

REGULAR MEETING
BOLTON TOWN BOARD

May 7, 2013

Meeting Call to Order: 6:30 pm.

Pledge: Robert MacEwan, Remain standing for moment of silence for former Bolton Supervisor Frank J. Dagles and Genevieve French on their passing.

Regular Meeting:

Supervisor:	Ronald Conover
Councilman:	Robert MacEwan
Councilman:	Owen Maranville
Councilmember:	Cheryl Bolton
Councilmember:	Susan Wilson
Town Clerk:	Jodi Connally
Counsel:	Michael Muller

Minutes: Approve Minutes of Special Meeting held March 26, 2013; Approve Minutes of Regular Town Board Meeting, April 2, 2013.

Note: Councilmember Bolton was not present for the approvals of the minutes.

RESOLUTION #103

Councilman Maranville moved, seconded by Councilmember Wilson to approve the minutes of the special meeting held March 26, 2013 as written. All in Favor. Motion Carried.

RESOLUTION #104

Councilman MacEwan moved, seconded by Councilman Maranville to approve the minutes of the Regular Town Board meeting held April 2, 2013 as written. All in Favor. Motion Carried.

Public hearing:

- 1) P.U.D. Amendment: Lagoon Manor, Brook Hill Development Inc., application to build one 3 unit townhouse building (#900) with parking instead of approved 5 units.

Jeff Anthony presented the proposal. He stated that the proposed location is where the old hotel was, closer to the water. He provided more details. Originally the PUD planned to convert the old hotel into 6 townhouses. However they found that structurally it could not be supported. They then proposed and received approval for a new 5 unit townhouse structure in relatively the same footprint as the hotel. However nothing was ever built. In the meantime WC required them to take the hotel down due to vandalizing and safety concerns; so they took down the hotel structure. The new owners would like to make an additional amendment to the PUD and create a 3 unit townhouse building which will also be on the same footprint. Stormwater has been significantly updated over time and this site complies with today's standards. Tom Nace has reviewed and approved the stormwater. The ZBA and PB have approved and made favorable recommendations. The project will be landscaped in the same manner as the Lagoon Manor.

The buildings will be Adirondack style with earth tone colors. The proposal has been submitted to APA. It is currently under review but there have been no negative comments or questions.

Councilmember Wilson stated that she attended both PB and ZBA meetings. Both boards did a thorough review of the application and made favorable recommendations.

- Resolution designating Bolton Town Board as Lead Agency under SEQRA

RESOLUTION #105

Councilmember Wilson moved, seconded by Councilmember Bolton to designate Bolton Town Board as lead agency under SEQRA for Lagoon Manor PUD Amendment application. All in Favor. Motion Carried.

- SEQRA Assessment and Findings

Supervisor Conover reviewed the SEQRA application as follows:

Would the action exceed any Type I threshold? No.

Would the action receive coordinated review? No.

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

1. Existing air quality, surface or ground water quality/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, fauna, fish, shellfish, wildlife species, habitats, threatened or endangered species? No.

4. Communities existing plans or goals that have been officially adopted or change in use or intensity of use of land or other natural resources? No.

5. Growth, subsequent development or related activity likely to be induced by the proposed action? No.

6. Long term, short term, cumulative or other effects not identified in the above? No.

7. Other impacts including changes in use in either quantity or type of energy? No.

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

E. 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 significant adverse environmental impacts.

RESOLUTION #106

Councilmember Wilson moved, seconded by Councilmember Bolton to make a negative declaration for the PUD amendment for Lagoon Manor. All in Favor. Motion Carried.

- Resolution regarding proposed P.U.D. Amendment for Lagoon Manor, Brook Hill Development Inc.

RESOLUTION #107

Councilmember Wilson moved, seconded by Councilmember Bolton to approve the PUD Amendment for Lagoon Manor, Brook Hill Development, Inc. as presented. All in Favor. Motion Carried.

- Minor P.U.D Amendment: Sagbolt LLC for: 1.) 10'x18' entry way on the north end of the main hotel building, 2.) Installation of dormers on the service building and 3.) Installation of new windows and a gable in the Hermitage building.

Ben Pratt presented the proposal. He stated that there are 3 very minor changes to the resort. The first is to add a 10' x 18' entrance on the administrative end. Historically, this entrance was mainly used by employees entering the hotel. However, it is the entrance closest to the condos so they are finding that guests are using this to enter the main hotel as well. This entrance leads directly into the staircase and then into the administrative wing. They would like to make this entranceway safer and more aesthetically pleasing. This entrance will re-route people away from the stairs and create a better entrance for guests.

The second change is to the service building, which is mainly offices. They are proposing some aesthetic changes by adding dormers to the roof. There is minimal increase to the square footage which will also be used for additional office space. At the same time they are looking to put in a small loading dock on the western side of the building. It will be a low concrete slab to ease the loading and unloading. There is no significant impact on the environment or operation of the hotel.

The third change is to the hermitage building, which will add a gable on one end of the building to balance the gable on the other end of the building. Ben Pratt stated that they are also replacing all of the 2nd floor windows to be code compliant. Lastly, there are existing patios on that building that are in disrepair. They propose to improve those and add trellises on the side and top for privacy, added plants and shade.

Supervisor Conover stated that these changes are all aesthetically pleasing and work well with the existing structures. A lot of thought went into the modifications. He commented the Town received a letter from Ben Pratt regarding streamlining the PUD procedure. He stated that he has also received a response with regard to the Town's correspondence regarding the lights on the bridge. He stated that the letter indicated that four new lights, downward facing and shielded have been ordered. He expressed his appreciation from the Town.

Zandy Gabriels stated that he was pleased to see that the lights are being addressed. However, he does not feel that the current PUD review process is burdensome to the Town; it seems to work quite well.

Councilmember Wilson stated that she attended both meetings and the application received favorable recommendations with only one condition from the PB that any exterior lighting demolished and replaced is downward facing and shielded. Ben Pratt stated that the applicants have never had a problem complying with that and change the lighting whenever they can in these proposals.

Ben Pratt explained his letter; he stated that he would really like to discuss a change to the current procedure. It is not a way to avoid review but rather streamline the review process. Every time they apply for a PUD amendment, not only does it trigger review by all of the Bolton Boards but it also triggers APA and NYS OPRHP, which can be a very time consuming and expensive process. Some of the changes being proposed are minor and should be handled at the town level. If there is ever concern it could be referred to these other governmental bodies. Supervisor Conover stated that they would take it under advisement.

- Resolution designating Bolton Town Board as Lead Agency under SEQRA

RESOLUTION #108

Councilmember Wilson moved, seconded by Councilman Maranville to designate Bolton Town Board as lead agency under SEQRA for Sagbolt, LLC Minor PUD Amendment application. All in Favor. Motion Carried.

- SEQRA Assessment and Findings

Supervisor Conover reviewed the SEQRA application as follows:

Would the action exceed any Type I threshold? No.

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

1. Existing air quality, surface or ground water quality/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, fauna, fish, shellfish, wildlife species, habitats, threatened or endangered species? No.

4. Communities existing plans or goals that have been officially adopted or change in use or intensity of use of land or other natural resources? No.

5. Growth, subsequent development or related activity likely to be induced by the proposed action? No.

6. Long term, short term, cumulative or other effects not identified in the above? No.

7. Other impacts including changes in use in either quantity or type of energy? No.

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

E. 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 significant adverse environmental impacts.

RESOLUTION #109

Councilmember Wilson moved, seconded by Councilmember Bolton to make a negative declaration for the PUD amendment for Sagbolt, LLC. All in Favor. Motion Carried.

- Resolution regarding proposed P.U.D. Amendment for Sagbolt LLC

RESOLUTION #110

Councilmember Wilson moved, seconded by Councilman MacEwan to approve Minor PUD amendment for Sagbolt, LLC as presented with the following condition: 1) any exterior lighting to be demolished and replaced is dark sky compliant. All in Favor. Motion Carried.

Public in Attendance:

Tony Hall stated that the LG Mirror is requesting permission to use Rogers Park on September 15, 2013 for a concert. The concert is called Adirondack Legends and is comprised of folk musicians performing traditional Adirondack songs. The Chamber and LG Arts Project have already approved it. Supervisor Conover stated that he appreciates the LG Mirror's sponsorship of this.

Correspondence:

- Carl Schoeder regarding storm drainage work on New Vermont Road advising that permits are in place for the project, drawings are 95% complete.
- Dave Wick, Executive Director, LGPC transmittal of DGEIS Aquatic Invasive Plan and informing that two public hearing are scheduled for Tuesday, May 21, 2013 at 2 PM at Fort William Henry Conference Center and Wednesday, June 12, 2013 at Ticonderoga Best Western at 6 PM.
- Outdoor sound amplification permit request from Stuart Smith, Fredericks Restaurant, every Sunday from May 26 - September 3, 2013 from 5:00 PM to 9:30 PM.
- John S. Mucha, Director Governmental Relations, Time Warner Cable regarding possible changes in programming.
- Chris Round, AICP Chazen on behalf of Warren County EDC regarding Consolidated Funding Workshop on May 7, 2013 at 9:00am at ACC.
- Amy Drexel, Warren County Emergency Services Coordinator transmittal of updates to Warren County Emergency Services Plan.

- Trip Shannon HHHN regarding need to update agreements with Hudson Headwaters Health Network for lease of Health Center Property on Cross Street.
- Notification of request for fireworks display permit by the Sagamore Resort by Alonzo Fireworks for May 5th, 2013 at 9:00 PM for 15 minutes.
- Hans-Jurgen Winter request for outdoor amplified sound permit for July 12 and 13, 2013 from 3:00 PM till 10:00 PM for a Summer Fest having live entertainment.
- John Gramegna, Somewhere in Time request for outdoor sound amplification permit for May 11, May 18, May 25, June 1st, 2013 from 5:00 PM till 10:00 PM for wedding receptions.
- Elaine Brown, Bolton Chamber requesting restroom at Rogers be opened as soon as possible given the nice weather.
Supervisor Conover reported that the bathrooms have been opened.
- Tom Guay, Manager Sagamore Resort thanking the Supervisor for his help regarding bridge lighting and informing the board that the Sagamore has ordered downward facing light fixtures for the bridge based on same specs as the Town street lights.
- Jack and Connie Daniels request outdoor amplification permit for June 22, 2013 till 12:00 AM for 6-12 hours wedding reception at 4110 Lake Shore Drive.
- Patrick M. Kane, Environmental Engineer, NYSDEC regarding feasibility funding for landfill reuse relating to renewable energies for solar systems.
- John Wheatley, Vice President, Warren County EDC regarding workshop on consolidated funding process.
- Jeffrey E. Tennyson, Superintendent of Warren County DPW regarding request by National Grid for County to convey property easement on East River Road for utility easement.
- Matt Schuette, RHU, ChHC, Jaeger and Flynn Associates, Inc. regarding changes starting in 2014 introducing the Healthcare Exchanges and will advise as to specifics when available.
- Faith and Holly Whipple copy of letter to Bolton Planning Board regarding opposition to Somewhere in Time's Outdoor program particularly as it relates to noise.
- Scott Sopczyk, Transportation Director Greater Glens Falls Transit regarding use of \$91,549 use of grant dollars for facility improvement and computer updates.
- Scott Anderson, Vice President, F.R. Smith and Sons, notice of intent to renew liquor license by F.R. Smith and Sons, Inc at 36 Sagamore Road, Bolton Landing, NY (beer only).
- Bolton Central School Board regarding planning process designed to assemble a broad based coalition to help guide the school districts future plan of action.
- American Red Cross Disaster Services Volunteer Meeting Minutes for March 9, 2013.
- Elaine Chiovarou-Brown request from Bolton Chamber to utilize Town portable microphone and speaker for Chamber meetings.
Supervisor Conover stated that he doesn't see that being a problem. The Board agreed.
- Mona Seeger, LGA request to use Rogers Park Dock to pick up and drop off passengers on July 19, 2013 from 1-3pm by Floating Classroom.
- C Walter Lender, Executive Director, LGA request for letter of support of LGA grant to Helen V. Froehlich Foundation for storm water and stream corridor projects in the LG Basin.

- Michael J. Muller to LGPC on behalf of Robert Sinnott regarding Thunderbird Motel dock permit.

This letter had to do with an access point for our emergency vehicles. For some time it was not well known who owned the property. As it turns out the property is partially owned by Mr. Sinnott and the other part is owned by an adjacent property owner. Mr. Sinnott has some concerns about a finger dock that has been installed on the Thunderbird. He suggested that the Town Clerk send a letter to the LGPC to let them know that this is an emergency access point for their deliberations. The Town Board agreed.

- Bruce Pansini, Heritage Village Road Association regarding eliminating 2 parking spaces on 9N that block access during busy periods.

When the new sidewalks were built a lot of parking ended up on the west side. He has raised this issue to the Police Chief to review. Typically they have used cones so he feels they will try to use them here as well to allow for safe exiting from Heritage Lane.

- Ben Pratt, Sagbolt LLC regarding PUD proceedings.

Committee Reports:

Councilman Robert MacEwan

Water Department- Actual flow through the plant before deductions 7,141,300. Gallons of water through plant after deductions 6,108,278. CL2 used 135lbs. Orthophosphate 2/3 used. Soda Ash used 950lbs. Pond level just over spillway. PC2300 used 92.04 gallons. April was a busy month. Monthly bacteriological samples came back satisfactory. John took 2 weeks vacation time off at the beginning of the month. Tom and Luke read meters. Warren County code enforcement wanted to inspect the water plant. He put in new chlorine detector. Mike the Town Electrician came up and wired it. They have been getting a lot of requests to turn on water for summer. The Warren County fish hatchery put in 600 rainbow trout in pond on 4/23/13. Tom and John went to a class at Double H Ranch in Lake Luzerne to get contact hours for License renewal. Started to flush hydrants on 4/29/13 and finished on 5/2/13; did a good flush water looks good. On 5/1/13 down at south end next to Huddle Beach there was a leak in the 8" transit pipe. Had Rubin Ellsworth come and fix it. They did a good job.

Supervisor Conover stated that a water main leak was found to be running pretty heavy by Huddle Bay Road. The call was made by a resident in the afternoon, it was repaired by nightfall and paved the next morning. He thanked the Water Department and Mr. Ellsworth for their hard work and quick response.

Transfer Station- Total for the month was \$6,020. Spring Clean-up cards \$4314. Senior pick-up is set. They will use the white truck for electronics. They also still need to get rid of car batteries. Jim Madison will be up to look at the compactor. Still concerns about the building.

Sewer Department- Plant took in 3,413,310 gallons of waste water for an average of 113,777/day. Monthly sample were done. DMR's mailed, no violations. Had J.P. Enterprises do PM on all pumps at pump stations. Had Smith Control here to calibrate Eq tank and pumps going to sand filters. Did PM on sewer jet. Had temp line for phone and alarm at south station put in by Version. Hauled 21,000 gallons of sludge. Luke will start coming to sewer plant 3 days instead of two. They are continuing to get ready for the summer.

Councilman Owen Maranville

Police- They patrolled 2882.6 miles and used 174 gallons of fuel. All members attended an annual field firearms training at WC Sheriffs Department range. All members qualified to shoot a pistol and shotgun. An itemized list of all the calls answered is available for review.

Assessor- During April the computer file was continuously updated to keep up with deed transfers and address changes. We have had 3 more arms-length sales making it a total of 37 since last July. During April Dave completed annual valuations and turned in his computer file for processing of the Tentative Roll on April 19th. Tentative roll totals are as follows: Town Taxable-\$1,540,505,557 up \$6,200,596. Parcel count down one to 3,656 due to property mergers.

On April 29, Dave spoke before the County Real Property Committee asking the committee to support some new legislation proposed by Betty Little S(1000) and Sandy Galef A(682) which amends the Real Property Law and Real Property Tax allowing new condominium projects after 1/1/2015 to be assessed using all three approaches to value and not just the Income Approach as is now the current law. The Income Approach in most instances gives a value significantly less than that indicated by direct sales. By supporting this legislation, better equity is reached. The legislation allows for local option.

On April 30th he attended the WC Assessor's Association meeting. At that meeting we said goodbye to Paul Maniacek, the assessor of the Towns of Horicon and Chester. A search is now ongoing to replace him. He has been the assessor there for nearly 20 years. At the meeting he taught a class in "Appraisal Review", he believes it was both informative and helpful to the Assessors in attendance.

He received confirmation that Sue Heusner attended the BAR Training at the County on April 24th.

Councilman Maranville stated that Dave Rosebrook has been a great advocate for the Town. Dave will be missed and difficult to replace. Supervisor Conover agreed and thanked Dave Rosebrook and Deanne Rehm for taking the legislation to the WC Real Property and Legislative committees; so far it has been well received. He stated that at some point the Town may want to weigh in on this issue as well.

Supervisor Conover stated that he and Sue Wilson have met with representatives of the Town of Lake George regarding hiring a new assessor for both Bolton and Lake George. At the next meeting they will review the applications that are submitted.

Justice Court- Hon. Harry Demarest took in \$1,590 and Hon. Edward Stewart took in \$4,390. Total monies forwarded to the Town \$5,980. An itemized list is available for review in the Court.

Highway Dept- Ditching on Edgecomb Pond Road. Installing new culverts on Edgecomb Pond Road. Put together and installed the new LED speed limit signs (sign on Mohican Rd showed 18,000 cars). Graded and raked roads. Hauling fill to Little League field and installed 100' of culvert there.

Councilman Maranville congratulated the Supervisor on the birth of his 4th grandchild born on April 19th. Councilmember Wilson congratulated Councilman Maranville and Supervisor Conover on the new addition to the family.

Councilmember Susan Wilson

Code Enforcement Officer- 17 page report and 19 site visits.

Library- On Sunday the Library received a donation of a laptop from the Woodmen of World. They were in town over the weekend and Sue stated that she cannot thank them enough for their generosity. Ed Sheridan will be hosting a slide show of his trip to Nepal on Friday, May 24th at 7pm.

Councilmember Wilson stated that this year is Warren County's Bi-centennial. Ted Caldwell and Bill Gates sit on the advisory committee and asked that she distribute pins the Board and Town Clerk. She expressed her appreciation on the work that they are doing. There is a website announcing any activities planned for the bi-centennial. Supervisor Conover also thanked them for their hard work.

Conservation Park- Community Clean-up day on Saturday May 11, 2013.

Councilmember Cheryl Bolton

Rec Dept- They had their meeting on April 25th where they introduced a new mission statement and by-laws. They also welcomed new Board member Tammy DiLorenzo. Reviewed summer calendar which will be out soon. Summer Camp enrollment has 30 children. Staffing is all set with a possibility of 2 additional life guards. Four of the life guards are local returning Bolton graduates who are certified. Annual boat cruise is planned for June 5th at 5:30pm at Rogers Pier. Open to all community members. Hot dogs and soda will be provided before the cruise. Live music is from 5:00-7:00pm. Boarding is at 6:30pm, cruise starts at 7pm and ends at 9pm.

Parks Dept- They have been busy due to the nice weather. Clean-up of parks and cemeteries. Trash cans, benches and tables went out early. Bathrooms have been opened. They set up the flag pole at the little league field.

Fire District- Installation of officers will be May 11, 2013. They recognize Jim White's 45 years of service. He has recently relocated to Colorado and they had a going away celebration. They have been preparing for summer with drills. They hosted a recruitment night.

EMS- No report at this time, they will be meeting this Thursday.

Clerk's Office- She read an email from Jodi Connally which thanked her and the TB for allowing her to attend the NYS Town Clerk's Office Association. Jodi indicated that she gained a tremendous amount of knowledge and support from colleagues. Next year they will be holding the conference in Saratoga and she anticipates attending and being on the welcoming committee to promote our great region. Jodi Connally also thanked Penny Cleavland and Deb MacEwan for their support and assistance in her new role. She and Penny have completed their first water billing. They feel that the system Waterworks is not the most efficient and would like to look into different programs that can better meet their needs.

Councilmember Bolton thanked the entire Clerk's Office staff for their hard work, especially in the last tax billing period. There was tremendous amount of work and man hours put in. They have really risen to the occasion.

Supervisors Report:

- Receipts: \$112,156.38
- Disbursements:\$377,191.35
- Warren County Sales Tax: Bolton Total Sales tax receipts 1st quarter were \$786,615.43 (+\$45,132.07 or 6.1% year over year)
- Veterans Park Dock: Contract signed estimated installation August, 2013.
- Historical Society Building Stain Project approved. Bid was \$19,500 from MapCo Enterprises, Schenectady, NY (very good background dealing with historic buildings and environmental issues) Project to begin around May 20, 2013.
- Flag pole at Little League Field, Ceremony was exceptional, wonderful event.

Supervisor Conover expressed his appreciation to Sue Wilson for her efforts in organizing this. The installation of the flagpole and the ceremony was a fantastic touch. He stated that the people visiting the Town and attended the ceremony were very impressed. Sue Wilson stated that she reached out to Kirk VanAuken who really got the ball rolling.

- 2013 Highway Improvement Program (Potter Hill Road, Edgecomb Pond Road, Two Parking Lots)

It is an ambitious program but the time is right. He would suggest moving forward with this. There are also some lingering projects that will also be completed. They also will be replacing one of the bridges on Padanarum Road.

- Bids received for tree removal on Potter Hill Road (low bidder is High Peaks Tree Removal, Inc. with a bid of \$25,750).
- Sue Wilson and I met with Lake George officials to discuss process for filling Assessor position (all agreed the arrangement has been excellent and we will proceed with advertising and receiving candidate resumes)
- DGEIS Aquatic Invasive Plan is available for public comment can be obtained on LGPC site.
- Don Kingsley Construction low bidder for brush pile removal at transfer station at a cost of \$1,231.

Supervisor Conover stated that Kingsley has yet to be on site. Normally there is a time limitation in which the contractor needs to be on site but since he was the only bidder it did not seem to make too much of a difference. We have reached out to him and are waiting to hear from him. He stated that if the Board is concerned we can address it and move forward to offering it to another contractor.

- LGA received National Award for Aquatic Invasive Species Education for its Lake Steward Program.

Supervisor Conover stated that this is a tremendous honor and reassuring to know that the hard work and dedication of these people is being recognized nationwide.

Old Business / Tabled Resolutions:

- Solar Project: No report

- 824 Trout Lake Road-

Counsel Muller stated that there is supposed to be a closing on Friday May 10th. The buyer is aware of the situation and plans to address the porch. Supervisor Conover thanked Counsel Muller for his advice in being patient because it seems that it will pay off.

- Dry Hydrant on New Vermont Road (Spring 2013 Project)

New Business:

- Resolution approving seasonal sound amplification permit for Frederick's Restaurant.

RESOLUTION #111

Councilman Maranville moved, seconded by Councilman MacEwan to approve seasonal sound amplification permit for Frederick's Restaurant on Sundays from May 26-September 3, 2013 from 5:00pm-9:30pm. All in Favor. Motion Carried.

- Resolution authorizing Supervisor to execute contract with the LA Group for Planning and Zoning Services in an amount not to exceed \$10,000.

Supervisor Conover stated that this is relative to the services of updating of the Zoning Ordinance and peripheral type of issues. We do not anticipate the amount going that high but set the limit at \$10,000.

RESOLUTION #112

Councilman Maranville moved, seconded by Councilmember Bolton to authorize Supervisor to execute contract with the LA Group for Planning and Zoning Services in an amount not to exceed \$10,000. All in Favor. Motion Carried.

- Resolution authorizing concert of Traditional Adirondack Music in Rogers Park on September 15, 2013 from 1:00 to 5:00PM; concert to be sponsored by the Lake George Mirror.

Supervisor Conover thanked the LG Mirror for making this a part of the concert program. Councilman Maranville asked if they would need any parking. Tony Hall replied that he was not sure at this point but as the summer approaches he will let the Board know if they will require anything further.

RESOLUTION #113

Councilmember Bolton moved, seconded by Councilmember Wilson to authorize the concert of Traditional Adirondack Music in Rogers Park on September 15, 2013 from 1:00 to 5:00pm. All in Favor. Motion Carried.

- Resolution authorizing approval of sound permit for Hans-Jurgen Winter for outdoor amplified sound permit for July 12 and 13, 2013 from 3:00 PM till 10:00 PM for a Summer Fest with (same tent as October Fest with live entertainment).

Supervisor Conover stated that this is a new event but it is the same format as the Octoberfest. He stated that he has never received any complaints with regard to Octoberfest so he does not see any problems with this event.

RESOLUTION #114

Councilman MacEwan moved, seconded by Councilmember Bolton to approve outer sound amplification permit for Hans-Jurgen Winter for July 12 and 13, 2013 from 3:00pm-10:00pm for Summer Fest. All in Favor. Motion Carried.

- Resolution regarding John Gramegna, Somewhere in Time request for outdoor sound amplification permit for May 11, May 18, May 25, June 1st, 2013 from 5:00 PM till 10:00 PM for wedding receptions.

Bob McNally represented the applicant on his four sound permit applications. He stated that the dates are for wedding receptions at Somewhere in Time were May 11, 18, 25 and June 1st. The music will be a DJ at the pavilion from 5-10pm. He explained that there were issues in the past such as parking in the road and playing music into the night. The PB is currently considering the applicant's new parking plan. The applicant is already permitted to have the facility and hold the events but he updated his parking plan and it will involve conditions that will be imposed. The applicant will be operating under the limited time limit. Additionally the applicant has hired a full time staff to handle the noise and parking problems from the past.

Bob McNally stated that the applicant plans to install the sound dampening curtains on the south side of the pavilion to buffer the sound from the neighbors closest to him. The applicant already has had these and other events planned for some time and they will be reliant upon the permit. The applicant is willing to work with the Board with any conditions that they may be willing to impose. He stated that the applicant had no way of getting around asking for the permit without finishing with the PB first due to the timing of the meetings and the fact that these events have been planned for some time. He stated that the applicant wanted to assure the TB that this is limited to just these 4 events and has limited himself to just 10 events per year which will be held mainly on the shoulder seasons. Bob McNally stated that the applicant was planning on attending the June 4 meeting as well to request those dates for the future as well as discuss the PB's decision.

Bob McNally stated that this site has historically been used as a B & B, as well as a restaurant. It was also an amphitheater. He stated that he can assure the Board that there will be no parking on the road and the noise will not occur past 10pm. There will be an employee present.

Councilman MacEwan asked what will deter the sound affecting the other neighbors. Bob McNally stated that the applicant's closest neighbors are to the south and that is why he is only getting the curtains for that side.

Supervisor Conover stated that he has several concerns. First this seems to be going out of order because the PB has not yet made their final decision. Secondly the TB is not in the habit of granting 4 sound amplification permits. Lastly, he is also concerned that the notice to the public did not include the May 11th event. He stated that this has put the TB in an awkward position especially since the PB has yet to act on their approval.

Bob McNally stated that the applicant was approved to hold events as an accessory use to the B & B. He has limited himself to the 10 events a year. In the past he has kept the events in the

shoulder season. However these events did cause problems with parking and sound. He stated that he is not aware of any violation of law, but there were problems with the neighbors. The applicant came to the PB for a new parking plan. The plan accommodates 44 cars, which has yet to be approved. The applicant has taken steps to limit the number of people, the type of noise and time frames for noise. Bob McNally stated that the applicant had a permit and PB approval for the B & B and accessory use before applying for a new parking plan. So the applicant went forward with planning these events with the prior approval. He is now just seeking to have permission for noise permits for the events that are already planned.

Supervisor Conover stated that he has concerns that the applicant just applied for the permit in April, he notified his neighbors with a letter postmarked May 4th for a meeting on May 7th for an activity that is to occur May 11th. These contracts have been in place for some time and now we have a young couple that anticipates a great experience without the proper permits in place. He stated that is unacceptable.

Bob McNally stated that he agrees that the applicant should have applied for a sound permit prior to this. However he feels that the applicant has been pre-occupied with the PB. Additionally he has been dealing with some health issues.

Bob McNally stated that tonight he has heard the Board grant a permit to Fredericks for the season with no complaints from neighbors. There is also another request for a wedding reception for 6-12 hours. The applicant is not asking for every weekend or asking for an extended period of time. The applicant is in a difficult position. He stated that the applicant has continued to make improvements to address the neighbors' concerns and that has put them in this situation.

Councilman Maranville stated that the Board considers each sound permit application on an individual basis on its own merits. He reminded the TB of the issues that the Town has had with regard to this property in the past year. The applicant has had complete disregard and a lack of respect for what the TB's conditions were. He does not see this changing moving forward.

Councilmember Wilson provided some history regarding approvals and issues regarding this property. She read the following: The applicant's property under previous ownership was approved by Site Plan as a Bed and Breakfast in October of 2000. The original Site Plan approval was amended in May, 2012 to allow use of a recently erected pavilion for up to 125 people on the property as guests of those renting the Bed and Breakfast for social gatherings.

During the 2012 season the Town received numerous complaints regarding violations of conditions of Site Plan approvals for this property. Allegations of the applicant's misrepresentation in the application process were alleged by members of the Diamond Ridge Homeowners Association on behalf of adjacent residential property owners. As an alternative to zoning code and site plan approval enforcement proceedings the applicant offered and the PB Chair, TB Liaison, Town Counsel and ZA accepted a proposal from Mr. Gramegna that he would supply an accurate survey map as part of a re-submission allowing a fresh look at all issues of complaint with appropriate amendments to the previously approved SPR. This resubmission included a proposal to amend and reconfigure adequate on-site parking, methods of operation and management, and noise control. In all instances where the Planning Board has considered each site plan review application and favored the applicant with a site plan approval with conditions it

has been essential that the B&B is the primary use. Weddings, receptions and similar events or social gatherings permitted on the site were to be an accessory use, inherent to the operation of a four unit B&B. The hosting of events not in association with the approved four unit B&B as a primary or principal use are not approved nor are they consistent in keeping with the character of the neighborhood and surrounding properties .

The PB held a Public Hearings for this resubmission in February and again in April.

Taken from Planning Board Minutes – April, 2013

Herb Koster stated that his concern is that there was a misrepresentation regarding the amount of parking the applicant had and why the applicant is asking for the additional 10 spaces. Herb Koster asked if the applicant can still operate while they are deciding on the additional spots. Counsel Muller replied yes from the previous approvals. However he will not be able to operate well or in conformity with Town Codes because he does not have adequate parking.

Herb Koster stated that he would like to see what Counsel Muller's advice before denying. Counsel Muller stated that the PB will have the option to deny the plan, approve the plan or approve the plan with conditions. He stated that if they do deny the application, the applicant's attorney will more than likely file an Article 78 which will go before the judge who will likely remand it back to this Board to work on.

Gena Lindyberg stated that she does not have all the facts because they contradict one another. There are a lot of variables that are out there. Herb Koster agreed and stated that he would like to have legal advice before proceeding any further.

At the April meeting two members of the PB voted to rescind all approvals for this project. That motion failed.

The PB closed the Public Hearing and tabled the application for a period of deliberation. The PB has 62 days to make a determination on the applicant's submission for an amended site plan approval. The Planning Board exclusively retains all jurisdiction to determine the applicant's pending site plan application and it is not the intention or the desire of the Town Board to usurp Planning Board authority or to prejudice the Planning Board in its deliberations.

Mr. Gramegna has made application under the newly enacted Noise Ordinance #22 requesting that this Town Board grant him four permits over successive weekends in May and June to conduct social events at his property which will include amplified sound activities in the nature of musical entertainment and announcements over the next few months. The applicant originally submitted ten requests for a permit and withdrew six to be represented at a later date for other events throughout the next several months.

Should the Town Board give consideration in granting permits upon Mr. Gramegna's application under Ordinance #22 where his site plan presentation is pending and unresolved? Presumably the most immediate event which is proposed for an amplified sound permit is a wedding which has been long planned and anticipated by a family who would be innocent to the controversies surrounding use of the property yet seriously prejudiced if a permit is denied.

A proper solution does not necessarily lie in good zoning and planning. Moreover the granting of a permit, at least for May 11, 2013 may very well have little support based upon the applicant's past record of poor zoning compliance as well as a past history of general disruption of the residential character of the surrounding neighborhood. Nevertheless approval of a permit to allow amplified sound at the premises for the event of May 11, 2013 between the hours of 5 p.m. and no later than 10 p.m. is a fair proposition as the Town of Bolton does not choose to be perceived as indifferent nor callous to the reasonable expectations of a wedding party that has no part the events leading up to the problems occurring at the property.

I would vote favorable to the issuance of a permit allowing amplified sound for the social event associated with the occupants of the B&B on May 11, 2013 between the hours of 5 p.m. and no later than 10:00 p.m. with the understanding that the neighborhood and the town will be monitoring the amplified sound emanating from the premises and the impacts on the neighborhood. I would vote not to issue any permits for any further events pending the outcome and determinations of the Planning Board relative to the applicant's amended site plan review. It would be appropriate for the applicant to inform those who plan a future social event in association with their occupancy at the B&B that their social event would be required to comply with Local Ordinance #22.

Supervisor Conover asked if that was a motion. Councilmember Wilson replied yes, she would move to approve the May 11th date only. There was no second to the motion.

Councilman Maranville stated that he cannot support any resolution approving sound permit for the applicant. It is not the TB's fault that the applicant made a poor business decision. He feels that this was purposely done late to put the TB in this position.

Supervisor Conover stated that he disagrees with the argument that holding receptions and parties as an accessory use that is customary or incidental to a B & B. He does not find it customary or incidental in terms of noise and activity. He stated that the TB has been put in a terrible situation. If it wasn't for the upcoming nuptials in just a few days he would be willing to agree with Councilman Maranville and deny all events. The only reason he may consider support is for the family holding the event. He stated that he also wants to the applicant to know that sound permits are not something that is just given away, they are more rare than the applicant may think. These ordinances protect the community and neighboring properties. Supervisor Conover stated that he is not willing to support a program that is going to allow 10 wedding. If support is given for Councilmember Wilson's resolution we will need to explain to the PB that we are acting before them just because of the position we have been put in.

Councilmember Bolton stated that she is extremely uncomfortable about making a decision before the PB. She stated that she has a problem with approving the May 11th when within 3 ½ weeks, 3 other weddings will be held and she feels that the same courtesy should be extended to them as well.

Bob McNally stated that he is not asking the TB to usurp the PB jurisdiction, he is just asking for the Board to approve the sound permits. The applicant filed 4 applications to get them approved. He is not suggesting that this is the same as a permit for Fredericks. His point was to show that

these events do occur. He stated that this is in conjunction with the B & B. The people at the B & B are holding the events. This is not just a meeting place. This B & B will be run every day and these events will be incidental to it. When the applicant returns in June for the additional sound permits, the TB will have the PB decision as well as 4 events under their belt to see how well the applicant adhered to the permit.

Counsel Muller stated that the PB has exclusive jurisdiction over this site plan review. TB has strict jurisdiction of ordinance 22. Although it is jumping out ahead of the PB, if it is well stated on this record, it should come as no disappointment to the PB. He stated that this has been a difficult process for any Board that the applicant has gone before. He stated that we have been faced with the same difficult situation. In the past they have dealt with enforcement.

Supervisor Conover stated that he is concerned that the neighbors may not have even received their notice from the applicant. Counsel Muller agreed because he received an email from Alex Jeyschune who did not mention anything about it.

Supervisor Conover stated that he understands the logic behind Councilmember Bolton's thoughts but he can also understand the logic behind Councilman Maranville. This is disappointing. Councilman MacEwan stated that he feels that this process needs to be completed. They have not received any correspondence regarding this sound amplification permit and the neighbors need to have their proper say.

Councilman Maranville stated that he feels that a decision is being pressured. He is not interested in helping out a poor business decision that could have been handled months ago. He understands that this is someone's wedding day but he cannot support allowing the applicant to carry on in this manner.

RESOLUTION #115

Councilman Maranville moved, seconded by Councilman MacEwan to deny the permits for May 11, 18, 25 and June 1, 2013, based upon the short notice of the application, the neighbors have not had an opportunity to publicly speak regarding this matter, the applicant's notice was incomplete because it did not include the May 11th date request and the Planning Board has failed to act prior to this request. Councilmembers Wilson and Bolton opposed. All others in Favor. Motion Carried.

- Resolution approving Supervisors execution of contract for exterior work on the Bolton Historical Society building to MapCo Enterprises at a contract cost of \$19,500.

Supervisor Conover stated this is going to be a great project. This company has worked on many historical buildings in the past. It will involve the preparation of the surface.

RESOLUTION #116

Councilman MacEwan moved, seconded by Councilman Maranville to approve Supervisor's execution of contract for exterior work on the Bolton Historical Society building to MapCo Enterprises at a contract cost of \$19,500. All in Favor. Motion Carried.

- Resolution regarding contract with High Peaks Tree Removal for work on Potter Hill Road at a cost of \$25,750.

Supervisor Conover stated that this involves approximately 140 trees that Tim has marked. This is a good contractor; this is his 3rd year with Warren County. He also has the contract of the Main Street work in South Glens Falls.

RESOLUTION #117

Councilman Maranville moved, seconded by Councilmember Bolton to approve contract with High Peaks Tree Removal for work on Potter Hill Road at a cost of \$25,750. All in Favor.

Motion Carried.

- Resolution authorizing Bolton Highway Superintendent to undertake reconstruction and improvement work on Potter Hill Road, Mohican to Valley Woods Road, Edgecomb Pond Road, Potter Hill Road to Finkle Road, Veterans Park Parking Lot and Town Hall Parking Lot.

Councilman Maranville stated that a lot of this work is way overdue. Supervisor Conover agreed and stated that Tim has indicated that the work will get done. Total estimated project costs were provided.

RESOLUTION #118

Councilman Maranville moved, seconded by Councilman MacEwan to authorize Bolton Highway Superintendent to undertake reconstruction and improvement work on Potter Hill Road, Mohican to Valley Woods Road, Edgecomb Pond Road, Potter Hill Road to Finkle Road, Veterans Park Parking Lot and Town Hall Parking Lot. All in Favor. Motion Carried.

- Resolution authorizing Supervisor to sign lease modification and amendment agreement with Hudson Headwaters Health Network for use of the Health Center through December 31, 2023.

RESOLUTION #119

Councilmember Wilson moved, seconded by Councilmember Bolton to authorize Supervisor to sign lease modification and amendment agreement with Hudson Headwaters Health Network for use of the Health Center through December 31, 2023. All in Favor. Motion Carried.

- Resolution regarding request by Jack and Connie Daniels for outdoor amplification permit for June 22, 2013 till 12:00 AM (6-12 hours) for wedding reception at 4110 Lake Shore Drive.

Supervisor Conover stated that he is concerned with the event going to midnight. He doesn't mind extending the time for a one-time event but not until midnight. The hours were for 6-12 hours but think it is supposed to be from 6pm-12am for an 8 piece band. The event will be held in a tent with sides. There was further discussion about the hours. No letters of concern were submitted.

RESOLUTION #120

Councilman MacEwan moved, seconded by Councilmember Bolton to approve sound amplification permit for Jack and Connie Daniels for June 22, 2013 until 11:00pm for wedding reception at 4110 Lake Shore Drive. All in Favor. Motion Carried.

- Resolution authorizing purchase of two memorial pedestrian benches and plaques. Supervisor Conover stated that there are groups that want to donate towards these purchases. These benches are for Pat Steele and Brownie. Jodi Connally stated that she spoke with Chris Steele who indicated that the family would also like to build one in Pat's memory. He was supposed to get back to her in a few days.

RESOLUTION #121

Councilmember Bolton moved, seconded by Councilman Maranville to authorize purchase of two memorial pedestrian benches and plaques. All in Favor. Motion Carried.

Public in Attendance

Zandy Gabriels-with regard to repaving the Town Hall parking lot he suggested looking into getting the street lights working properly. These lights have been problematic for some time but should be remedied.

With regard to the speed limit LED signs he thinks they are great, but he thought one was going up just south of Algonquin. Supervisor Conover stated that the 3rd one has yet to be set up. Tim is supposed to meet with the DOT engineer on Monday.

With regard to the letter regarding the Thunderbird, Zandy Gabriels stated that he was there at the meeting and he remembers this issue well. The discussions that the TB has had with Mr. Sinnott and Chiriboga were not even raised once as a matter of public discussion. The LGPC does not care what has happened prior to Judge Krogmann's decision. He stated that it is really screwing up the lake; the LGPC does not understand enough about what is going on with this lake. He suggested that Town start classifying this under the zoning ordinance and start asserting homeland jurisdiction.

Zandy Gabriels stated that he also backs the Assessors with regard to condo legislation. This is a long standing issue and he is thankful that we have local options.

With regard to Asian Clams in Saw Mill Bay, Zandy Gabriels stated that nothing is going in this spring. They are 200' south of the crib dock at Vets beach. He suggested that they borrow a few mats and put them up against the south side of the dock to prevent movement of those invasives. He is concerned that nothing will be done this year and he feels the Town should act to prevent further movement until more can be done. Supervisor Conover stated that he too shares the sense of urgency in this matter.

Councilman Maranville stated suggested checking into the striping of the cross walks. He stated that if we are going to be doing the parking lots and ordering striping for the roads, we should do these as well. Supervisor Conover stated that he will talk to DOT.

There was discussion about the traffic light. Supervisor Conover stated that it is dictated by law. He anticipates that it will be functioning sometime around Memorial Day but he will talk to Chief James Neumann about the date.

Jodi Connally stated that the Memorial Service for Pat Steele will be held on Saturday, May 11 at 10am with a reception to follow at Pub on 9 until 2pm.

Transfers: None

Pay the Bills:

RESOLUTION #122

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

	Voucher	Amount
April Mid Abstract 4A		
General	434,437,443,445-457	\$11,629.37
Highway	157	16.81
Sewer	83-86	4,830.56
Water	96 & 97	1,421.18
Lights	458, 444	322.61
 May Abstract		
General	377-433, 459-521	\$54,229.01
Highway	144-156, 158-181	29,622.97
Sewer	73-82, 87-93	3,308.91
Water	87-95, 98-111	8,704.76
Lights	518	3,639.08
Tourism	5	400.00
Engineers	2 & 3	2654.49

Executive Session: Matters involving ongoing litigation, Matters involving employment history of a particular individual.

RESOLUTION#123

Councilmember Bolton moved, seconded by Councilman Maranville to enter into Executive Session at pm with.

Adjourn:

Minutes Respectfully Submitted by:
Jodi Connally
Town Clerk

Minutes Respectfully Submitted by:
Kristen MacEwan
Minute Taker