

TOWN OF BOLTON
TOWN BOARD MEETING

Pledge: Councilmember Robert MacEwan

October 5, 2010

Regular Meeting

Supervisor:	Ronald Conover
Councilman	Robert MacEwan
Councilman:	Owen Maranville
Councilman:	Gregory Smith
Town Clerk:	Patricia Steele
Counsel:	Michael Muller

Councilmember Deanne Rehm was absent.

Call To Order: 7:00pm

Minutes: Approve minutes of Regular Meeting of September 7, 2010.

RESOLUTION #195

Councilman MacEwan moved, seconded by Councilman Smith to approve the September 7, 2010 Town Board minutes as written. All in Favor. Motion Carried.

Special Presentation: Kitty Otto, on her 100th Birthday

Supervisor Conover stated that there are certain pleasures being a Supervisor and one of them is to recognize certain people. He asked former Supervisor, Kathy Simmes to help in this recognition and read the resolution.

RESOLUTION #195A

*RESOLUTION OF THE BOLTON TOWN BOARD
ON THE
100TH BIRTHDAY OF KITTY OTTO*

*Whereas: Kitty Otto was born on October 22, 1910 in Bremen, Germany; and
Whereas: Kitty came to the United States and met her future husband, Hubert Otto in New York City in 1929 and married two years later and raised two daughters, Eve and Marilyn and;*

Whereas: Kitty and her husband found property for sale on South Trout Lake Road while visiting her sister Nellie at Christmastime in 1948; and

Whereas: In 1951 they started the resort called Trout Lake Retreat which grew from four rental cottages in addition to the main house to eight cottages; and

Whereas: Kitty was active as a volunteer in many organizations which included Girl Scout leader for over 10 years and a member of the Girl Scout Council, help teach handicapped children at Prospect School, giving nature tours to school children throughout Warren County, and helped the County Commission to save the Bay in Apalachicola, FL from over-development, an active member of the Lake George Garden Club and served as the Conservation Chairman, belonged to the Halfmoon Button Club and is still an avid stamp collector; and

Whereas: Kitty's love and passion is gardening, she received the Town of Bolton award for Most Beautiful Garden in 1995; and

***NOW THEREFORE LET IT BE RESOLVED,** That we, the Bolton Town Board, do pause in our deliberations to honor Kitty Otto by naming October 5, 2010 as Kitty Otto Day in honor of her 100th birthday.*

Kitty Otto thanked the Board for the honor and thanked everyone for being there.

Public in Attendance:

Richard Wakeman, CT Male Associates, Edgecomb Pond Dam Study

Richard Wakeman introduced Katherine Serra who has worked with him on this project for the past few months. They have been addressing DEC's revised hazard classification for the dam and wanted to present a summary of what that means for the Town and the steps they have to take in the future.

Richard Wakeman stated that the dam is located on the hill above the Town at approximately 700' elevation and approximately 1.5 miles from the lake. He gave the current layout and description of the dam.

The new DEC regulations have asked for emergency action plans to be prepared for Hazard Class B and C dams. Edgecomb Pond Dam was previously classified as a Class B but was elevated to the higher classification of Class C. Class B emergency plans are due August 2011 but Class C plans were due this past August. DEC has also required for all dams, Classes A, B and C to have an inspection maintenance plan, which is a new item. This will require municipalities and private dam owners to have a plan in place, inspect their dam on a routine basis and provide details of how they are going to maintain the dam. Some of the maintenance items are normal maintenance done without a permit from DEC and some will require a permit.

Richard Wakeman stated that DEC has reclassified Edgecomb Pond dam from an intermediate Class B to a high hazard Class C. Intermediate Class B means that failure of the dam may cause damage to isolated homes, highways, railroads and utilities, loss of life is not expected. High Hazard Class C means failure of the dam may result in widespread damage to homes, main highways, industrial, utilities, water supplies and loss of human life or widespread economic loss is heightened.

Richard Wakeman stated that before the change in the classification, the regulations that the DEC sets forth requires that the spillway has to pass 150% of flow from a 100 year storm event. With the elevated classification the spillway now has to pass one half of a probable maximum flow, which is 33.6 inches of precipitation over 72 hours. He stated that the flow from a 100 year storm has been weathered by the dam. However, the recent prominence of hurricanes that seem to linger longer could cause that kind of rainfall. Richard Wakeman stated that the rainfall event is set by DEC and the dam now has to be able to pass that kind of flow without any overflow.

Richard Wakeman stated that the existing dam without the splashboards in place can handle that Class B storm event. Since the upgraded classification, they have agreed with DEC and determined that it cannot handle that type of flooding and modifications are needed. He stated that for that flow to occur under current conditions the dam will overtop by 5 feet, which means that it will go over the spillway, over the embankments and the dam will fail.

Richard Wakeman stated that there have been questions as to why DEC is now upgrading their classification. He stated that it could be due to development which has caused DEC to re-evaluate the dam. He stated that they may do a drive-by to see what houses, roadways or utilities could be affected by such an event. He stated that when they questioned increased classification, DEC allowed them to do an Incipient Flood Analysis. He stated that DEC indicated that if any water levels didn't increase past 2 feet, they could keep their classification B. Richard Wakeman stated that this was not the case because the water levels rose 2-8 feet above the water levels from the normal flooding situation. In reviewing this analysis they did agree that this could threaten, damage homes, highways, utilities and was a threat to life.

Katherine Serra stated that the biggest thing in the Incipient Flood Analysis is to see whether or not flooding downstream is due to Mother Nature or would it be much worse if the dam were to fail. She stated they found that the 100 year storms had no effect on the dam or the surrounding homes. However, in the event that they were to receive elevated levels of water 2-8' above they would see damage to homes and property and potentially loss of life. She stated that even though a lot of these houses have been there for awhile the State finally decided to elevate the class and she believes for good reason.

Richard Wakeman stated that they have prepared an inspection and maintenance plan for a Class C dam. He stated that some of that has already been performed. They can maintain the dam without a permit as long as they are not threatening the integrity of the dam. He stated that some trees were cut below the spillway and they did some restoration of the concrete above the abutment wall. Beyond that they cannot do much more without a permit.

Richard Wakeman stated that this dam currently has one spillway. With this upgrade in classification they will need to add an auxiliary spillway. He stated that they have room to do so on the side of the water plant. They will have to cut down some trees and create a depression to allow a 100 year storm event to flow here. He stated that they will have

to further analyze how this will all work because they will have to direct the water to the spillway by either creating culverts under the road or to allow the water to flow over the road. He stated that either way it is better to have a little bit of road erosion than to lose the dam and threaten properties and human life.

Richard Wakeman stated that there is some grant money through Warren County Hazard Mitigation Plan. Katherine Serra stated that she has been working with the Emergency Management Coordinator at Warren County who has helped them prepare the Emergency Action Plan. She indicated that Warren County has a Hazard Mitigation Plan which has different potential emergencies and how they mitigate them; she has added dams to that. She indicated that there are sources that they could apply for some funds for repairing or upgrading the dams. She stated that there are no grants set in stone but in 2011 she should have some idea of whether that could happen. Katherine Serra encouraged the Town to keep close tabs on that.

Supervisor Conover thanked Richard Wakeman and CT Male for their efforts. He stated that there are some concerns with the existing dam. He feels that CT Male has provided a common sense approach and could possibly do a lot of this work with our own crews. Supervisor Conover asked if they would have to do this right away. Richard Wakeman stated that they have to do it when DEC asks them to. He stated that there have been a lot of dams that they have analyzed that are undersized and have a list of modifications that can be done. He stated that he does not want to be an alarmist because what he has described is an extreme storm event and it is something they should look forward to in budgeting or getting a grant to help them with the work.

Richard Wakeman stated that their inspection of the dam did not reveal any imminent threat to the dam. Katherine Serra stated that the State is asking that they look at these dams not just in flood events but in the event that the dams were to fail anytime. This will allow them to be prepared by having an Emergency Action Plan in place.

Bob Weisenfeld stated that there was mention of adding an additional spillway and asked what was downhill from that. Katherine Serra replied that it was Finkle Brook. Richard Wakeman stated that the only distinction is that past that storm event, there is still flooding downstream but the dam has not failed to add to the problem. He stated that this plan and these upgrades are allowing for reaction time if it were to fail. Currently, if the dam were to fail they would only have 3 minutes, this would allow for more time and a safer situation.

Zandy Gabriels asked for the dimensions of the auxiliary spillway. Richard Wakeman replied that it would be 200' but could narrow down. He stated that it will depend upon how much they can lower it and how they determine to get the water there. Katherine Serra stated that the current concrete is 26' long. Zandy Gabriels asked if the estimates take into account of keeping the splashboards in place or removing them. Richard Wakeman replied that they would have to be removed past the design storm event. There was further discussion of the splashboards.

Zandy Gabriels stated that he is concerned that they are not considering a potential drought situation. Richard Wakeman stated that was not their charge; they were asked to address the DEC regulations. Zandy Gabriels stated that he would like to see this on the Town Website. Supervisor Conover agreed.

Supervisor Conover thanked CT Male for the summary.

Chris Navitsky, Lake George Waterkeeper stated that he didn't see the Lake George Waterkeeper's letter on the agenda as correspondence received. He stated that he wanted to make the Town aware of 2 paid scholarships or registrations for Town employees for the upcoming Stormwater Trade Show. He stated that they offer this every year to all of the municipalities so if anyone is interested please call the office.

Bob Weisenfeld stated he would like to follow up on a letter that his mother wrote to the Town regarding an incident that she had with the curb extension behind Town Hall. He suggested painting the outer edge of the curb yellow; it would stand out and would be of minimal expense.

Bob Weisenfeld asked if copies of the proposed dog ordinance will be available for public review. Supervisor Conover stated that they will be available at the Town Clerk's office and online as well.

Zandy Gabriels stated that since the State is under severe financial stress he encouraged the Town to only proceed on the upgrade of the dam when the State can help to provide the money. He stated that this project should not be done on the backs of the water district taxpayers. He stated that he is sure that this is not something the State would like be involved in but they are predicting 40 day floods.

Zandy Gabriels stated that he has had the opportunity to view the new website and feels that they have done a great job. He stated that he asked Kate Persons if there was any chance to be able to use a search tool for the minutes and Zoning code so that it could be searched with particular phrases to assist in the review of the lengthy documents. Kate Persons indicated that there would be an additional cost but she was not sure how much.

With regard to cable, Zandy Gabriels stated that he has spoken to many residents on Padanarum Road. He encouraged the Town to look at the revenue anticipation note paid by the franchise fees that are collected by the Town. He stated that if they run them out 5 years they could bring in \$25,000-30,000 which could pay off the premium note and get that whole section of the Town covered. This would leave only a few minor roads in Town without franchise cable. He stated that internet is part of modern society and the financing terms could be worked out so that people can proceed as fast as possible. He stated that the slowest part of the process is getting Time Warner in the field. Zandy Gabriels stated that hopefully they could get this done by next year which would help the community.

Correspondence:

- Peter French and Gail Street regarding Arts and Craft show schedule for 2011.
- Ski Area of New York thanking Town of Bolton for its support and reporting that over 325 room nights were sold, a record 72 trade show vendors with over 370 attendees throughout the 4 day event.
- Request from Rich Morin's Scuba Center for Rogers Park for annual underwater scavenger hunt and pumpkin carving contest on October 10 (insurance naming Town of Bolton provided, 2 million/1million).
- Mike Muller regarding a proposed Dog Ordinance for the Town of Bolton for Town Board consideration.
- Mike Muller regarding Planning Board recommendation for amendment to Chapter 150 Town of Bolton Subdivision Regulations adding to Article IV (General Requirements and Design Standards), Section 150-17H Exterior Facades and Outdoor Lighting Design Considerations.
- Thank you note from Gail and Janie Leonbruno for such a beautiful memorial and dedication ceremony.
- Letter from Mitzi Nittmann regarding emergency work at Dumas property and application of cost to property tax.
- Time Warner Cable regarding channel changes and charges for Sports Plus.
- Public Service Commission regarding proposal by National Grid to increase rates after 2011 by continuing the competitive transition charge.
- CT Male Associates, Post-Closure Monitoring Report, Town of Bolton Landfill.
- Adirondack Park Agency, Mary O'Dell to Town of Bolton, c/o Barry Kincaid regarding wetland crossings relative to Conservation Club Nature Trail.
- Adirondack Runners, Marcy Dreimiller regarding use of Rogers Park for 2011 Adirondack Distance Run on Sunday June 26, 2011.
- Adirondack Runners, Marcy Dreimiller thanking Town of Bolton for the use of Rogers Park for the 2010 Adirondack Distance Run and making a \$50 donation to the Town of Bolton Recreation Department.
- Adirondack Park Agency regarding notification of application on East Schroon River Road by Independent Towers Holdings.
- John Kornenwetter regarding commercial activity in residential area on Upper Highland Rd, noise, safety and traffic issues, requesting that Town take immediate action relative to this activity.
- Edward Foy requesting that the Water Department read water meters every month on properties he owns.
- Jay McBain letter expressing concerns regarding commercial use and associated negative impacts on Upper Highland Avenue.
- Rich and Wauneta Waller expressing concerns regarding zoning violations by John Lavender of the Highlands and use of his property for commercial purposes.
- Joe DiNapoli, Bolton Chamber of Commerce letter congratulating and thanking the Board for their continued support of the Chamber and its activities.

Committee Reports:

Councilman Robert MacEwan

Transfer Station – Receipts \$7,248. East Side is coming up on October 5th for a cleanup of the metal pile. JGS recycling is providing a proposal for the removal of tires.

Water Department – 6,934,000 gallons of water filtered. They have been busy with general maintenance. Jack Hall came to service furnace in preparation for the winter. There is a pressure releasing valve on Braley Hill Road that needs to be rebuilt and will be set up by Ross Valve in November. They repainted the outsides of the stations. The pond filled up after the 6” rainstorm.

Code Enforcement Officer- 14 page report, 21 site visits, 310 miles logged and 2 letters attached in the report. The report is available for the public to review.

Councilman Owen Maranville

Highway- Week 1- across from Prossers on New Vermont Road, they shored up the side of the road by using large and small rock and item 4 for a 500’ stretch.

Week 2, they black topped New Vermont Road. Week 3, they finished black topping New Vermont Road, black topped and brought in item 4 to bring driveways up to grade and graded various dirt roads. Week 4, worked on shoulders on New Vermont Road, using Warren County Shoulder machine to put down 2 miles of shoulder material.

Police Department- They patrolled 3,082 miles and used 238.4 gallons of fuel. A detailed list of calls answered is available for review.

Justice- Hon. Harry Demarest took in \$6,210 Hon. Ed Stewart took in \$4,190. Total money forwarded to the Town \$10,400. Itemized lists are available for review.

Assessor- Maintenance of deeds and property information was kept up to date on the computer file. On September 6th Dave Rosebrook attended the Small Claims Assessment Review hearings on the 2 Lynch properties on Homer Point. Although he has not officially received the hearing officer’s determination, he believes that one case was dismissed per the RPTL739, while he won the other one by discrediting their appraisal and having prepared a more comparable appraisal for his review. On September 21st he attended the County Assessors meeting which was held at Lakeside Lodge and Grill. During the meeting as many as 10 towns including Bolton and Lake George in Warren County have expressed an interest in doing a revaluation for the 2012 year. He would like a motion that the Town Board support their assessor by adopting the newly adopted Uniform Assessment Standards. On September 21st and 23rd, he and Code Enforcement Officer visited remote properties on Tongue Mountain Range, Crown and Clay Islands. By working together they saved the expense of duplication of time and cost necessary to reach these locations to do their jobs. September 26-29, he attend the NYSAA Conference. The Conference was well attended and offered much in information regarding policy, legislation and assessment procedures. By staying a nearby campground and limiting his meals at the hotel he saved the Towns a considerable expense. Total expense to Bolton for lodging, travel, conference fee and meals was \$265.81.

Councilman Maranville thanked Dave Rosebrook for being so cost conscious with the Conference as well as his shared site visits with the Code Enforcement Officer.

Councilman Gregory Smith

Sewer Dept- took in 6,098,602 gallons of waste water, an average of 203,287 gallons/day. All beds are dry except for the one in use. Monthly samples have been done. DMR's have been mailed and 2 wells have been found with high nitrates, well 1-14.9 and well 3- 10.6, only 10.0 is allowed. They put new bolts on the air compressor, re-inspected by PESH (Public Employee Job Safety and Health Protection) and all violations have been fixed. They are still getting about a can a week of grease at the pump stations, also getting a lot of paper towels which is not biodegradable. Hauled 22,500 gallons of liquid sludge. Replaced belts on pump 1 at the south station. During the rainstorm they took in 346,310 gallons on the first day and 456,970 gallons on the second day. They are doing regular preparations for the winter months.

Parks Dept- They have been busy with work at the Conservation Club, they have been doing a lot of grounds work. They are digging for the new tank to be buried as well as stormwater. At Rogers Park they have put a new guardrail along the driveway and parking area and the driveway to prevent people from driving between the pine trees. They put soil and reseeded the hill which they hope will take this fall. They had to take down a few trees; one at Rogers that was rotted and one at Veterans Park. Performed general maintenance on the Town buildings.

Supervisor Conover stated that the bids for sewer lines came in well within budget, which means that they will be able to do approximately 5,000' of lining work that was anticipated and possibly a lot more.

Supervisor's Report:

- Receipts: \$515,450.94
- Disbursements: \$1,052,319.58

Supervisor Conover stated that he would like to thank Willie Bea McDonald and Bonnie Donnelly for the decorations and banners for the Town. As always they have done a beautiful job decorating for the season.

Supervisor Conover stated that he would like to set up budget workshops on Monday, Tuesday and Wednesday of next week at 6:30pm. He stated that they can decide on Wednesday if any further meetings are required. The Board agreed.

On October 19th the water service will be terminated from Performance Marine to Pumpnickels in order to fix 2 valves. He stated that there has been an issue in this area for some time and they waited until after the summer season to make the repair. A boil water order will be in effect until further notice.

Old Business:

- Lower Brereton Road

- Lake George Camping

New Business:

- Resolution amending resolution #37 authorizing payment to DENTE Engineering from \$2,380 to \$3,215 for independent earthwork and concrete testing services for the Pier Project.

RESOLUTION#196

Councilman Smith moved, seconded by Councilman MacEwan to amend Resolution #37 authorizing payment to DENTE Engineering from \$2,380 to \$3,215 for independent earthwork and concrete testing services for the Pier Project. All in Favor. Motion Carried.

- Resolution approving proposed use of Rogers Park for Arts and Crafts show per proposed schedule for 2011.

Councilman MacEwan asked if they have been consistent. Supervisor Conover replied yes. He thanked the Parks Department for doing a great job with making the hillside ready for the spring. Councilman Maranville stated that he would like to see the vendors remove any large boxes and garbage each night so that it is not the responsibility of the Parks Department. Supervisor Conover stated that he would talk to them about the matter.

RESOLUTION #197

Councilman Maranville moved, seconded by Councilman Smith to approve the proposed use of Rogers Park for the Arts and Crafts show as follows: July 2nd, 3rd and 4th, 10AM-4PM, with a set up day on Friday, July 1st, August 13th and 14th 10AM- 4PM with a set up day on Friday, August 12th, September 3rd and 4th 10AM-4PM with a set up day on Friday, September 2nd and October 8th and 9th, 10AM-4PM, with a set up day on Friday, October 7th. All in Favor. Motion Carried.

- Resolution amending resolution #138 relative to culvert work on New Vermont Road by Schoder River Associates increasing authorization \$615 to \$9815.

Supervisor Conover stated that the original approval was for an estimate by Schoder River Associates which included survey work that they paid for through a subcontractor.

RESOLUTION #198

Councilman MacEwan moved, seconded by Councilman Maranville to amend Resolution #138 relative to culvert work on New Vermont Road by Schoder River Associates increasing authorization from \$615 to \$9,815. All in Favor. Motion Carried.

- Resolution authorizing Supervisor to retain the services of Schoder River Associates for final design and construction services for culvert replacement on New Vermont Road in an amount for services estimated at \$11,450.

Carl Schoder provided details of the final design plan. He stated that they were originally retained to look at a culvert that was exhibiting some distress. After a site visit they found that the cause of this was due to some beavers. The inlet of the culvert had built up close to the surface of the road itself. This caused concern because this roadway was not designed to act in a dam capacity. He stated that the first solution was to lower the water level down to historic levels. Once they did that they found that there was a paved inlet that was substantially lower than where the beaver had put the inlet. Carl Schoder stated that they worked with the Highway Department as well as the Gaddys who are adjoining landowners to remove much of the debris. He stated that he entered into the 3' diameter concrete pipe and found that approximately 40' into the pipe there was a piece missing which has eroded over time. He stated before the water level was dropped the water was reaching and breaching at this point. He stated that once the water level was dropped down the flow no longer went into that area. This is not to say that this pipe is stable and they will need to repair it.

Carl Schoder stated that they also found 2 masonry headwalls. He stated that they are relatively stable but they will require some re-pointing and some stones will need to be reset and there is a cap that will need to be replaced. He stated that in discussions with the Town, DEC, WC Soil and Water and the adjacent landowners they have talked about lining this pipe with a plastic liner that is held in place with grout. He stated that the grout will fill in the voids in the pipe. He stated that this is a good fit for this site. Now they will not have to dig out a concrete pipe with a deep excavation and replace it with new pipe in open excavation and replacing the headwalls. They will also reduce the pipe size to 28" which is capable of handling a flow of 100 year storm without any problems.

Carl Schoder stated that they have taken the project to a certain point where they have developed design documents. The Town is in the process of obtaining 2 small easements from the Gaddys, one permanent and one temporary. The project manual, which includes the bid documents, proposed contract for construction, general conditions, etc has been turned over to the Town Attorney for his review. He stated that they are at 95% completion of the design documents and they are at the point where they could bid it in the near future. He stated that he is not concerned about the pipe making it through the winter and feels that they will have a more favorable bidding climate if they let this in the fall for spring construction. The construction time should not be much longer than 6 weeks.

Carl Schoder stated that this proposed resolution would take the project from the preliminary design work to final design. It would also provide construction services to the effect of site visits, reviewing shop drawings and submittals, consulting with the Soil and Water Conservation district. The permitting for this project will be done under a permit that the Soil and Water Conservation district has for culvert repair which was coordinated with DEC.

Councilman Maranville asked if there is an estimated final cost for the project. Carl Schoder replied that he was not sure at this time but he could work up those numbers for them. Councilman Maranville asked what the lifespan on the material used. Carl

Schoder replied that it would be approximately 50 years however, it will need to be maintained, but it will be much easier to maintain.

John Gaddy stated that he would be willing to work with the Town in any capacity to get the work done.

RESOLUTION #199

Councilman Maranhville moved, seconded by Councilman Smith to authorize the Supervisor to retain the services of Schoder River Associates for final design and construction services for culvert replacement on New Vermont Road in an amount for services estimated at \$11,450. All in Favor. Motion Carried.

- Resolution authorizing the Town Clerk to advertise for a public hearing regarding a new dog ordinance to be held on November 3, 2010 at 7pm.

Supervisor Conover stated that the November meeting will be held on Wednesday, November 3rd due to the elections. He stated that they may want to discuss the ordinance briefly. The State Agricultural and Markets is effectively making the Towns and local municipalities responsible for dog licensing/penalties and fees. Counsel Muller has drafted the proposed ordinance but they will have to decide how much they want to assess in penalties for violation of the ordinance. Currently the penalties are \$25 for the first penalty, \$50 for the second penalty and \$75 for each additional penalty thereafter. These rates were effective July 2000. Counsel Muller stated that the State has specified that the levels of \$25, 50 and 100 would be the minimum set. Counsel Muller further explained the details of the ordinance. He stated that they also have to be mindful to not have the amount too high. He suggested that they could consider penalties not to exceed \$50 for the first penalty, \$100 for the second penalty and \$300 thereafter. Supervisor Conover asked if the amount would be at the discretion of the local judges. Counsel Muller replied yes.

Counsel Muller read law under dog licensing and violations. He stated that they will also need to consider the amount they will charge for licensing of dogs. Supervisor Conover stated that presently the cost is \$2.50 for spayed/neutered dogs and \$10.50 for unspayed dogs. He stated that the State is suggesting \$5/13 for the licensing. However, in administering this program the Town will have to purchase tags and at some point conduct a dog census. Counsel Muller stated that it does indicate that the municipality is not to spend more than they receive from the dog licensing program. There was further discussion of the licensing fees. The Board decided to increase the fees to \$5 for spayed/neutered dogs and \$13 for unspayed/unneutered dogs licensing. Supervisor Conover stated that they can always amend these numbers after the public hearing if they feel that it is necessary.

RESOLUTION #200

Councilman Smith moved, seconded by Councilman MacEwan to authorize the Town Clerk to advertise for a public hearing regarding a new dog ordinance with fees for licensing at \$5 for spayed /neutered dogs and \$13 for unspayed /unneutered dogs and

incremental penalties/fines not to exceed \$50 for the first violation, \$100 for the second violation and not to exceed \$300 for each subsequent violation. The Public Hearing will be held on November 3, 2010 at 7pm. All in Favor. Motion Carried.

- Resolution authorizing special assessment charge of \$650 be added to Consolidated County and Town property tax bill for emergency work completed at Gerald Dumas property, tax map parcel 139.00-1-22, 251 New Vermont Road, Bolton, NY.

Supervisor Conover stated that this was for the open septic and well situation on this property. He stated that the septic needed to be pumped out and filled and the well needed to be capped. They gave the property owner the opportunity to take care of it and he failed to do so.

RESOLUTION #201

Councilman Smith moved, seconded by Councilman MacEwan to authorize a special assessment charge of \$650 be added to Consolidated County and Town property tax bill for emergency work completed at Gerald Dumas property, tax map parcel 139.00-1-22, 251 New Vermont Road, Bolton, NY. All in Favor. Motion Carried.

- Authorizing Supervisor to sign inter-municipal project agreements with Warren County relative to administration of Sewer Lining project.

This is the EPA grant that they are operating with through Warren County. The bids came in very good and they will do at least 5000' under this contract and have sufficient funds to do a lot more. This work will be 100% funded by the grant. They will be going into the current lines and re-lining them with new lining. They hope this will correct some infiltration problems that may exist. The bids came in around \$160,000-170,000 and the grant awarded was approximately \$470,000 for the Town of Bolton.

RESOLUTION #202

Councilman Smith moved, seconded by Councilman Maranville to authorize the Supervisor to sign inter-municipal project agreements with Warren County relative to administration of Sewer Lining project. All in Favor. Motion Carried.

- Resolution authorizing Supervisor to accept \$150 payment form Dennis Carroll, 11 Woodview Lane, Diamond Point for plow assembly and plow, which fits his truck and was not included in the bid for the F250.

RESOLUTION #203

Councilman Maranville moved, seconded by Councilman Smith to authorize the Supervisor to accept \$150 payment form Dennis Carroll, 11 Woodview Lane, Diamond Point for plow assembly and plow, which fits his truck and was not included in the bid for the F250. All in Favor. Motion Carried.

- Resolution authorizing Parks Department to utilize vacant police barracks building behind Town Hall.

Councilman Maranville asked if they intend to tear down the old building. Supervisor Conover replied that they have been considering a few options. Councilman Smith stated that they are going to use the police barracks for the winter and then they will need to set up a new plan. Supervisor Conover stated that he would like to see them out of the old building as soon as possible. It will allow them a better place to work and provide them with some needed storage.

RESOLUTION #204

Councilman Smith moved, seconded by Councilman Maranville to authorize the Parks Department to utilize the vacant police barracks building behind Town Hall. All in Favor. Motion Carried.

- Resolution authorizing Town Clerk to advertise a public hearing regarding proposed Local Law #4, Providing for amendment to Chapter 150 Town of Bolton Subdivision Regulations adding to Article IV (General Requirements and Design Standards), Section 150-17H Exterior Facades and Outdoor Lighting Design Considerations, hearing to be set for November 3, 2010 at 7:00pm.

Counsel Muller stated that he feels that the motion can be to authorize a public hearing but not specific to the date because he still has to provide this information to the APA, Warren County and adjacent municipalities first before they can set a public hearing. He suggested that the Town declare themselves as the lead agency first and to prepare to set a public hearing once all agencies involved have the opportunity to review.

RESOLUTION #205

Councilman Maranville moved, seconded by Councilman MacEwan to declare themselves at the lead agency and authorize Counsel Muller to forward this proposed amendment to all necessary agencies for their review and not set a date for a public hearing until that time. All in Favor. Motion Carried.

- Resolution approving the use of Rogers Park on June 26, 2011 by Adirondack Runners as the finish line for Adirondack Distance Run (Park Entrance will be closed to traffic until 10am on the day of the race).

RESOLUTION #206

Councilman Smith moved, seconded by Councilman MacEwan to approve the use of Rogers Park on June 26, 2011 by Adirondack Runners as the finish line for Adirondack Distance Run. All in Favor. Motion Carried.

- Resolution authorizing Supervisor to sign Street Lighting Contract with National Grid for conversion of street lights to high pressure sodium vapor with flat lenses (dark sky initiative).

John Gaddy stated that he started this a few years ago but unfortunately it has been a slow process. He stated that in the Talk of the Towns Magazine it talks about NYCERDA grant for the purchase of LED lights. He stated that the technology that they are looking

to get a resolution on is better than what they have, at no cost to Bolton but it does lock them into a 15 year contract. The frustrating part is trying to get someone from national Grid to look into experimenting with alternative technologies that are written about today. He suggested that the Town also look into the possibility of getting some experimental technology. He stated that it does exist but National Grid is not quite ready to adopt it.

Supervisor Conover stated that there are 23- 100 watt mercury vapors that would be converted to 70 watt sodium vapors, there are 134- 175 watt mercury vapors that would go to 100 watt sodium vapors, there are 15- 400 watts that would be converted to 250 watts sodium vapors and 41 mv open. The anticipated savings would be approximately \$10,000/year.

John Gaddy stated that they have the world's leading research center for lights at RPI. They have spots around the country that are using these LED's that have 100,000 hours of function, but National Grid does not have a supplier for one standard design. Supervisor Conover stated that he wouldn't mind asking for a LED demonstration. He thanked John Gaddy for his efforts on this issue.

RESOLUTION #207

Councilman Maranville moved, seconded by Councilman Smith to authorize the Supervisor to sign the Street Lighting Contract with National Grid for conversion of street lights to high pressure sodium vapor with flat lenses. All in Favor. Motion Carried.

- Resolution supporting efforts of the Bolton Town Assessor to comply with the NYS Uniform Assessment Standards as adopted by the NYS Board of Real Property Services.

RESOLUTION #208

Councilman Maranville moved, seconded by Councilman Smith to support efforts of the Bolton Town Assessor to comply with the NYS Uniform Assessment Standards as adopted by the NYS Board of Real Property Services. All in Favor. Motion Carried.

- Resolution designating [.boltonnewyork.com](http://boltonnewyork.com) as the official Town Web Site and termination of the old site by the end of the year.

Councilman Maranville asked if they needed to do anything legally to close the other site down. Supervisor Conover replied no. He stated that the old site is still functioning until the end of the year. After that, if someone is to type in the old address it will directly bring them to the new site. Supervisor Conover stated that Kate Persons and Willie Bea McDonald did a wonderful job on the site. He stated that if they have an opportunity to improve the site in the future they will take it.

RESOLUTION #209

Councilman MacEwan moved, seconded by Councilman Smith to designate [.boltonnewyork.com](http://boltonnewyork.com) as the official Town Web Site and termination of the old site by the end of the year. All in Favor. Motion Carried.

- Resolution authorizing use of Rogers Park by Rich Morin's Scuba Center on October 10 for annual underwater scavenger hunt and pumpkin carving contest (insurance naming Town of Bolton provided, 2 million/1 million).

RESOLUTION #210

Councilman Smith moved, seconded by Councilman Maranville to authorize use of Rogers Park by Rich Morin's Scuba Center on October 10 for annual underwater scavenger hunt and pumpkin carving contest. All in Favor. Motion Carried.

Public in Attendance

Dick Burmaster, of 54 Skyline Drive, stated that he too is concerned about the recent commercial activity occurring at John Lavender's property. He indicated that another neighboring property owner Robert Hayes, of 87 Upper Highland also wanted to express their concern as well.

John Gaddy stated that he would like the Town Board to look at the Talk of the Towns Magazine article regarding bicycle tourism and local economies in New York State. He stated that the Town has designated certain roads that are good for bike paths but what the article is talking about is coordinating with other towns. He stated that the stretch along Schroon River Road is world class biking territory and as they look at the business generated by the Adirondack Extreme and things like that, he would like to give this further consideration.

Zandy Gabriels stated that moving the Parks Department to the old police barracks is a great idea. He stated that ten years ago they did some temporary fixes on the current Parks building and they knew then that it was just a temporary fix. He stated that the Parks Department deserves to have a permanent place and suggested that they consider this as the budget season approaches.

Councilman Maranville asked for a moment of silence for the loss of a local Bolton resident Joan Somma who died Saturday. Funeral Services will be held tomorrow at 11am.

Councilman Maranville stated Local Law #2 (1999) deals with the prohibited operation of skateboards, roller skis or other such apparatus on located on the sidewalks along Lake Shore Drive, as well as public property, commonly referred to as the Town Hall and any other property owned by the Town of Bolton and adjoining Lake Shore Drive including but not limited to Rogers and Veterans Parks. Councilman Maranville stated that since they spent over a million dollars on the pier, they have had a few issues with a couple of kids. He stated that they have marked up some of the concrete right before the rededication of the pier. He thanked the Parks Department for their efforts to clean it up. However, he went down last weekend and found one of the same kids doing the same

thing and he approached him and told him to stop. He stated that he had about 10 people come up and thank him for doing so.

Councilman Maranville encouraged the community members to stand up for the Town property especially if they see it being damaged. He stated that he would like to look into finding a place for the kids to do this and maybe they can consider teaming up with Lake George since they too have this issue. Supervisor Conover stated that they probably should look at their signage or possibly additional signage. Councilman Maranville stated that if they want to enforce the ordinance then they will need to be sure that signs are posted. Mary Owens, park attendant, stated that she has the same issues in Veterans Park. She stated that they do not pay any attention to the signs and she is concerned that someone is going to get hurt coming down that hill.

Bob Williams, 24 Highland Drive stated that he is also concerned with the commercial activity at the Lavender property. He stated that although he is further than 500' from the property it is affecting his property and surrounding neighborhood. He stated they have a single lane road that is owned by all of the property owners. People are speeding up this road which is of great concern. He is also finding that people are disposing of garbage along the road and in his pond on his property. Supervisor Conover stated that although he is outside of the 500' there will be plenty of public notice of any meetings that may occur to discuss the matter.

Councilman Maranville asked if they can hear bands playing or loud music. Bob Williams replied no it is not a noise matter that he is concerned with, it has to do with the safety of the road and the carelessness of the guests.

There is also some concern with liability. It was stated that the insurance company indicated that since this is a private road, if someone were to get hurt the homeowners would have to handle the situation.

Supervisor Conover stated that Counsel Muller has already been in contact with the Code Enforcement Office regarding this matter. They will be checking this out and pursuing the matter.

RESOLUTION #211

Councilman Maranville moved, seconded by Councilman Smith to authorize the following transfers and payment of the following bills:

Transfers:

FROM	TO	AMOUNT
GENERAL FUND		
19904 Contingency	14404 Board of Health	\$570.00
12202 Supervisor	12204 Supervisor	424.00
19904 Contingency	42154 Drug testing	250.00
Veterans Dock	57204 Docks	7825.44

71104 Parks 71102 Parks 900.00

Highway Fund

51104 Repairs 14404 Engineer 615.00
51104 Repairs 51122 Chips 28,000.00
51204 Culverts 51122 Chips 11,000.00
51484 Services 51404 Brush & Weeds 1,382.00

Water District

83102 Equipment 83104 Administration 3,000.00
Sewer District
81302 Equipment 81104 Administration 2,000.00

Conservation Club \$5,176.66

Pay Bills:

SEPTEMBER Mid Abstract:

	Voucher#	Amount
General	1037-1039, 1083-1086, 1088-1099	\$58,517.17
Highway	363	16.54
Sewer	214-217	3,212.71
Water	211-212	1,538.30
Street Light	1082, 1087, 1097	462.43
Rogers Park Dock	9, 10	238,064.89

OCTOBER Abstract:

General	1040-1081, 1100-1105, 1107-1131, 1133-1134	34,871.98
Highway	343,347-362, 364-385	245,858.27
Water	203-210,213-219	8,554.25
Sewer	205-213, 218-223	9,360.09
Tourism	47-48	7,000.00
Light	1132	4,573.01

All in Favor. Motion Carried.

Executive Session: Personnel Matter, Legal Matter

RESOLUTION #212

Councilman Maranville moved, seconded by Councilman Smith to enter into Executive Session at 8:42pm with no further business to be conducted. All in Favor. Motion Carried.

Adjourn:

Respectfully submitted by:
Patricia Steele
Town Clerk

Respectfully submitted by:
Kristen MacEwan
Recording Secretary