

TOWN OF BOLTON

Town Board Meeting

October 7, 2008- Minutes

EXECUTIVE SESSION: Called to order 6:30 p.m.

Adjourned: 7:00 p.m.

PRESENT: Supervisor Kathleen Simmes, Councilmen Robert MacEwan, Jason Saris, Owen Maranville, Councilmember Deanne Rehm, Town Counsel Michael Muller, Town Clerk Patricia Steele and Zoning Code Enforcement Officer Mitzi Nittmann.

ABSENT: None

Meeting Called to order 7:00 p.m.

Pledge: Councilmember Rehm

Welcome all to our October meeting

Announcements:

Presentation of \$4,000,000 check by Green Island Associates.

Ike Wolgin from Green Island Associates presented a simulated check to the Town Board.

November's meeting is Wednesday, November 5th at 7:00 p.m. Tuesday, Nov. 4th is Election Day. Don't forget to vote. There are local registration days at Town Hall for Wednesday, October 8th from 4-9 and October 11th from 2-9.

The Bolton Landing Hamlet Sustainability Committee will be holding a public workshop on October 15th from 6:30 to 8:45 at the Town Hall: Come & voice your opinion

We have received the restitution for the damage at the Conservation Park property.

There was a large beaver dam that let loose destroying portions of Trout Falls Rd. on Saturday Sept. 20th The Highway Dept. had the road back in shape on Monday.

Flu Clinic at the Bolton Town Hall on Tuesday, October 21st 10:30 am. to Noon

Rabies clinic October 11th at Bolton Firehouse from 10 to Noon

Bolton Landing Fall Festival is scheduled for October 11th throughout Town. It coincides with the town-wide garage sale

Board of Health:

Resolution # 178

Councilmember Rehm moved, seconded by Councilman Saris to convene as the Board of Health to discuss the septic variance for Rosamund Butler. #ID 171.12-1-4 Crown Island. All in Favor. Motion Carried.

Supervisor Simmes explained that the following variance is being sought: 10' is required between the septic tank and foundation 4.6 is proposed. Action and return to regular session. She stated that Town Engineer Tom Nace has signed off on this proposal and does not have any problems with it.

Resolution # 179

Councilmember Rehm moved, seconded by Councilman Saris to accept Tom Nace's recommendation based on Carl Schoeder's prints that were submitted to the Planning Office for Rosamund Butler's septic and grant the variance for the deficient setback between the septic and existing foundation. All in Favor. Motion Carried. **Resolution #** Maranville moved, seconded by Councilman MacEwan to adjourn to regular session. All in Favor. Motion Carried. **Public Hearings:**

Continuation of Public Hearing on Water District property

One parcel of land situate on Finkle Road and Water Plant Road in the Town of Bolton (Tax Map Parcel #156-00-1-33 reputedly 60.02 acres. Assessed: at \$54,100 and appraised at \$200,000)

Zandy Gabriels asked if there are any provisions that they can create so that they do not create another Kincad Dam, which is a .25 of an acre parcel that just sits under the ownership of the County. When interested parties see the dam they do not know what to do with it and they do not want the liability. He stated that if this land is to be subdivided it should be attached to a buildable lot so that it does not fall on the County tax rolls. Ron Striegel, 400 Edgecomb Pond Road, stated that he inquired about this property a few years ago. He stated that at the time he was told that it was owned by the Water District and no development would occur on this property and he would like to see it kept that way. He stated that if the Town would sell it to him then he would put a deed restriction in to keep it undeveloped. Councilmember Rehm stated that the appraised value of the site is \$200,000 and asked if that would be acceptable to him with no building rights. Ron Striegel replied that if there were no building rights then he would hope that they would not ask that much.

A portion of a parcel of land situate on the east side of Edgecomb Pond Road (easterly portion of Tax Map Parcel #155-1-44) Assessed at \$75,200 Appraised at \$300,000. Supervisor Simmes stated that she has received some suggestions for this piece. She stated that one person suggested selling the property to a developer for potential affordable housing. Another individual wanted to trade property on Horicon Avenue for this parcel. She stated that there was a third suggestion but could not recall at the time. With regard to swapping property, Councilman MacEwan asked if the property on Horicon Ave. was comparable to this property. Supervisor Simmes replied that she is not sure if the Horicon Ave. property has been appraised but she knows what they are asking. Councilman MacEwan asked if it was the same acreage. Supervisor Simmes replied no and she thought that it was only about 7 acres. John Gaddy stated that he too would like to see some low cost housing option. He stated that he heard on North County Public Radio about a

Land Trust that has been operating in the Adirondacks with success for a number of years. He stated that in the long term vitality of the Town, especially from the school's standpoint, this option should be explored further. Sue Wilson asked if this is a feasible option for the Town. Counsel asked what the Land Trust purport to do. John Gaddy replied that his understanding is that the Land Trust assists in first time homebuyers to buy within a town. He stated that the individuals got to live in the house but the land itself was owned by the Trust. He stated that this was often the necessary step for younger families to be able to become members of the community. He stated that this has worked in a few other towns within the Adirondacks. Councilmember Rehm stated that she is a member of the Board for the Land Trust and she is happy that he heard their advertisement. She stated that they have a pilot project in Long Lake that the Town acquired land and they are looking to build some affordable homes. She stated that it is fraught with problems with the town getting into a development mode. She stated that the Trust has been much more successful with one existing house at a time and they can help underwrite its acquisition. She stated that the undertaking of building new, at least in Long Lake, still has not come to fruition. She stated that it is not a bad idea but she feels that she would not like the Town to get involved in building houses at this point. John Gaddy stated that he knows that Bolton takes pride in being a leader and affordable housing in this area is a problem and he thinks that it would be worthwhile investigating. Councilmember Rehm agreed. Councilman MacEwan asked how the program works. Councilmember Rehm explained that individuals would have to be income qualified and the bank determines what is affordable. The Land Trust then goes out and finds a house but the buyer may not be able to meet the bank's requirements and there is a gap between what is affordable and what it is selling for. The Land Trust makes up the difference and buys the land. The Land Trust gets the deed to the land and the homeowner gets the deed to the house so they can afford the mortgage. She stated that this program has been very successful in Burlington Vermont and there are a few inner city housing trusts in the Albany/Schenectady area. She stated that in the Adirondacks the program is about a year old and they are feeling their way through this and the Long Lake experience is going to show them a lot. John Gaddy suggested that they at least reserve one of the parcels to investigate this idea because he does not know of any other tract of land that might be available in that fashion. Sue Wilson suggested that they explore other options, whatever they may be before just selling the land. Counsel agreed and stated that there are grants and opportunities for resources that could contribute to that goal. He stated that although he is not familiar with the Land Trust that John Gaddy and Councilmember Rehm were discussing, he is familiar with this concept and it is possible. Councilmember Rehm stated that the reason that the Long Lake project is having difficulty is because of the building costs and it becomes unaffordable to those that they are trying to help. She stated that she has another Trustee meeting for the Land Trust at the end of the month and she will bring this to them for their ideas. Ron Conover, 4323 Lake Shore Drive, stated that these discussions underscore what he was suggesting at the last meeting. He stated that there may be any number of things that they would like to see done with this property and yet they have an enterprise fund for the Water District

that is desperate for financial support. He stated that it may not be in the Water District's long term interest to have to maintain this property but it may be of interest to the Town and again suggested that the Town consider purchasing the property. He stated that they could do that by either out-right purchase or by having the Water District hold the mortgage under certain terms and conditions. He stated that once they start talking about affordable housing they start talking about eligibility and the CDBG and UDAG Grant is a CDBG grant for community development and all kinds of linkages may be possible down the road that they don't envision or see today. He recommends that the Town proceed slowly and explore their options. He stated that they can always dispose of the property if they determine that is the best course. With regard to the brook property itself, Mitzi Nittmann stated given the state of the economy and everyone trying to go green, she suggested that they look into the option of using the brook to generate power and they could supply their own power to the highway department or any of the local buildings in that area. Supervisor Simmes stated that in light of what she has heard tonight, she feels that they should hold off selling the property until they can research their options. Councilmember Rehm stated that she would suggest that the Finkle Road piece be held because it has the least potential for any real development on it and to put the Edgecomb Pond Road property out to bid to see if there is any interest, but does not feel that they are pressured to do it now. Councilman Saris stated that many good suggestions have been raised. He stated that the Water District has no reason to own these properties because they serve absolutely no useful purpose to the Water District. He stated all of these ideas fall under what the Town of Bolton should consider and not something the Water District would consider. He stated that although this should take some time and be thought through properly but he feels that in the meantime they could move forward with the disposal of the property from the Water District to the Town. Councilmember Rehm asked if a transfer of the property to the Town would require a permissive referendum or public vote. Counsel replied that it requires a vote but it is not subject to the permissive referendum. He stated that they also have some options on how to proceed with this purchase: 1) outright purchase of the property or 2) mortgage transaction. Supervisor Simmes suggested that they go through their budget process before making any of the decisions. **Resolution #** Rehm moved, seconded by Councilman Maranville to leave the Public Hearing on Water District property; One parcel of land situate on Finkle Road and Water Plant Road in the Town of Bolton (Tax Map Parcel #156-00-1-33 reputedly 60.02 acres. Assessed: at \$54,100 and appraised at \$200,000) and a portion of a parcel of land situate on the east side of Edgecomb Pond Road (easterly portion of Tax Map Parcel #155-1-44) Assessed at \$75,200 Appraised at \$300,000 open until next month. All in Favor. Motion Carried.

Public hearing on Ordinance #40 amendment to Ordinance regulating Parking within the Town of Bolton Supervisor Simmes stated that listening to last month's meeting and from the little bit of correspondence she has received she feels that everyone seems to be in favor of putting "No Parking" signs up from where Ms. McKeag's property ends to where Provost's property starts. Matt Finley stated that they met and went over some of the more detailed history of the property. He stated that it is his impression from the last

meeting that every single speaker was in agreement on a couple of points: 1) the Town did have some sort of ordinance during the 1960's and there were "No Parking" signs posted and 2) between McKeag's property and the Provost's property he co-owns all of that land. He stated that he wanted to let them know that he is in full support of this ordinance. He stated that he did not start this discussion originally and that the onset occurred after receiving some complaints from the police and he was asked to do something as the property owner. He stated that he hopes the Town Board will strongly consider enacting this ordinance. Councilmember Rehm asked if the portion of the road coming from Route 9N before it turns the corner extends into Lake George. Matt Finley replied that he believes his deed specifies that the road goes to the water.

Councilmember Rehm stated that she is asking because there was a concern with use by the ice fisherman and their ability to access the water. She stated that along the water isn't good for access because of the erosion and it is his land that they would be crossing. She asked if at the point before the turn is an area that they can direct the ice fisherman to. Matt Finley replied that the deed specifies that the McKeag property is an exclusion and they own everything along that shoreline except that property.

Councilmember Rehm stated that this would be different than Huddle Bay and Bixby Beach where the road runs right into the Lake and the Finley property comes between the Town and the Lake. Matt Finley replied that she was correct. He stated that the beach area may be on the Town right-of-way but he thinks that there may be a few inches that he owns in between. Councilmember Rehm asked if they could use that area to designate for the ice fisherman to use to access the Lake. Matt Finley replied no because 1) they have given Joan McKeag permission to store her swim float there which would block that access and 2) Joan McKeag keeps a bubbler on all winter and there are 3-4 feet of open water. Zandy Gabriels suggested that they also consider Rainbow Beach in these discussions. He stated that the Rainbow Beach Association has a bubbler on the west side and it runs straight across to the east in front of the 20-30 feet where the road makes a sharp turn therefore prohibiting ice fisherman access to the Lake. He stated that this poses an interesting riparian question for Counsel and the LGPC as to whether it is permissible to disturb the ice in the riparian right. He also stated that there is a blockade that has been put up that also seems to indicate no public access. Councilman Maranville stated that he asked Town Assessor Dave Rosebrook compile a list of all of the Lake access properties that the Town owns and this was not listed as one of them. Doug Underhill, 73 Hemlock Point, stated that his family has been on Cotton Point since 1969 and they thank the TB for listening to the public about this issue. He stated that he feels that they are moving in the right direction. However he is concerned with over-posting in this area and requested that they limit the number of signs. Sue Wilson, member of the Rainbow Beach Association, stated that she is not so sure how the ownership is listed currently. They recently had the property surveyed. She stated that it was her understanding that the deeds run contiguous to one another and that Rainbow Beach may in fact own that property which is similar to Matt Finley's property. With regard to the barricade that Zandy Gabriels had mentioned she stated that it is a split rail fence. She stated that in that area traffic does not make a stop but rather a hard turn and the beach and the road are separated only by this fence, which means that their children and cars are only separated by that split rail fence. She stated that the fence is temporary and taken out after Columbus Day and put back in for the summer. Zandy Gabriels stated that the question seems to be about the 20 feet and the Town Assessor has stated that it is Town property. Sue Wilson stated that she knows what the opinion is but they just had it surveyed and they will find out who owns the property. Councilman Saris stated that he agrees with Doug Underhill about limiting the signs. He stated that although they have an obligation to make the public aware of the ordinance it can be done in such a way that it will not be an eyesore. Supervisor Simmes stated that she feels that they will at least need 3, one at the start, one in the middle and one at the

end. Councilman Saris agreed. Counsel reviewed the ordinance with the new language and changes, including changes to the Library property. There was some further discussion on the distance along the Cotton Point Road. Matt Finley stated that since the Provosts did not want their property included in this ordinance he suggested that they have the Town measure it properly. Mitzi Nittmann stated that she could go and measure it with the wheel for the proper measurement. **Resolution #** Saris moved, seconded by Councilman MacEwan to close the public hearing on Ordinance #40 amendment to Ordinance regulating Parking within the Town of Bolton. All in Favor. Motion Carried. **Resolution #** Maranville moved, seconded by Councilmember Rehm to adopt Ordinance #40 amendment to Ordinance regulating Parking within the Town of Bolton as follows:ORDINANCE #40AN ORDINANCE REGULATING PARKING WITHIN THE TOWN OF BOLTON [**Amendment/Replacement of Existing Ordinance**]

SECTION 1. Legislative intent.

It is the intent of the Town of Bolton, as an exercise of its police power and to protect the general health, safety and welfare of the residents and inhabitants of the town to enact an ordinance upon a finding that there is an obligation to regulate parking of motor vehicles along designated municipal roads, streets, byways, vehicular passageways and parking areas. It is further the intent of the Town of Bolton Town Board that this ordinance shall constitute local regulation of parking, the creation of limited parking and no parking areas, penalties and other regulations regarding vehicular parking within the Town of Bolton.

SECTION 2. Parking Regulations/Parking Prohibitions.

The Town Board shall from time to time adopt such rules and regulations for parking so as to protect the reasonable flow of traffic and provide for reasonable movement of vehicular and pedestrian traffic to and from private and public properties. Enforcement of the provisions herein shall be strictly applied so as to insure that emergency vehicles and fire apparatus can have reasonably free access for emergency purposes. Additionally, enforcement of parking regulations and prohibitions shall be appropriate to manage vehicular traffic during periods of peak season and public assemblies or events.

SECTION 3. Prohibitions/regulations.

A. No person shall cause or permit a motor vehicle to be parked or left standing within any public parking area owned and/or regulated by the Town of Bolton situated on the north side of Dula Place (municipal parking lot #1) or upon the Town Hall parking lot at the west side of New York State Route 9N (municipal parking lot #2) between the hours of 1:00 a.m. and 7:00 a.m.

B. No person shall cause or permit a motor vehicle to be parked or left standing on either side of Cotton Point Road along an area defined as measured from the southeast corner of a Town of Bolton Tax Map parcel 200.14-1-21 (reputedly McKeag) and from said point of beginning, a distance of 925 feet along both sides of the roadway as it runs along the shoreline of Lake George to the northwest corner of a stone wall situate on Town of Bolton Tax Map parcel 200.14-1-1 (reputedly Provost).

C. No person shall cause or permit a motor vehicle to be parked or left standing at the Bolton Free Library along an area beginning at the edge of the sidewalk on the north side of Rogers Memorial Park Road and for a distance measured from the point of beginning in an easterly direction therefrom a distance of 65 feet.

SECTION 4. Enforcement/Penalties.

The Town of Bolton and its agents and employees, upon ascertaining any violation of this ordinance, shall be entitled to cause the towing of any illegally parked motor vehicle from the illegal location to an impoundment, and the cost of towing and storage shall be required to be prepaid by the owner or operator of said vehicle before such illegally parked motor vehicle shall be released to the owner or operator. In addition to the imposition of any charge for the cost of towing and storage, a fine not to exceed One Hundred Fifty Dollars (\$150.00) may be imposed by any court with jurisdiction over the matter.

SECTION 5. Posting of Signs.

The Town of Bolton Town Board, by its agents, employees and servants, shall be authorized to provide, place and maintain "no parking" or limited hours of parking signs in such areas as are appropriate to provide adequate and reasonable notice of regulations and prohibitions herein specified.

SECTION 6. Applicability.

This Ordinance shall apply to those town roads, streets, byways, vehicular passageways and municipal parking areas designated herein.

SECTION 7. Exception.

This Ordinance is not intended to prohibit vehicular parking that may be permitted by private ownership so long as such vehicle or any portion thereof is entirely on private land and not upon the surface or paved area of any roadway herein designated. This Ordinance shall not be construed so as to constitute permission for any person to park a motor vehicle or trailer upon the private lands of any person whose property may be adjacent to any roadway herein designated.

SECTION 8. Effective Date.

This ordinance shall take effect by the application of law.

ENACTED upon conclusion of public hearing on October 7, 2008 by unanimous consent: all Town Board members approve by favorable vote.

All in Favor. Motion Carried. **Public in** Gabriels suggested that the Town spend some money since it is the budget time of year. He stated that part of the Sagamore sale was that they took out a mortgage. The mortgage they took out was 25 million dollars and that means the Town will receive in terms of mortgage payments, which were made at the end of September so it will come in the end of October's check. The mortgage tax paid on the 25 million dollars amounts to \$125,000. The County is undergoing some issues with their budget. He is suggesting that the TB give some consideration of taking

that fraction of the mortgage tax money \$100,000 and submit it to the County for reducing the Bolton property taxes when they become finalized in the middle of November. That would reduce the County taxes by about 10 cents on a tax roll basis. He stated that they can do this because also part of the mortgage tax it is anticipated that the County will provide you a check at the end of October in the amount of \$204,000 which includes the 125,000. If they take out the \$100,000 to reduce the County taxes the revenue stream and the mortgage taxes they have seen will come out right on target and they would also reduce the County taxes for this year. He stated that they are not obligated to do this nor do they have to do it again and again. He stated that the County will accept these payments up until November 5th. He stated that he would have brought this information to them sooner but was unable to get the necessary information from Pam Vogel until today. He stated that they need to take into consideration that they probably will not have this type of income next year given the economy. Supervisor Simmes stated that she thought the date to remit was a little later but would find out for sure. **Zoning Issues**

Lehman Barns: We are keeping the court informed in case we need to proceed to bring her property into compliance.

Supervisor Simmes stated that she received a letter from her. Counsel stated that he also received that letter and suggested that they allow the matter to again be moved over to the November meeting. He stated that Ms. Lehman has expressed an interest in coming to the meeting and hopes that she can further explain her plan. Councilmember Rehm asked if they have secured the building enough to wait until next month. Supervisor Simmes replied that it is not secure and the workers that were making repairs have stopped work on it. Counsel stated that she has grand plans of revitalization of the buildings but he has told her that if she obtains an engineer that can certify to her and the Town that Mr. Nace's opinion is quite wrong and the building is salvageable that they would give it serious consideration. He stated they could either 1) wait to hear what she has to say at the next meeting or 2) he could present the papers again to Judge Krogmann, but in all likelihood he too would like to wait until she can be present. Supervisor Simmes stated that the one building is in really bad shape and the property owners in front have grandchildren who are there often. She asked if the children were out playing and something happened to this structure would the Town be responsible. Counsel replied that they most likely could hold the Town responsible for not acting diligently. Supervisor Simmes stated that she feels at this point they should be moving forward. Counsel stated that he would proceed with an order to show cause and have Ms. Lehman served as soon as possible and let the Court decide it. Councilmember Rehm stated that she would support moving forward. Although Ms. Lehman seems well intended but nothing has been accomplished. **Resolution #184** Councilmember Rehm moved, seconded by Councilman MacEwan that pursuant to the requirements and provisions of Town Ordinance #27 we take the necessary steps to have the one barn and two sheds demolished and removed from the Janet Lehman residence, 57 Horicon Ave. Bolton Landing, Tax Map #171.15-1-28 and to either stabilize or remove the chimney from the remaining barn and that Town Counsel be authorized to continue that, litigate it and obtain the Supreme Court order. All in Favor. Motion carried.

Harold Raven

Counsel stated that he just received Mr. Raven's answers which are general denials and affirmative defenses. He stated that he wrote the TB a status letter but has not sent it out yet, but summarized that they will proceed with the action.

Elmer Clark: Had until September 28th to respond. Mitzi Nittmann stated that she got the dates mixed up and will need to go up to the property to inspect whether or not they have done anything. She stated that they could still move forward with the action with the condition that it would be dropped if they have remedied the problem. Counsel stated that they are at the point in the ordinance to move forward to presenting papers to Court to be removed or demolished. Councilmember Rehm asked if any of the items from Tom Nace's report have been taken care of. Mitzi Nittmann replied that the open well has been closed up. She stated that she is not sure if the porches or basement windows have been secured. The Board decided to have a motion to proceed with action based upon Mitzi Nittmann's inspection of the property. **Resolution #185** Councilman MacEwan moved, seconded by Councilman Maranville that pursuant to the requirements and provisions of Town Ordinance #27 we take the necessary steps to have the two porches demolished and removed from the Elmer Clark residence, 824 Trout Lake Road, Bolton Landing, Tax Map #186.00-1-20 and basement windows need to be secured and that Town Counsel be authorized to present that, litigate it and obtain the Supreme Court order. All in Favor. Motion carried.

Timothy Harrington: Supervisor Simmes stated that Counsel has sent an amended verified complaint to Supreme Court regarding violations of the zoning ordinance. Counsel stated that the amendment was that the TB made the determination that the Town did not require Mr. Harrington to re-plant the area that had restored itself. He stated that he eliminated that from the lawsuit, prepared an amended complaint and served it.

Norwood Drive report from Jarrett-Martin Engineers: There are still problems with the road. Counsel stated that historically they take this report and send the owner correspondence requiring them to fix it to bring it into compliance. Supervisor Simmes asked if that is something that he would prepare. Counsel replied that Mitzi Nittmann does the background in terms of the details and he provides a cover letter and it is sent to the president of the association. Mitzi Nittmann stated that several years ago Jarrett Martin had noticed siltation leaving the lakefront parcel. She stated that they have had a meeting with some of the members of the association trying to get it remediated but nothing has been done. Since that time, this year again she has found evidence of siltation leaving their parking lot and entering the lake. She stated that she has talked to Pam Kenyon and started drafting a letter including a notice of violation for siltation. She stated that while she was doing her research on the property she found an approved stormwater plan for that part of the subdivision that was never implemented. She stated one of the parts of the plan included that the parking area would be grass and it is stone. She stated that she would like to proceed by giving them a timeframe to implement the approved plan and address the situation and if they do not comply in x number of days she would send them to the TB for action. Councilman Maranville asked when this dated back to. Mitzi Nittmann replied that it has been from when the subdivision was first approved. She stated that they have several issues that they are in violation on top of the siltation issue. She stated that they are also in violation of not maintaining part of the road properly especially for fire access. She stated that she wants to move this along more swiftly because the only time the association acts is when they are pushed and they have not been pushed in 4 years. Councilman MacEwan asked if the road gets inspected regularly. Mitzi Nittmann replied yes, bi-annually by Jarrett Martin. She stated that she was there in July and found that part of the road was barely passable and the ditch line in the upper corner was silted in. Councilman Saris stated that since it is silting into the lake it requires the TB action because it is unacceptable. Supervisor Simmes stated that they should put them on notice of violation and if they do not act then the TB would get involved. Mitzi Nittmann asked how long she should allow them for

remediation. Councilman Saris stated that she would be better to decide how long it should take for them to remediate the problem. He continued that one would hope that it could be done before the snow flies. Mitzi Nittmann stated that she is concerned with the timeframe because if they were to ask that they remove the impervious stone and replace it with grass it would not seed very well. Mitzi Nittmann stated that she would like to see some action in 30 days but could break the process up. Councilman Saris agreed and stated that he would like to see some sort of plan for remediation within 30 days and action on appropriate measures.

Indian summit road report from Nace Engineering: His recommendation is that the road continues to be inspected twice a year.

Correspondence

Southern Adirondack Tobacco Free Coalition has awarded the Town of Bolton, Town Board an award recognizing our efforts to keep our children tobacco free. The recognition event will be Wednesday, November 12th from 6 to 8 pm. at Queensbury Hotel. Supervisor Simmes needs to know who would like to attend. They need to know by October 10th. Councilman Maranville stated that he would be interested in attending.

Lakeside Lodge & Grille notification of liquor license renewal

CT Male letter regarding core sample reports for the upcoming sewer relocation project.

Notice that Hometown Diner has requested a renewal of their beer and wine license with SLA.

Cable TV notification that there may be programming changes

DEC Notification of violation at sewer plant for phosphorous levels

Letter to the State DOT regarding options for the Middleton Bridge. Copy of letter sent by Congresswoman Gillibrand on our behalf requesting Federal funds for the repair of the road, rather than a new bridge. Supervisor Simmes stated that there was a meeting between the State and County on this bridge and they performed a study to see how high they would have to raise East Schroon River Road. They were going to go to the federal government and ask not to replace the bridge but instead earmark that money to fix the road. Supervisor Simmes stated that the cost to replace the bridge would be 1.2 million and they would also have to fix the road which will cost between \$200-300,000. They are asking that the Federal and State not fix the bridge and just give them the money to fix the road instead. Councilmember Rehm stated that one would hope that the government would see the cost effectiveness of fixing the road rather than replacing the bridge.

APA amended permit for Green Island LG, LLC has been granted

APA notification of reversal of variance granted by ZBA to Walter Gates

Committee Clerk- Total local shares- \$23,211.75, non-local revenue- \$1,097.64 Total State, County and Local revenue- \$24,309.39. Sewer Department- Took in 4,760,980 gallons of waste water for an average of 158,699 gallons a day. They had another violation for high phosphorus in one of the wells. It

has been an ongoing issue and some of that has been caused by the maintenance that was done on the plant and they plan to shut it down and start it back up again. They had 64,000 gallons of liquid sludge hauled. They de-weeded and cleaned all of the beds for the winter season. They had maintenance performed on the clarifier. BLDC- The NoRoWal chain will still be put up for the launch ramp as long as the marina is open this year. It will be left down after the marina has closed for the season. The reason for this is because in previous years they left the chain down in the off-season before they closed and allowing people to use the ramp in off hours but the policy has changed due to perceived abuses of that privilege. He stated that they had a pretty good season. The numbers are little off from last year, but they are still in the black. **Councilmember** Department- She stated that the recreation program had a great summer. Andy Pratt donated some lighting and they held their first dance. The schedule for the Recreation Center for October is available. The hours are as follows: Tuesdays- Friday 2:30- 6:30 p.m and Saturdays are event days. It is not on the agenda tonight, but the Rec Department would like the TB to consider prohibiting smoking on the beaches. Senior Center- The Senior Center has new officers- Al Fram will be President, John Consaga Vice President and Secretary Kathy Hannon and Treasurer is Bob Merchant. They have had some trips. Library- The Library will be participating in the Fall Festival with Story Hours on Saturday for children to enjoy. Next month they will be sending out their annual fundraising letter and she is hopeful that people will support them. The Bolton Historical Society will also be participating in the Fall Festival with cemetery walks on Saturday afternoon at 3pm. Fire Department- The fire department and rescue squad have submitted budgets and as always they provide excellent service and are well worth the money spent. **Councilman** - During the month of September the daily work of deed and map maintenance was kept timely. Deed changes which had occurred between creation of the school computer file and the sending the tax bills were forwarded to Dawn Robinson for correction of those bills. On September 9th a small claims hearing was held concerning the property of Donald Green on Hayden Point Loop. Before the hearing commenced the hearing officer gave us an opportunity to reach a settlement. Mr. Rosebrook has done a new appraisal on the property, Mr. Green thought it was fair and the settled on the assessment of \$1,200,000 which was a reduction of 195,300. Responses for financial information on commercial properties mailed out in August have been limited but continue to arrive at a sporadic pace on a day to day basis. From September 21-24th Dave Rosebrook attended the annual NYS Assessor's conference. There were numerous education sessions to attend and a general session on legislation. He received 14 credit hours towards his continuing education requirement. On September 25th he attended the WC Assessors Association meeting in Lake George which had a special guest Teresa Sayward. He stated that she spoke of the financial woes of the State and that they need to control the spending at all levels. Police Department- Chief James Neumann patrolled 2,594 miles and used 199 gallons of fuel. He stated that there is a 2 page list of all the calls that they answered and assists that they had. Justice Department- Hon. Harry Demarest- \$8,735.00 and Hon. Edward Stewart- \$6,940.00 Total- \$15,675.00. Itemized lists are located in the Court. **Councilman Station**- Total receipts- \$6,376.00. Lisa has asked again about replacement or repair of the concrete under the compactor. She also asked about winter hours and requested that they keep it same as last year for leaf season. Lisa also requested that she be paid for her vacation time that she has saved totaling 56 hours. She was planning on using them to watch her daughter graduate from basic training but that has been changed until December. Supervisor Simmes stated that she has a bid for the concrete work from one person and has a verbal from another but does not have it in writing. Councilman Maranville stated that they should act on this repair before the winter. He also stated that they will need to replace the window as well. Supervisor Simmes stated that the window is there but she will have to get someone there to install it. Councilmember Rehm stated that there is a group in Queensbury that is very actively looking at how electronic recycling is done and they are taking a trip October 24th, to a place in Troy that does electronic recycling. She suggested that if no one from Bolton goes, she hopes that Supervisor Simmes could get someone from the County to go to bring the information back for this area. Zoning-Mitzi Nittmann requested rolling over her vacation time to next year. She stated that her parents live in Washington State and her mother is having surgery on both shoulders during the next year and she would like to take that time to go out and help her. Supervisor Simmes asked if Lisa's hours could also be rolled over to next year. **Supervisor's** : \$364,349.97 Disbursements: \$645,211.51The tentative

budget has been completed and distributed to the board and workshop meetings need to be set up. The meetings will be scheduled as follows: October 13th 9-noon and October 16th 4: **Business**

We have two bids for sandblasting a highway truck: Green Island Autobody \$5950 and Arrowhead \$4463. **Resolution #186** Councilmember Rehm moved, seconded by Councilman MacEwan to accept the bid from Arrowhead of \$4,463.00 to sandblast the highway truck. All in Favor. Motion Carried.

Survey of Bixby Beach: Waiting on Dennis Dickinson

Brereton Rd. survey requests- Counsel has sent out letters but has not received any response. He stated that he would put out some calls to help move the progress along.
New Business

Route 9N paving project is in the final design stage and the board needs to adopt a resolution for maintenance of sidewalks and curbs once the project is completed.
Resolution # MacEwan moved, seconded by Councilman Saris to approve the following: Whereas, the New York State Department of Transportation proposes therehabilitation of part of Route 9N, Lake Shore Drive, S.H.'s418 & 9073, in the Town of Bolton, Warren County from Mohican Road to Ledgeview Lane and Whereas, the State will include as part of the construction, reconstruction, or improvement of the above mentioned project the construction of sidewalks and curbs pursuant to Section 10, subdivision 22 or Section 140 of the Highway Law, and will provide for the removal, replacement and/or reconstruction of existing sidewalks and curbs pursuant to Section 10, subdivision 22 of the Highway Law, as shown on the contract plans relating to the project and Whereas, the service life of the relocated and/or replaced utilities has not been extended and Whereas, the State will provide for the reconstruction of the above mentioned work, as shown on the contract plans relating to the project. Now, therefore, Be it resolved: That the Town of Bolton approve the removal, replacement and/or reconstruction of such existing sidewalks and curbs and the above mentioned work performed on the project and shown on the contract plans relating to the project and that the Town of Bolton will maintain or cause to be maintained the replaced and/or reconstructed sidewalks and curbs performed as above stated and as shown on the contract plans, including control of snow and ice. BE IT FURTHER RESOLVED: that the clerk of this Board is hereby directed to transmit five (5) certified copies of the foregoing resolution to the State Department of transportation. Councilmember Rehm opposed (because not in agreement with the design of a portion of new sidewalk) All others in Favor. Motion Carried.

Agreement for transportation and disposal services between Casella Transportation Inc. and the Town of Bolton. This is for the removal of liquid sludge from the sewer plant. Supervisor Simmes needs authorization to sign.

Councilmember Rehm asked if this would be more than they have been paying. Supervisor Simmes replied no it is less. Councilmember Rehm asked if they got bids from anyone else. Supervisor Simmes replied that according to Chet Dagles there is no one else.

Resolution # Saris moved, seconded by Councilman Maranville to accept the agreement for transportation and disposal services of sludge from the wastewater treatment plant between Casella Transportation Inc. and the Town of Bolton and authorize Supervisor Simmes to sign the agreement. All in Favor. Motion Carried.

Landfill hour change: Last year we closed Monday and Wednesday beginning November 18th Supervisor Simmes stated that this year it would be the 16th if they decided to keep it the same. The Board agreed to keep the hours the same.

Set a public hearing for November 5th to discuss the preliminary budget at 6:30pm.

Resolution # Rehm moved, seconded by Councilman Maranville to set a public hearing for November 5, 2008 at 6:30 pm to discuss the preliminary 2009 budget. All in Favor. Motion Carried.

Discuss refund of sewer usage charges for Laura George. She is in the sewer district, but not hooked up. She still has to pay the base charge. The refund amount for usage is \$69. Councilmember Rehm asked if she can be hooked up to the sewer. Supervisor Simmes replied that she is not sure that she can be and will have to ask Chet Dagles. Councilmember Rehm stated that the ordinance states that if a homeowner is in the sewer district they need to be hooked up and if she cannot hook up to the system for some reason there needs to be something on record that says why she is not.

Resolution # Saris moved, seconded by Councilman Maranville to refund sewer usage charges of \$69.00 to Laura George of 14 Second Street, tax map #171.15-2-8. All in Favor. Motion Carried.

Copy of Transportation agreement for the summer trolley service. Cost for 2009 is \$1559. The board needs to approve and authorize the Supervisor to sign. **Resolution #** Rehm moved, seconded by Councilman MacEwan to approve the 2009 Transportation agreement with Greater Glens Falls Transit Company for the amount of \$1,559.00 and authorize Supervisor Simmes to sign said agreement. All in Favor. Motion Carried.

Authorization Memo of Understanding with the Village of Lake George for use of their safety equipment for our sewer department. Supervisor Simmes stated that there is a lot of safety equipment that our sewer department should have but doesn't have and it would be very costly for them to buy it. Chet Dagles went to Lake George and they are willing to allow use of this equipment with the stipulation that our department would be responsible to replace or repair anything that may be broken. Lake George also required that the Town pay any overtime for their employees if necessary. The Village of Lake George has signed it but it has not been sent back to us yet. Councilmember Rehm suggested that they send a copy of this memo to Senator Little to show her that they are involved in the cooperation of sharing services. Councilman Saris stated that Chet Dagles should be commended on his effort. Supervisor Simmes agreed.

Resolution # Maranville moved, seconded by Councilmember Rehm to authorize Supervisor Simmes to sign the Memorandum of Understanding with the Village of Lake George for the use of their safety equipment for the Town of Bolton's sewer department. All in Favor. Motion Carried.

NYS DOT Betterment Agreement & Resolution for Installation of conduits for future lighting on Rt 9N project. Total is \$59,800. This amount has to be paid by December 15th. This amount will earn interest while they hold it and any overage will be refunded to us. Supervisor Simmes stated that if approved they will have to decide where this money will come from. **Resolution #** MacEwan moved, seconded by Councilman Saris to approve the NYS DOT Betterment Agreement & Resolution for Installation of conduits for future lighting on Route 9N project totaling \$59,800. Councilmember Rehm abstained. All others in Favor. Motion Carried.

Supervisor Simmes needs a resolution to authorize Warren County Real Property to place the following amounts on the 2009 Town and County Tax bill. These bills are for the demolition work that the Town had contracted for since the landowner did not comply with a court order for removal of dilapidated buildings on their properties under our Ordinance #27 Unsafe buildings. The exact amount for Barbara Law is \$19,352.59 and for Muriel Crandall is \$14,208.33. **Resolution #** Rehm moved, seconded by Councilman Maranville to place the bills for the demolition of the Barbara Law residence 4274 Lakeshore Drive, tax map #200.14-1-22 totaling \$19,352.59 and the Muriel Crandall residence, 367 Valley Woods Road, tax map #156.00-1-48, totaling \$14,208.33 on the 2009 Town and County Tax bills for each tax parcel. All in Favor. Motion Carried.

Appoint Eugenia Lindyberg to serve on the Board of Assessment Review Term to expire 9-30- **#** Maranville moved, seconded by Councilmember Rehm to appoint Eugenia Lindyberg to serve on the Board of Assessment Review with her term to expire 9-30-2013. All in Favor. Motion Carried.

We have received two resumes for positions on the ZBA. David Ray and John Michaels. The Board decided to interview the 2 candidates for the position on October 15th before the Sustainability Meeting.

Public Sector (handbook consultants) would like to set up a meeting again with the Town Board to discuss the employee handbook and the wage & salary program. The meeting is set for October 16th at 7pm.

Discussion concerning skunk problem in the hamlet. This has become quite a problem. Supervisor Simmes stated that there is someone in Town who has a nuisance and wildlife control permit to trap the animals and dispose of them, but he wants \$130/skunk. She stated that she is going to try and get another price. The Town animal control and dog warden is not allowed to trap skunks but he is going to buy a skunk trap so he could lend it to people.

Mitzi Nittmann's request to roll over her vacation time to next year until she can use it. **Resolution #** Rehm moved, seconded by Councilman Maranville to approve Mitzi Nittmann's request to roll over her 271/2 hours of vacation time until next year. All in Favor. Motion Carried.

Lisa French's request to be paid for 56 hours vacation time because she will not be able to use them. Supervisor Simmes stated that she supports this request because she knows that she was saving this time to see her daughter and now that has changed. Councilmember Rehm asked if her new year is starting now. Donna Boggs stated that she is not sure but assumes that it is soon. Councilmember Rehm stated that she could roll it over as well. Councilman MacEwan stated that he is not sure that Lisa knows that she has that option. Councilman Saris suggested that they make the motion for either way and let Lisa decide. **Resolution #** MacEwan moved, seconded by Councilman Saris to approve that Lisa French either be paid for her 56 hours of unused vacation time or to roll it over to next year. All in Favor. Motion Carried.

Craft show request- Peter French and Gail Street have put in a request for the Arts and Crafts shows for the 2009. They are looking to be in Rogers Park again Sat. 7/4, Sun 7/5, Sat. 8/8, Sun 8/9, Sat 9/5 and Sun.9/6. They want to set up the day before on each of those events. **Resolution #** Saris moved, seconded by Councilman Maranville to approve the use of Rogers Park for the 2009 Arts and Crafts shows on the following

dates: Saturday, July 4th, Sunday, July 5th, Saturday August 8th, Sunday August 9th, Saturday September 5th and Sunday September 6th and allowing set up of these events on the day prior. All in Favor. Motion Carried.

Christmas Tree in Rogers Park-Supervisor Simmes stated that she received a letter from Tree Care by Stan Hunt regarding the tree. He was looking to do a feeding program for the Christmas Tree in the park. But upon inspection of the tree they have determined that the feeding program would not be worth it. The tree is dying faster than anything he can do to save it. She stated that she discussed their options for a new tree and he says that he can do a new tree and provided prices. He has found a White Con-collared Fir which is similar to a Colorado Blue Spruce. Stan Hunt stated that he could remove the tree and stump grind it for \$1,500 and purchase a new tree and install it in time for Christmas, but he needs to know by tomorrow so that he can order it. Supervisor Simmes stated that a 12-14' is not in stock right now but he does believe he can get it and the cost would be \$450.00, a 10-12' would be \$365.00. Both would be doubled in price including installation. She stated that the TB has previously discussed this and have decided to get the biggest tree possible. Councilmember Rehm stated that they have money in the Park fund anyway. **Resolution #** Rehm moved, seconded by Councilman Maranville to authorize Stan Hunt to remove the existing tree in Rogers Memorial Park and stump grind it for \$1,500.00 and to approve the purchase of a new tree for its replacement. All in Favor. Motion Carried. Zandy Gabriels commented that they have plenty of money in the bed tax fund and should consider using this to purchase a much bigger tree. He feels that they should spend the money because they do have a lot of visitors during the holidays that come to see the Town and this is important to the Town. Supervisor Simmes stated that they would do their best to find the biggest tree they could.

Public in regard to the Town being reimbursed by the Sagamore, Dennis Murphy suggested that the TB give consideration to the original parameters when they were to get this money. He stated that they are sure to be a lot of suggestions on what to spend the money on and he feels that they should let the public know what they can and cannot do with this money. **TransfersResolution #** Saris moved, seconded by Councilman MacEwan to authorize the following transfers: TRANSFERS FOR TOWN OF BOLTON FOR OCTOBER 2008

FROM TO AMOUNT

General Fund

16204Buildings & Grounds Cont. 16204 71104Parks \$1,000.00

16502 Central Communications 87454 BixbyBeach 7,700.00

30102 87454 " " 576.00

19904 Contingency 30972 PublicSafety 27,550.00

Capital Outlay

30102 Public Safety 35104 Dog Control 38.00

35102 Dog Equipment 35204 " " 85.00

31202 Police Equip 31204 Police Cont. 2,000.00

71402 Recreation, Equip. 71404 Recreation 4,000.00

80104 Zoning 14204Attorney 2,000.00

86644 Code Enforcement 14204 Attorney 2,000.00

Increase budget for 3897 State of NY Grant, LGA \$1,750.00 Bixby Beach

87454 Bixby Beach \$1,750.00

Transfers for Sewer District August 15,000

September 7,500

Transfer for Water District September 70,000.00 Debt Service

Highway Fund

51302 Machinery Equipment 51304 Machinery \$20,000.00

Water District

83102 Administration, Equip 83104 Administration, Cont. 3000.00

83404 Transmission 83204 Source Power 1702.00

All in Favor. Motion Carried. Councilmember Rehm stated that Councilman Saris' point about the water district is accurate since they are transferring \$70,000 from the general fund into the water district. The water district is in financial straits and they will need to do something soon to get them some revenue. **Pay the bills Resolution #** Rehm moved, seconded by Councilman MacEwan to pay the following bills: Light \$2,202.56 General Fund 79,352.17 Rogers Park Fund 3,962.30 Sewer Fund 12,289.59 Water 4,487.98 All in Favor. Motion Carried. **Resolution #** Saris moved, seconded by Councilman Maranville to pay the following highway bills. Highway \$61,476.38 Councilmember Rehm Opposed. All Others in Favor. Motion Carried. **Executive Session- None Adjourn Resolution #** Maranville moved, seconded by Councilman MacEwan to adjourn the meeting at 8:55 pm. All in Favor. Motion Carried. Respectfully submitted by: Respectfully submitted by: Patricia Steele Kristen MacEwan Town Clerk Recording Secretary