller detailed this process as he did in February 2009, to be sure that their request is specific to the Town Code and specific to a particular application and sent to the Zoning Administrator. In the past month, they have twice attempted to obtain a determination on an application and again did not receive a response. Once again the only determination they received was from Counsel Muller at the Planning Board meeting, which they found was not really a determination at all. Chris Navitsky stated that this process is flawed and needs to be addressed.

Chris Navitsky stated that they are also concerned about the delivery of public comments and recognition in the record. Although there has been an ongoing discussion with the Town, comments regarding a shoreline redevelopment project were not recognized at the February ZBA meeting even though they were submitted on time for the January meeting. He is not sure that they were even provided to the Board members. They would like to again have discussions with the Town a better way to get this information to the Board members.

Chris Navitsky stated they are also disappointed with the failure to recognize their timely submission on an appeal regarding a determination by the Zoning Administrator. Their appeal was submitted 1 ½ weeks before the submission deadline for the February ZBA meeting. Perhaps it was overlooked and he hopes that it is not overlooked again.

Chris Navitsky stated that he looks forward to working with the Town to improve these processes and the water quality of Lake George.

With regard to the after the fact proposed resolution, Chris Navitsky feels that Zandy

Gabriels raised some good points. The \$150 is rather light and is almost the cost of doing business. He stated that if they want to get away from after the fact applications they should look at other ways to discourage it.

Correspondence:

- Marc Migliore, NYS DEC, Lead Agency Determination for SEQRA on Finkle, Indian and Hague Brook Delta Dredging.
- Stuart Smith, Frederick's Restaurant, 4970 Lake Shore Drive, Bolton, Intent to Renew liquor license.
- Mike Muller, Town Attorney regarding after the fact permit fees and proposed resolution.
- Timothy J. Los, CEO, Rante, letter of introduction regarding procurement services platform.
- Mayor Robert M. Blais regarding Village of Lake George support for Smart Growth Grant Program.
- Robert Davies, Director, Division of Lands and Forests, DEC regarding conservation easement on property owned by the Town of Bolton.
- Michael Caton, Computel Consultant letter of introduction for utility billing analysis.
- New York State Department of Taxation and Finance letter setting tentative special assessment full values for special franchise companies.
- Eric Spenlinhauer, Town Hall Streams, letter of introduction regarding internet services.
- Hudson Headwaters Health Network requesting meeting date for Advisory Committee (committee met February 22, 2011).
- Amy Manney, Emergency Services Coordinator, Deputy Director, Warren County Office of Emergency Services regarding local adoption of Warren County Hazard Mitigation Plan.
- Richard Weber III, Deputy Director, APA notice of permit application from Rose and Damian Alessi , section 186.14, block 1 parcel 61, Melody Manor, addition to existing structure that is over 40 feet in height.
- APA regarding 14th annual Adirondack Park Local Government Day Conference March 22 and 23, 2011.
- John Mucha, Time Warner Cable, regarding possible changes or additions to programming.
- Jonathan C. Lapper, Esq., Bartlett, Pontiff, Stewart and Rhodes, P.C., response to Chris Navitisky, PE, Lake George Waterkeeper regarding Gordon Family Retreat 4044 Lake Shore Drive.
- Casandra Carlton, 816 Harrisburg Road, Stony Creek, NY, application for sound amplification permit for D.J. at Veterans Park for a wedding, 3pm-7pm, Saturday, June 4, 2011 (location of the D.J. will be in the Pavilion).
- Dave Decker, regarding payment voucher relating to contract C006506 to the Watershed Coalition.

Committee Reports:

Councilman Robert MacEwan

Water Department- 4,689,248 gallons filtered. Samples came back satisfactory. Routine

work and maintenance has occurred throughout the month. There were 2 freeze-ups; one at the Ryefield and the other at the Sagamore house on the corner of Route 9N. They have been busy with snow removal. TomTorebka took a week's vacation. Justin Harvanek is taking a Water Treatment course at Hudson Valley.

Code Enforcement Officer- 10 page report, 4 site visits, 1,013 miles logged

Zoning Office- 2 certificates of compliance, 2 site plan reviews, 2 storm water, 1 subdivision. Total collected for the month \$455.55.

Councilman Owen Maranville

Police Department- patrolled 2,257 miles and used 202.3 gallons of fuel. They also had 301 property checks. An itemized list is available for review.

Highway Department- Provided a breakdown of the snow fall amounts for February. They have done a nice job cleaning up and pushing back the banks. They have been cleaning up the back streets and parking lots. They have been cleaning the garage after the Library's "Cabin Fever" Party, which was a big success. They had 10 tons of stone dust for filling in pot holes.

Assessor- The maintenance of deed and property information was kept up to date. They have 2 more sales in the Town, which brings them up to 19 since July 1st. The WC Assessors had a meeting Tuesday February 22nd. The large concern has been erroneous information provided to them from the NYS Department of Taxation and Finance with regards to income in excess of \$500,000. At the end of January the State provided them with a list of property owners who were determined to have incomes over the \$500,000 limit and after sending out the required forms denying the exemption, they informed Dave Rosebrook of their error and that corrections were forthcoming. He received the corrections on February 23rd. The Governor's proposed budget has eliminated all funds for assessors training. However, assessors are mandated to acquire 25 hours of continuing education. The funding for the re-evaluation has also been greatly reduced. Dave Rosebrook spent a lot of time in the field inspecting open building permits. Deb MacEwan has been very busy with the administration of the various exemptions.

Justice Department- Hon. Harry Demarest took in \$5,825 Hon. Edward Stewart took in \$3,480. Total monies forwarded to the Town \$9,305. An itemized list is available in the Court for review.

Councilmember Deanne Rehm

Library- The Cabin Fever Party on February 19th, was a huge success. They raised well over \$1,700 to support the Library. They would like to extend their thanks to the highway department for their cooperation. On March 9th Friends of the Library will hold a meeting. The Friends of the Library is a group of volunteers from the community that help with public relations and fundraising. On March 15th they will be showing "Painted Veil" in collaboration with the Sembrich Museum.

Councilmember Rehm stated that Supervisor Conover has added to the agenda a resolution to recognize Megan Baker's 30 years of service as Librarian. She stated that she does a wonderful job and has helped with so many projects to make the library what it is today.

Seniors- On March 2nd they will hold their monthly business meeting at 10:30am. On March 8th they will go to the Racino. On March 16th they will go to Spare Time Bowling in Lake George and on March 23rd they will have Wii Bowling. On March 30th, they will have Sandra Clark from the Center for Better Hearing, for a presentation of hearing loss.

Emergency Squad- On February 12th the Squad held their annual dinner to install their new officers. They expressed specifically their appreciation for all of the assistance that the Bolton Police Department offers, not only as traffic control but to have someone with authority on hand at an accident has been a huge advantage.

Recreation Department- They did open three days during the February school break. Two of the three days no one showed up. The day they advertised snowshoeing, no one came. It seems that vacation time people are traveling and the children are not free to come to the Center.

On March 22nd at 6:00pm the Summer Camp sign up will be available. The camp will be 7 weeks long this season and is opened to ages 6-12. For the Town Board information, as part of the report there is going to be an increase in our cost but a light increase in revenue so it's a wash. As summer progresses we will need to amend our budget to recognize the change.

Conservation Club Center- The group met last Monday. They worked well and dealt with a big agenda. They have provided a final draft of the application for use of the facility and the agreement that will go along with it. Councilmember Rehm stated that if the Board has a comfort level with it, she would recommend allowing the Supervisor and committee work through any additional changes. She stated that they would be posting this on the website for public review and comments. She stated that if they don't get any, then she sees no reason why they can't just adopt it and move on. The Board agreed that they would be ok with that.

Councilmember Rehm stated that she would like to come forth with a resolution at next month's meeting recognizing the 10 years of hard work and service that the committee and many members of the community and Town Board that made the Conservation Club what it is today.

Councilmember Rehm stated that Jane Caldwell and a few others are interested in creating a community garden. She asked if they would need to get approval from the TB or can the committee make those decisions. Supervisor Conover stated that he does not have any problem with it and feels that is why they have an advisory group in place.

Councilman Gregory Smith

Sewer- Took in 3,210,300 gallons of waste water for an average of 114,654/day. Monthly samples have been done and DMR's mailed, no violations. Slipped lined over 5,000' in sewer main by Green Mountain. This is about 50% of the pipes in Town. This is supposed to add 50 years of longevity. If everything goes well the rest of the sewer lining will be completed this fall. They have been removing a lot of snow. They had to thaw pump #1 going to sand filters. This keeps freezing up and they will need to build some type of structure over it. Did not haul any sludge this month. Smith Control will be here on March 2nd to fix the EQ tank chemical pumps.

Luke is now working for the Parks Department on Tuesdays, Wednesdays and Thursdays for the winter. In the Spring, he will be at the Sewer Department Mondays, Wednesdays and Fridays and at the Parks Department on Tuesdays and Thursdays. They need to purchase mobile gas detector for entering manholes and cleaning stations for safety.

Parks Department- They have been busy with snow and ice removal and helping the Highway Department. They have had to remove the gutter on the Town Hall that was affected by the snow. They had added new desks and countertops in the Health Center.

Supervisor's Report:

- Receipts: \$719,691.03
- Disbursements: \$415,254.83
- Sales Tax Receipts: County sales tax receipts for January were up 4.6% over January, 2010.
- Building Permits issued in the Town of Bolton by Warren County Fire Prevention and Building Code Enforcement was 154 (see table for all Towns).
- 2010 visitation at the Bolton Health Center was 3,268 (see table for all Health Centers).

Supervisor Conover stated that they recently had a meeting with the Hudson Headwaters Health Committee who indicated that they are extremely pleased with the building and the service of the building that they receive.

- Meeting held by L.A. Group to Advance an Adirondack Smart Growth Grant Application held February 23 @3pm at Lake George Land Conservancy.
- Received phone call from NYS Comptroller Office that the grant agreement for improvements to Rogers Park has been approved.
- Spring Clean-up Cards. Town Clerk needs to go to print for new cards this year with any changes.
- Up Yonda Farm will be holding its annual Maple Festival on March 6th from 9am-2pm.
- Tax Payment to the County were made in a timely fashion with over 2.9 million dollars paid on February 3rd and on March 1st another \$980,000.

Old Business / Tabled Resolutions:

- Lower Brereton Road
- Lake George Camping
- Draft amendment to Ordinance #31 regulating size and horsepower of motor boats on

Trout Lake (public hearing set for June 7, 2011).

New Business:

- Resolution amending Ordinance #33 Entitled Dog Control Ordinance for the Town of Bolton Section 7 (C).

RESOLUTION #42

Councilmember Rehm moved, seconded by Councilman Maranville to amend Ordinance #33 Entitled Dog Control Ordinance for the Town of Bolton Section 7 C. The Fee for a spayed or neutered dog shall be Five Dollars (\$5.00), which shall include a One Dollar (\$1.00) surcharge... All in Favor. Motion Carried.

- Resolution ratifying and approving the Supervisor's signature and authorization to sign amendment to grant agreement with Warren County for improvements to North Bolton Pump Station and Force Main Project.

RESOLUTION #43

Councilman MacEwan moved, seconded by Councilman Smith to ratify and approve Supervisor's signature and authorization to sign amendment to grant agreement with Warren County for improvements to North Bolton Pump Station and Force Main Project. All in Favor. Motion Carried.

- Resolution authorizing Bolton Chamber of Commerce to utilize Veterans Park on June 9-11, 2011 between the hours of 10:00 am and 6:00pm for an event.

RESOLUTION #44

Councilman Maranville moved, seconded by Councilman Smith authorized the Bolton Chamber of Commerce to utilize Veterans Park on June 9-11, 2011 between the hours of 10:00am and 6:00pm for an event with set up to occur on the afternoon of June 8, 2011. This resolution will also: 1) authorize the use of signage or banners announcing and locating the event and this is in lieu of going to the Planning Board for banner approval. 2) Waive the admission fee on Saturday June 10, 2011. All in Favor. Motion Carried.

- Resolution adopting "after the fact" application fee of \$150 for Planning Board, Zoning Board of Appeals and Town Board for all projects commenced without first obtaining a necessary permit.

Councilmember Rehm stated that Zandy Gabriels was correct that a different process was in place called alternative remedy. Whereby a violation or reported violation would have to go before the TB before they could proceed with ZBA or PB review. There has been reluctance for the TB to get involved and for the past 2 years most of these actions have gone to their respective Boards with no penalty of any sort and the Boards have had to deal with it. She has suggested this is a compromise. This would be in addition to any other filing fees.

Counsel Muller explained that this is just a surcharge that is an extra fee and those fees are subsequent to other application fees. He stated that they created this after the fact application to help control this. It is well explained on the application and it also allows

the Planning Office to check everything that may still apply, site plan review, subdivision, septic, building permit, etc. It would be upfront and disclosed with the \$150.00 fee which would start the process.

Councilman Maranville asked if the one time fee is for that specific incident. Counsel Muller replied yes. Councilman Maranville asked if \$150.00 is a typical fee that one would encounter for this type of application in other towns. Counsel Muller replied that there are good reasons for having a higher and lower fee. By having it higher they are sending a message, however, they can still do this with their alternative remedy. The reason for keeping it lower, it is because that amount of money is low in comparison to what it would cost to go through the court of record to challenge it.

Supervisor Conover stated that the voluntary compliance is \$150. Councilmember Rehm stated that was her motivation. When looking at 2010 revenues for the Planning Department she found that the compliance agreements were collecting \$150 but it was not being applied to these after the fact applications.

Councilmember Rehm stated that she is concerned with the one time fee. She stated that an after the fact applicant may need a variance, septic permit and building permit which she would feel would warrant \$450, \$150 for each violation. Counsel Muller stated that it was not written that way. Councilmember Rehm stated that it was not her intent to have it be applied to all, but rather per violation. Counsel Muller stated they could change that. The TB would need to decide if they want this to have a cumulative effect with each separate violation or just one fee for all violations. Councilman Maranville asked if this works in conjunction with alternative remedy. Counsel Muller replied yes.

Supervisor Conover stated that most of these people that come under the compliance application are there because they want to come into compliance. Counsel Muller stated that this was also not written to consider into account repeat offenders. Councilman Maranville asked if it should take that into consideration. Counsel Muller replied that he does not feel it is necessary because they still have the alternative remedy process, which has been used in the past in these situations. Councilman Smith stated that the ZBA and PB need to know that the alternative remedy option still exists.

Supervisor Conover commended Councilman MacEwan, Counsel Muller and the staff for all of their effort in consistently reducing the outstanding issues list. He stated that it is the smallest that he has seen in years.

RESOLUTION #45

Councilmember Rehm moved, seconded by Councilman Maranville to adopt “after the fact” application of \$150 for Planning Board, Zoning Board of Appeals and Town Board for all projects commenced without first obtaining a necessary permit. All in Favor. Motion Carried.

- Resolution adopting the Warren County Pre-Disaster Multi-Jurisdictional Hazard Mitigation Plan as Bolton’s Natural Hazard Mitigation Plan.

RESOLUTION #46

Councilmember Rehm moved, seconded by Councilman Smith to adopt the following resolution:

- WHEREAS, the Town of Bolton, with the assistance from Friends of the North County, Inc., has gathered information and prepared the Warren County Pre-Disaster Multijurisdictional Hazard Mitigation Plan; and
- WHEREAS, the Warren County Pre-Disaster Multijurisdictional Hazard Mitigation Plan has been prepared in accordance with the Disaster Mitigation Act of 2000; and
- WHEREAS, the Town of Bolton is a local unit of government that has afforded the citizens an opportunity to comment and provide input in the Plan and the actions in the Plan; and
- WHEREAS, the Town of Bolton has reviewed the Plan and affirms that the Plan will be updated no less than every five years;
- Now THEREFORE, BE IT RESOLVED by theTown Board that the Town of Bolton adopts the Warren County Pre-Disaster Multijurisdictional Hazard Mitigation Plan as this jurisdiction's Natural Hazard Mitigation Plan, and resolves to execute the actions in the Plan.

All in Favor. Motion Carried.

- Resolution authorizing the Supervisor to submit application to NYS EFS for financing assistance for Finkle Brook Delta Removal project.

RESOLUTION #47

Councilman Maranville moved, seconded by Councilman MacEwan to authorize the Supervisor to submit application NYS EFS for financing assistance for Finkle Brook Delta removal project. All in Favor. Motion Carried.

- Resolution authorizing Supervisor to sign Department of State grant agreement for improvements to Rogers Park.

Supervisor Conover stated that this is the \$250,000 received for the park. Included in that work program was a shift of emphasis to the development of restrooms down at the beach and other beach area improvements, with some improvements on the hillside should there be sufficient funding. In addition to that they will be able to use monies already spent on the pier as a match on that. He would like to move that through their recognition and meet with their approval. They more than likely will not be able to start this project for some time. Supervisor Conover stated that they have received their funds for the pier project so they are not dealing with having additional funds out there. They are trying to stagger these projects so that they are not straining their operating condition.

RESOLUTION #48

Councilman Smith moved, Seconded by Councilmember Rehm to authorize the Supervisor to sign Department of State grant agreement for improvement to Rogers Park. All in Favor. Motion Carried.

- Resolution authorizing Supervisor to enter into profession service contract with the L.A. Group for professional services relating to improvements to Rogers Park.

Supervisor Conover stated that he will come back to the Board with specifics on this when they are available. This will also have to be approved by the Department of State.

RESOLUTION #49

Councilmember Rehm moved, seconded by Councilman Smith to authorize the Supervisor to enter into professional service contract with the L.A. Group for professional services relating to improvements to Rogers Park. All in Favor. Motion Carried.

- Resolution authorizing Spring Clean-up Card.

Supervisor Conover stated that last year they made some really good adjustments to the card. Councilman MacEwan stated that he thinks that it worked nicely last year. However, he feels that it could still be tweaked. He is not sure that they get a lot of items listed on the current card. He suggested grouping some of the items together. For example they could combine the couch, loveseat or a chair. Supervisor Conover agreed that grouping them would be a good idea.

Councilman Maranville asked if the Board would be interested in adding tree limbs to the card and group it with the C & D. He feels that it would be good to give something back to the community. Councilman MacEwan agreed that it would be a good way to give back. However, he is concerned with receiving an abundance of brush especially since they have had difficulty dealing with it in the past. Supervisor Conover agreed. He stated that they have just gotten that under control and it is very expensive to get rid of it. Councilmember Rehm stated that she would be willing to go along with it as long as it is well defined. Supervisor Conover stated that he feels that there is plenty of value on this card and he would be reluctant to expand it more for the time being.

RESOLUTION #50

Councilman MacEwan moved, seconded by Councilmember Rehm to approve the Spring Clean-up Card with the changes of 1 couch, **or** 1 loveseat **or** 1 chair. Also, 1 VCR **or** 1 DVD **or** 1 TV. All in Favor. Motion Carried.

There was further discussion regarding adding brush to the card. Councilman Maranville stated that he is suggesting that they have this as C & D. He stated that it will be either or and will not be able to bring both. Even though it is expensive to dispose of brush, it is less expensive than C & D disposal. Councilman Smith agreed.

RESOLUTION #51

Councilman Maranville moved, seconded by Councilman Smith to add **one** pickup load of C&D **or** Brush to the Spring Clean-up Card. All in Favor. Motion Carried.

- Resolution for sound amplification permit for Casandra Carlton, 816 Harrisburg

Road, Stony Creek, NY, for a D.J. at Veterans Park for a wedding, 3pm-7pm, June 4, 2011.

Supervisor Conover stated that it has been explained that this is a public park and that the space may not be available. Councilmember Rehm asked if they understand that they will be paying the admission fee. Supervisor Conover stated that has been explained as well. Councilmember Rehm asked if all of the neighbors within 500' have been notified. Pat Steele indicated that he applicant did not list the neighbors on the application because they did not know anyone. Councilmember Rehm stated that they should conditionally approve this and give her a month to send notice to those people. A list of neighbors names and addresses will be provided by the Zoning Office. If there is no negative feedback they can then grant approval. The Board agreed.

RESOLUTION #52

Councilman Maranville moved, seconded by Councilman Smith to authorize a sound amplification permit for Casandra Carlton, 816 Harrisburg Road, Stony Creek, NY, for a D.J. at Veterans Park for a wedding, 3pm-7pm, June 4, 2011 with the condition that all neighbors within 500' are noticed. All in Favor. Motion Carried.

- Megan Baker recognition for her 30 years of service as the Librarian for the Bolton Free Library.

RESOLUTION #53

***RESOLUTION OF THE BOLTON TOWN BOARD
FOR MEGAN BAKER***

WHEREAS: Megan Baker is celebrating 30 years as the Director of the Bolton Free Library and

WHEREAS: Megan has diligently and effectively increased the library's circulation and created a warm, welcoming gathering place for many foreign students, tourists and residents, and

WHEREAS: Megan attends classes and seminars to keep the Library updated with the newest technology and materials and

WHEREAS: Megan has been instrumental in the Library acquiring a sculpture by the internationally acclaimed artist and Bolton resident, David Smith, and

WHEREAS: Megan has been the heart of the Library and an asset to the town.

WE NOW THEREFORE LET IT BE RESOLVED, that the Bolton Town Board, do pause in our deliberations to honor Megan Baker and her dedication to the Library and the community.

Councilmember Rehm moved, seconded by Councilman Maranville All in Favor. Motion Carried.

Public in Attendance

Zandy Gabriels applauded the TB's commendation of Megan Baker. She has done a wonderful job for the Town for over 30 years. In so doing, the various Boards of the Library including the Town Board should also be congratulated for withstanding the pressures from the Department of Education about who can be a librarian for what size facility.

Zandy Gabriels commended the TB for changing priorities at Rogers Park to move the bathrooms. He stated that it is time to address this issue and he is happy to see the progress in this direction.

Zandy Gabriels raised a suggestion to the Assessor. The press has been showing a great interest in people wanting to get access to broadband. Our local assessors do not acknowledge what type of internet access a property has which can assist in valuing properties. He feels that it is important for people to know this information since many people in the Adirondacks do not have access to the internet and it impacts the value of the property. He suggested adding this as an assessable item. Dave Rosebrook indicated that he will be raising this question to the WC Board of Assessors and go from there. Zandy Gabriels suggested that the TB make a resolution authorizing Mr. Rosebrook to take what appropriate actions necessary to see this through.

With regard to after the fact applications, Zandy Gabriels stated that he is concerned that someone could put in a septic system that is key and critical to their property. This investment these days will cost \$4,000-5,000 and all that they will be penalized with is a \$150 surcharge for an after the fact application. He stated that this is the cost of doing business and not the cost of protecting the Town. He encouraged the Town to look at this again and to take on the responsibility that properly belongs at the Town Board level.

Zandy Gabriels stated that he also does not feel that the other Boards realize that it is their decision to offer alternative remedy. He feels that the problem is that these applications are not distinguished between potential alternative remedies and after the fact. The TB should be hearing these applications first for alternative remedy before it goes to the other Boards for approval.

Zandy Gabriels stated that at some of their public access points they do not have any signs that prohibit swimming. The last time he looked at the Conservation Club rules and regulations, they specifically preclude swimming. It is the only water body other than Edgecomb Pond that the explicitly exclude swimming and there is no justification for it. With Edgecomb Pond there is justification because that is a source of drinking water. However, this is not applicable at the Conservation Club. This area is not conducive to swimming but he feels that precluding it is not necessary according to State law. Zandy Gabriels stated that other than that the agreement and rules and regulations look good and should go forward.

Transfers

No Transfers

Pay Bills: Motion to Pay Bills

RESOLUTION #54

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

	Voucher #	Amount
February Abstract 2B		
Lights	175	\$ 6,643.76
General	176	1,280.00
 February Abstract 2C		
Street Lights	223,217,233	652.98
General	215-216,218-222,224-232	7,375.63
Highway	92	16.54
Sewer	41-44	7,450.98
Water	46-47	1,995.79
 March Abstract:		
General	142-174,177-214,234-252	47,598.12
Sewer	25-40,45-49	6,614.70
Water	28-45,48-54	4,979.76
Highway	55-91,93-99	52,450.40

All in Favor. Motion Carried.

- Voucher from Dave Decker for the Watershed Coalition.
Supervisor Conover stated that they will not pay this bill until they have been paid by the State. They also require representation that it has been paid such as copies of checks etc.

RESOLUTION #55

Councilmember Rehm moved, seconded by Councilman Maranville with the condition that they pay the voucher when they get paid by the State. All in Favor. Motion Carried.

Executive Session: Personnel Matter

RESOLUTION #56

Councilman Maranville moved, seconded by Councilman Smith to adjourn to Executive Session at 9:00pm 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