

BOLTON TOWN BOARD

Call To Order: 7:00pm

September 6, 2011

Pledge: Councilmember Deanne Rehm

Councilmember Rehm asked for a moment of silence in remembrance of those who lost their lives in the September 11<sup>th</sup> attacks 10 years ago.

Regular Meeting

Supervisor: Ronald Conover  
Councilman: Robert MacEwan  
Councilman: Owen Maranville  
Councilmember: Deanne Rehm  
Town Clerk: Patricia Steele  
Counsel: Michael Muller

- Presentation to Judge Harry Demarest on his 25 years of dedicated service to the Town of Bolton.

Judge Edward Stewart and Supervisor Ron Conover recognized the Honorable Judge Harry Demarest's 25 years of service with a speech and plaque.

Judge Demarest thanked Judge Stewart and office staff for all of the help and assistance over the years.

Public Hearings:

Motion to Convene as Town of Bolton Board of Health

**RESOLUTION #151**

Councilman Maranville moved, seconded by Councilman MacEwan to convene as the Town of Bolton Board of Health. All in Favor. Motion Carried.

Application for a wastewater disposal system variance by Charles and Patricia Hensler, 1819 East Schroon River Road, regarding, Parcel ID#156.16-1-21 – Pioneer Village Lot #33.

1. Section 3.020 General Standards: C – No individual sewage disposal system except a sanitary privy or system employing a holding tank as sole receptacle for sewage may be placed on a lot not served by a community water supply, if such lot is less than 20,000 square feet in size. Approximately 16,640 sq. ft. exists.

2. Section 3.030 Table 1, Footnote (b) Sewage disposal systems located of necessity upgrade in the general path of drainage to a well should be spaced 200 feet or more away. Proposed new well is 150 feet from adjacent upslope septic system.

Supervisor Conover stated that the applicant has requested to have this tabled. Counsel Muller stated that the applicant controls their application and they should table the application.

**RESOLUTION #152**

Councilmember Rehm moved, seconded by Councilman Maranville to table the Variance Application by Charles and Patricia Hensler. All in Favor. Motion Carried.

Reconvene as Bolton Town Board

**RESOLUTION #153**

Councilman Maranville moved, seconded by Councilmember Rehm to reconvene as Bolton Town Board. All in Favor. Motion Carried.

**Minutes:**

Approve minutes of Regular Meeting held August 2, 2011.

**RESOLUTION #154**

Councilman Rehm moved, seconded by Councilman Maranville to approve the minutes of Regular Meeting held August 2, 2011. All in Favor. Motion Carried.

- Public Hearing regarding modification to Ordinance #38 allowing dogs at the Conservation Park so long as such person and dog shall be in compliance with Ordinance #33. Also to delete Bolton Free Library property from this Ordinance.

**RESOLUTION #155**

Councilmember Rehm moved, seconded by Councilman Maranville to open the public hearing on Ordinance #38. All in Favor. Motion Carried.

Councilmember Rehm stated that there are two provisions that are being amended. First, is amending the coverage regarding dogs. Currently, dogs are restricted and prohibited from every park that the Town operates. However, the Conservation Park on Edgcomb Pond Road is not the typical park, because there are no beaches, it is more of a nature preserve. There are many people, both visitors and locals, that have dogs and there is no place to walk them. They were approached to find such an area and they feel that the Conservation Club property would be appropriate. Anyone that uses this park would still have to comply with the ordinance regarding dogs, such as having their dog under control, and on a leash or muzzle.

The second part of the amendment has to do with the fact that the Library property is encompassed in all of their park ordinances and would fall under Town jurisdiction. However, the Library has their own Board of Trustees who have jurisdiction over their property. Additionally, the Board of Trustees found that the Town allows individuals in a public park to have alcohol and they did not want to be that broad with the Library property. The Board of Trustees has requested that the Library be deleted from the coverage.

There were no comments from the public in attendance. Supervisor Conover closed the public hearing.

- Resolution regarding amendment to Ordinance #38.

Supervisor Conover stated that he likes this resolution, it allows people a place for their dogs. Most people that he has seen up there already, have their dogs under leash. He hopes that the programs that they have up there can stay in balance with this. Councilmember Rehm stated that they intend to provide a disposal area and signage indicating that dog owners are responsible for cleaning up. Councilmember Rehm stated that Pat Steele has been doing some research and has found some communities that have parks that have free open range for dog parks. She stated that this is the first step and hope to expand the idea down the road.

Councilman MacEwan asked if the park would be self-monitored. Supervisor Conover replied yes, they will not have someone up there monitoring the area. He stated that if there seems to be any problems with this, they can always revisit it. Councilmember Rehm stated that they should also consider having signage at the other parks indicating the designated area for dogs which will hopefully cut down on the abuse at the Town beaches.

### **RESOLUTION #156**

Councilmember Rehm moved, seconded by Councilman MacEwan to approve the amendment to Ordinance #38 as follows: Under **2. Definition:** The term “parks and beaches” as used in this ordinance shall include Rogers Park, Veterans Park, Bolton Museum property, Huddle Beach property and the conservation Park property [deleting Bolton Free Library property].

Under **3. Animals Prohibited:** Dogs and cats shall be prohibited within the Town Parks. It shall be unlawful for any person to bring or possess any animal or reptile, except service dogs, leashed or otherwise, within any Town Park at anytime. Exception shall be made to allow a person to have a dog at the Conservation Park property so long as such person and dog shall be in compliance with Ordinance #33 – Dog Control Ordinance for the Town of Bolton.

Councilman Maranville opposed. All Others in Favor. Motion Carried.

Public in Attendance:

Chris Navitsky, Lake George Waterkeeper, thanked the Supervisor for noting in the correspondence regarding a new award which they have announced through the Waterkeeper's Office which is the Langmuir Award for excellence in development and stewardship. This is part of their continued focus and outreach for low impact development. They feel this is in tune with a lot of the work that Irving Langmuir did for the preservation around Lake George. They have included nomination forms for the Town to use. They look forward to recognizing better land use around Lake George.

Chris Navitsky stated that last month he asked for consideration for expanding public hearings for applications to the PB to include areas in critical environmental areas along the lake. He is again asking the Town to require public hearings for PB applications. He stated that this will increase the ability of the public to comment on the project and also provide additional facts to the PB on the potential impacts of projects.

Zandy Gabriels thanked the Supervisor and TB members for encouraging the Zoning Administration to accept an after the fact deadline application for site plan review for the suction harvesting of Asian Clams at Treasure Cove and possibly Norowal. They just found out that they needed site plan review according to the APA permit requirements, which was past the normal deadline for filing. Zandy Gabriels stated that he hopes that the Town continues to show their support in the efforts to eradicate the Asian Clams from Treasure Cover and Norowal this fall and Boon Bay hopefully in the spring.

Zandy Gabriels stated that with the material being suctioned out of Lake George, he would hope that the Town would continue its practice and allow that some of the material to be dumped at the Little League fields, the majority of which is just sand.

Jane Gabriels announced that the Library is having a luncheon at the Sagamore on October 1, 2011 at 1pm. Tickets are \$25 per person until Friday September 23<sup>rd</sup>, and then after that tickets will be \$30. Last year they had a wonderful meal and the Executive Chef gave them a demonstration which they will be doing again this year.

Jane Gabriels noticed that the agenda mentioned something about the Peddlers Permit. She stated that during Frank Leombruno's time there was a Peddler's Permit in effect and from what she remembers it was only for Veteran's to become peddlers.

Jane Gabriels stated that she is very concerned with the placement of the proposed bathrooms in Rogers Park. She stated that people come to see the lake and they don't want a building blocking their view. Back when Deanne Rehm was Supervisor she had moved the bathrooms from the parking lot because she was afraid of the children getting

hurt. Jane Gabriels suggested that they consider moving the entry into the parking lot further up the roadway. This would allow them to close that whole area off to cars with the exception of access for the fire company or for emergency vehicles. She stated that they could put the bathrooms in about the same location of where the outhouses are now.

Correspondence:

- Mary A. Dreimiller, Adirondack Runners thank you for use of Rogers Park for 35th Annual Adirondack Distance Run and \$100 donation.
- Kathy Bozony, Natural Resource Specialist / Lake George Waterkeeper invitation to Bolton Boards for a presentation on Lake George water quality on August 25, 2011 at 7pm at the Bolton Library.
- Jerry Pospisil for James Farley, President Sunrise Shores Condominium regarding desire to retain single Condo water meter and charge status.
- John S. Mucha, Time Warner Cable regarding possible changes to programming.
- George and Michele Froehlich, 7 Allens Way regarding litter on Main Street and particularly discarded cigarette butts in front of some businesses.
- Hans-Jurgen Winter, Hanson, LLC d/b/a/Pumpernickel's Restaurant and The Wooden Barrel Bar and Grill regarding notification of special permit from Alcohol Beverage Commission to the Town relating to outdoor Oktoberfest in his parking lot on September 30, 2011.
- Jennifer Hershaft thanking Town for helping arrange a bake sale for her daughter who raised \$200 for charity.
- Michael White, Executive Director regarding possible funding for storm water planning work and letter of interest.
- Emily DeBolt, Director of Education, LGA regarding offer to place display at the Town Hall relating to making homes and lands more lake friendly.
- Judith and Tim Gow, P.O.Box 1726, Bolton relating to the banning of temporary contractor signs along route 9N.
- Albert Tucker 2063 E. Schroon River Road requesting paving of East Schroon River Road North of County Route 11 thereby reducing cost of maintenance and reduction in dust during dry spells and general attractiveness to fishermen and tourists.
- Marcy Dreimiller, Race Director, Adirondack Runners requesting use of Rogers Park on June 24, 2012 for the finish of the Adirondack Distance Run and closure of the entrance until 10:00 am on that date.
- Vince Palazzo, Bolton Free Library invitation to student BBQ 4:00-7:00pm on August 28th at the library.
- Melissa Chinigo, Program Coordinator, Creating Healthy Places to Live, Work and Play regarding invitation to municipalities for a free street assessment.
- Rick Wakeman, CT Male Associates regarding conversation with Dave Harmon, DEC Dam Safety about beginning to work on auxiliary spillway design.
- John Mucha, TWC regarding movement of Time Warner Payment Center, Glens Falls, NY from 250 Ridge Street to 227 Dix Avenue effective August 31, 2011.

- Travis Howe, EMT Executive Director, Mountain Lakes Regional EMS Council regarding invitation to attend a Public Hearing to consider an application for an Ambulance Service
- Certificate of Need for the City of Glens Falls Fire Department on August 17, 2011 at 9:30am at 5 Warren Street, Glens Falls, NY.
- Patrick Ray, Program Director, New York State Deferred Compensation Plan regarding retirement savings plan for Town Employees inquiry of interest.
- David Harmon, P.E., Environmental Engineer, Dam Safety Section regarding plans to address the deficiencies with Edgecomb Pond Dam.
- Kathleen Bozony, Lake George Waterkeeper thank you letter for Town assistance during Keep the Queen Clean Day.
- Amy Drexel, Emergency Services Coordinator regarding waiver of APA and DEC permit requirements for emergency repair work resulting from Hurricane Irene.
- Christopher Navitsky, PE, Lake George Waterkeeper regarding Langmuir Award for Excellence in Development and Stewardship Award Program and asking for the support of the Town of Bolton for this initiative and recognizing the first recipient of the Award in Bolton.

Committee Reports:

**Councilman Robert MacEwan**

Code Enforcement Officer- 15 page report, 41 sites visited, 203 miles logged. The report is available for review.

Transfer Station- Total receipts was \$9,223. East Side will be getting the metal pile cleaned up. A new door was put on the building, now they need some new windows. They have had some ongoing difficulties with the compactor. She thanked the Parks Department for helping her get it back on track. The brush pile is getting large and they will need to address this especially after the last few storms.

**Councilman Owen Maranville**

Highway Department- Working on Edgecomb Pond Road, blasting and grinding, patching holes on various roads, replacing 4' culvert on East Schroon River Road, and repairs due to storm damage. Matt Coon would like to thank the Highway and Buildings and Grounds crew for all their help and hard work.

Police Department- They patrolled 1,053 miles and used 224.7 Gallons of fuel. Bolton Police provided 24 hour police coverage throughout the Tropical Storm Irene. An itemized list of the calls answered is available for review.

Assessor- The maintenance of deeds and property information was kept current in the computer files. The tax bills have been passed along to the school tax collectors and updates of new owners and addresses are provided. He received 3 arms length sales.

Dave Rosebrook received a call from a property owner inquiring about an exemption for persons with disabilities and limited incomes. He explained that Real Property Tax Law 459-c gives local governments the option of adopting the State law and that here in Warren County neither the County, Town nor Schools have chosen to adopt it. He provided more information about the law.

Councilmember Rehm stated that most people that would receive this exemption tend to be older and there are already other benefits/exemptions that they can receive. She also stated that most schools are not anxious to do anything that would reduce their revenue stream.

Dave Rosebrook has been informed by the Town Clerk that Bruce Mowery a member of our Board of Assessment Review's term will expire on 9/30/2011. Dave feels that he is a great asset especially given his construction experience.

With regard to the litigation with the Grand Union property, Dave has been in contact with Counsel Muller who has assured him that he will be addressing the concerns that Dave has expressed on this matter.

Dave Rosebrook has been working diligently on the revaluation project updating the land tables to match recent sale prices. He expects to be testing sales and values against the cost program by the end of next week.

Justice Department- Hon. Harry Demarest took in \$7,500 and Hon. Edward Stewart took in \$4462. Total monies forwarded to the Town \$11,962. An itemized list is available for review.

### **Councilmember Deanne Rehm**

Library- Their circulation continues to grow. Half of the increase is in people reading books, which is a great trend that she hopes to see continue.

Recreation Department- The summer program has ended. She stated that their program is one of the best things they do, for both locals and visitors. However, now the program will be geared toward just the local community. The Rec Center will be opening next Tuesday. They will not be open on Mondays. They will have the adult programs starting; Zumba will start at 6:30pm on Thursdays and Chair Yoga at 10:30am on Mondays and Pilates at 6:00pm on Mondays. All of the programs are a pay as you go program.

Conservation Club- They are getting ready for the Harvest Festival on September 24<sup>th</sup>. This has been in cooperation with the Bolton Transition Group, who were instrumental in starting the community garden. This is celebration of the new facility and garden and the

60<sup>th</sup> anniversary of the construction of the original Fish and Game Club building. There will be children's games, bounce house, bed races, chicken BBQ for \$10 or Pot Luck Supper. They will also have a square dance and music later in the evening. The event will run from 1pm to midnight. She reminded everyone that they will not be able to drive down Edgecomb Pond Road because it will be barricaded for the event.

Supervisors Report:

- Receipts: \$928,811.64
- Disbursements: \$529,640.50
- Sales tax: Warren County for July +.4% over July 2010.
- Storm Report

Supervisor Conover stated that the Bolton Highway, EMS, Parks, and Police departments were extraordinary in their response. By Sunday night there was not one National Grid issue in the Town of Bolton that National Grid could not get to, which is important. Their actions prevented a lot of damage and they cleared a lot of debris. There was a meeting of all the entities prior to the storm, which outlined the chain of command, provided updated phone numbers and indicated a plan of action for each group. Fortunately, the Town sustained modest damage but is eligible for FEMA funding. There was significant property damage in some areas like Pioneer Village and on Federal Hill. There were about a dozen roads that were closed at one point due to fallen trees, downed power lines or leaning trees. Fortunately there were only a couple of roads that were only one way in and those were requested as a priority for National Grid. The Water and Sewer Plants operated impeccably during the storm and power outages.

- Draft Peddler Permit regulations and application.

Supervisor Conover stated that this permit regulations needed to be reviewed and updated, in terms of what is being requested and what their views are relative to Lake George because their corporate line goes across the lake. They have had several requests of late that do not fit well within the peddler ordinance.

- Junk Yard Ordinance Update
- DEC Smart Growth Planning Grant \$69,000 to Bolton, Hague, Lake George Town and Village for Master Planning hiking, biking and snowmobiling opportunities in our Towns.
- September 13, 2011 Bolton Chamber Dinner/auction at the Sagamore at 7:00pm, live auction at 8:00pm.
- Big thank you Mike Cady, 1201 N. Hoffman Rd., Elmira, NY who found our church sign in behind some hemlocks next to the parking area at Silver Bay.
- APA permit for proposed improvements to Cotton Point Road and the milling and blasting on Edgecomb Pond Road. Supervisor Conover stated that he feels that this will be a very successful project. Big thank you to Dave Wick and Lori Kerrigan at Warren County for assisting in this application.
- Next mile for slip lining sewer lines is scheduled to begin shortly. He is getting good



reports relative to the impact of the original slip lining work. After this work they will have completed a little over 2 miles of sewer lines out of their total 4 miles for the Town.

Sewer Department- Carl Schoder is still working on the issue with the trickler filter building at the Sewer Plant. The roof is in bad shape structurally and they will have to do something by winter. They are looking at a number of different options including a more cost efficient way of covering the filters instead of placing a large roof on the building which is much larger than what is needed to serve this purpose.

Old Business / Tabled Resolutions:

- Peddler Permit
- SEQRA Resolution for dock Project at Conservation Park.

Supervisor Conover stated that Barry Kincaid and Chris Gabriels are building 2 docks at the Conservation Park Pond for canoe/kayak and observation. The application has gone to the APA who has issued a permit. This has also been before the PB for their recommendation as well.

Supervisor Conover reviewed the SEQRA form as follows:

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

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problem? No.

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? No.

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? No.

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? No.

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? No.

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? No.

C7. Other impacts (including changes in use of either quantity or type of energy)? No.

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

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

**RESOLUTION #157**

Councilmember Rehm moved, seconded by Councilman MacEwan to approve SEQRA for the project at Conservation Park as it does not represent any significant or negative environmental impact. All in Favor. Motion Carried.

- Resolution approving construction of two docks at Conservation Club Pond and expending up to \$2,500 for materials.

Supervisor Conover stated that he likes this idea and he is extremely pleased with all of the people involved in this effort. They are getting a lot of experience and work for just the cost of materials. Councilmember Rehm stated that this project shows the broad base community support for the Conservation Club.

**RESOLUTION #158**

Councilmember Rehm moved, seconded by Councilman MacEwan to approve construction of two docks at Conservation Club Pond and expending up to \$2,500. Councilman Maranville opposed. All Others in Favor. Motion Carried.

New Business :

- Resolution authorizing Supervisor and Town Clerk to make adjustments to water rate charges for certain improved properties in the water district located partially or wholly within the district not metered or serviced with public water.

Supervisor Conover explained the reason for the changes. They have a number of properties that are part of their database that the existing rate structure addresses. There are a group of properties that have historically received the same rate as vacant/unimproved properties in the district, such as properties that have wells, historically, properties that have the district line cut through them by just a fraction and some that could not access the water system reasonably. He is suggesting that the Board authorize him and the Town Clerk to establish this group within the database and manually apply the existing rate structure.

Supervisor Conover stated that going into budget time they will have to revisit all of these budgets and they can make an evaluation at that time relative to this. There was further discussion on the types of properties that they are dealing with. Councilman Maranville asked if they should look at moving the district lines. Supervisor Conover replied that Counsel Muller has advised them that would not be a wise decision because it is heavily involved. He stated that they are not dealing with a lot of money overall.

Councilman Maranville stated that the water issue is very sensitive and they need to be careful with it. Supervisor Conover agreed.

**RESOLUTION #159**

Councilman MacEwan moved, seconded by Councilman Maranville to authorize Supervisor and Town Clerk to make adjustments to water rate charges for certain improved properties in the water district located partially or wholly within the district not metered or serviced with public water. All in Favor. Motion Carried.

- Resolution authorizing Supervisor and Town Clerk to make flat fee adjustments to water rates relating to tax I.D. common area property owned by Homeowner Associations.

Supervisor Conover stated that they have a few associations that have historically paid one flat fee of \$100 even though they represented multiple tax ID properties. With the new system they will have to pay the flat fee for each parcel; Juniper Hills is paying 34 fees and Sunrise Shores is paying 14 flat fees. The program includes those properties that they own in common but has a separate tax ID number. The issue was raised that if they are going to be paying on all of the units, that they not to be taxed on the association property as well. Supervisor Conover stated that there is merit to that request. Currently those association properties hold a zero value for assessment purposes because it is allocated among the properties that exist.

Councilmember Rehm added that most of these common properties are roadways or beaches and would not be developed or have water service to them. However, they will need to verify that these properties are not receiving water or that they are paying for the water through the main meter. For example Juniper Hills common property has their main lodge and pool area. Supervisor Conover stated that they will also have to be careful with a project like North Brook Village that has a bleeder with a meter. In this case they are saying terminate the bleeder or pay a different fee.

**RESOLUTION #160**

Councilmember Rehm moved, seconded by Councilman MacEwan to authorize Supervisor and Town Clerk to make flat fee adjustments to water rates relating to tax I.D. common area property owned by Homeowner Associations. All in Favor. Motion Carried.

- Resolution amending Phil Farbaniec and Arthur Baker term of appointment to BLDC Board to 2013 (3 year term).

Supervisor Conover explained that like their own Boards, the BLDC staggered the terms of their Board members so that they do not all come due at one time. However, the last time they approved the reappointment of Phil Farbaniec and Art Baker it was until 2012

which gave them 2 year terms instead of 3 year terms. Art Baker's term was to expire 2012 and was a mistake on their part. Phil Farbaniec's term would expire in 2012 and they are seeking to have his term extended to 2013.

**RESOLUTION #161**

Councilman MacEwan moved, seconded by Councilman Maranville to amend Phil Farbaniec and Arthur Baker's terms of appointments to BLDC Board to 2013 (3 year term). All in Favor. Motion Carried.

- Resolution declaring 3 stainless steel sanders, 2 11foot plows and 1 11foot wing as surplus and authorizing Town Clerk to prepare and place notice of bid to be received at the Town Clerk Office by 2:00pm on October 4, 2011 and opened shortly thereafter.

Councilmember Rehm asked if they knew the age of the items. Supervisor Conover stated that he suspects that they have seen better days but they have not lost all of their value. Councilmember Rehm asked if they needed to buy new ones to replace these items. Supervisor Conover replied no these are surplus.

**RESOLUTION #162**

Councilman Maranville moved, seconded by Councilman MacEwan to declare 3 stainless steel sanders, 2 -11foot plows and 1-11foot wing as surplus and authorizing Town Clerk to prepare and place notice of bid to be received at the Town Clerk Office by 2:00pm on October 4, 2011 and opened shortly thereafter. All in Favor. Motion Carried.

- Resolution commending the Asian Clam Task Force and Darin Fresh Water Institute for their efforts on behalf of Lake George and authorizing an additional \$5,000 in occupancy tax funds for 2011 to help with the Asian Clam Eradication Effort and authorizing Supervisor to create a line item in the 2012 Budget and Program for the Asian Clam Eradication Program.

Given the identification of multiple sites in the Town of Bolton and the seriousness of this issue and allocation of funds to deal with this issue, Supervisor Conover asked the Board to double their effort for 2011 and to add it to the budget for next year. He feels that the level of effort for next year will be even greater. Supervisor Conover stated that there are a number of different ways to handle this, not the least of which, is that they are extremely conservative in their appropriation of occupancy tax dollars. Councilmember Rehm stated that the occupancy tax numbers will go down if the lake is not healthy.

Supervisor Conover stated that they are going to be dealing with this for some time and would like the Town to give consideration to creating a line item for the budget. He stated that Mayor Blais has suggested making this a line item and he agrees. He is pleased that they have the groups and individuals that care and are taking the initiative. Councilmember Rehm stated that she would like to add recognition to the Darrin Fresh

Water Institute in the resolution for their knowledge and expertise. Supervisor Conover agreed.

Zandy Gabriels suggesting changing the line adjustment to read invasive species and not just Asian Clams since they will be dealing with many invasive species over the years. The Board agreed and amended the resolution to reflect same.

**RESOLUTION#163**

Councilmember Rehm moved, seconded by Councilman Maranville to amend resolution to include all invasive species under the line item for the upcoming 2012 budget. All in Favor. Motion Carried.

**RESOLUTION #164**

Councilmember Rehm moved, seconded by Councilman Maranville to commend the Asian Clam Task Force and Darin Fresh Water Institute for their efforts on behalf of Lake George and authorizing an additional \$5,000 in occupancy tax funds for 2011 to help with the Asian Clam Eradication Effort and authorizing Supervisor to create a line item in the 2012 Budget and Program for invasive species. All in Favor. Motion Carried.

- Resolution authorizing Supervisor to allow LGA to place a making your home and land lake friendly display in the lobby of the Town Hall.

**RESOLUTION #165**

Councilman Maranville moved, seconded by Councilman MacEwan to authorize Supervisor to allow LGA to place a making your home and land lake friendly display in the lobby of the Town Hall. All in Favor. Motion Carried.

- Resolution authorizing use of Rogers Park for the 36th running of the Adirondack Distance Run by the Adirondack Runners on June 24, 2012 and closure of the Park entrance until 10:00am.

**RESOLUTION #166**

Councilmember Rehm moved, seconded by Councilman Maranville to authorize use of Rogers Park for the 36th running of the Adirondack Distance Run by the Adirondack Runners on June 24, 2012 and closure of the Park entrance until 10:00am. All in Favor. Motion Carried.

- Resolution authorizing Supervisor to contract for replacement of approximately 130 feet of 4' broken Town fence at Rogers Park.

Supervisor Conover stated that he has obtained quotes for replacing the fencing with either galvanized or black vinyl; the difference between them is \$500. The real cost comes from the labor of putting it across the rock face. They are hoping to be able to use

the existing holes, if not they will have to drill new holes. Supervisor Conover feels the black vinyl would be more sympathetic to the park, pier and neighbors.

Councilman Maranville stated that he had suggested making that part of the fence match the rest of the new fencing that was put up with the pier. He is not suggesting to do the whole stretch of fence but at least this area. Supervisor Conover stated that that type of fence is very expensive and it comes in a standard size of 6 or 8 feet so the holes have to be perfectly distanced apart. He feels that this may be out of the question cost-wise. With what he is proposing he feels that they can do this project for approximately \$3800. Councilmember Rehm stated that she is opposed to spending anymore than necessary. She takes Councilman Maranville's suggestion under advisement, but other than that small section, the rest of it evaporates into the landscape and most do not even know that it's there. She does not feel that it would be appropriate to have two different types of fence and would rather replace it in kind.

Councilman Maranville stated that given the amount of money that was spent on the pier, it would be nice to have something that fit into the pier/boardwalk area. He asked if they could take it to the committee to be included in the next phase of the Rogers Park project. Supervisor Conover stated that it was a good suggestion however, he is not sure that there will be enough grant money left over to do so. Councilmember Rehm stated that their responsibility is to stabilize the fence and she would rather have all one type of fence for aesthetic purposes.

### **RESOLUTION #167**

Councilman Maranville moved, seconded by Councilman MacEwan to table the resolution to authorize the supervisor to contract for replacement of approximately 130 feet of 4' broken Town fence at Rogers Park pending further information on additional fencing options. All in Favor. Motion Carried.

- Resolution authorizing additional funding allocation for the Bolton Emergency Squad.

Councilmember Rehm stated that the Rescue Squad wanted to thank Supervisor Conover for all of his efforts during Tropical Storm Irene. They were pleased and gratified by his ability to respond to their needs. All of those that participated are much appreciated but without a good leader it might not have worked quite as well.

Councilmember Rehm explained the Rescue Squad has provided information regarding their financials. One account has \$175,000 which is for the ambulance and a \$77,000 account to buy 2 new defibrillators at \$30,000 a piece and a variety of equipment now required by OSHA for \$18,000. Leftover is their operations account and payroll account. Given all of their expenses and new equipment purchases they will only be left with \$3,000 in the payroll account and they are anticipating approximately \$48,000 in

expenditures between now and the end of the year. They have asked for \$40,000 and they can self fund the rest out of their operations account. They would like the money over the next 3 months so it will equate to approximately \$13,334 each month. She stated that they will be coming to meet with them during budget time for 2012. They are looking to become their own entity so that they can do their own billing and build up some revenue. However they are concerned that there could be a gap in the first year of \$40,000-90,000. Right now they need the money for their paid staff and she asked that they at least approve the September allocation. Supervisor Conover stated that they are moving to a new operating condition for the EMS and becoming a private not-for-profit. He likes this approach of just allocating September because then they can see the plan going forward for next year, which he knows that they have been working on.

Councilman MacEwan asked if this will eventually become a taxable item or tax district. Councilmember Rehm stated that Counsel Muller was looking into this for them and can provide a pros and cons for doing so. Some towns and communities do have special districts already, but it will be something that would take some time to establish.

#### **RESOLUTION #168**

Councilmember Rehm moved, seconded by Councilman MacEwan to amend the amount of funding allocation for the Bolton Emergency Squad in the amount of \$13,500 for the month of September. All in Favor. Motion Carried.

- Resolution accepting \$900 matching funds from New York State for the Recreation Commission through the Warren County Youth Bureau.

#### **RESOLUTION #169**

Councilman Maranville moved, seconded by Councilman MacEwan to accept \$900 matching funds from New York State for the Recreation Commission through the Warren County Youth Bureau. All in Favor. Motion Carried.

- Resolution to reappoint Bruce Mowery, 828 Wall Street to a 5 year term on the Bolton Board of Assessment Review; term to expire 9-30-16.

Supervisor Conover extended a thank you for Mr. Mowery's service and dedication to the Town of Bolton and Board of Assessment Review. Councilmember Rehm stated that he brings a different perspective with his background in construction to the other Board members and steering them in the right direction.

#### **RESOLUTION #170**

Councilman Maranville moved, seconded by Councilmember Rehm to reappoint Bruce Mowery, 828 Wall Street to a 5 year term on the Bolton Board of Assessment Review; term to expire 9-30-16. All in Favor. Motion Carried.

- Resolution approving request by Hans Winter for Oktoberfest in his parking lot for September 30- October 2, 2011.

Councilmember Rehm asked if this includes a sound permit. Town Clerk Pat Steele replied that it included the sound permit until 11pm.

**RESOLUTION #171**

Councilman Maranville moved, seconded by Councilman MacEwan to approve request by Hans Winter for Oktoberfest in his parking lot for September 30- October 2, 2011, this motion includes approval of the sound amplification permit until 11pm. All in Favor. Motion Carried.

- Resolution of support for Warren County’s request for state and federal financial assistance for the eradication of Asian Clams from Lake George.

**RESOLUTION #173**

Councilman MacEwan moved, seconded by Councilman Maranville to support Warren County’s request for state and federal financial assistance for the eradication of Asian Clams from Lake George. All in Favor. Motion Carried.

Public in Attendance

Zandy Gabriels asked if the surplus items were packaged under one bid or individually. Supervisor Conover replied that they would be put out for individual bid.

Zandy Gabriels agreed with Jane Gabriels suggestion about the bathrooms in Rogers Park. He feels that the tennis court fence is bad enough and this building will then sit in the way of the portion of the view. He feels that it will really impact the aesthetics of the park. He agrees with relocating the building to where the existing outhouses are, or to move them up near the bandstand.

Zandy Gabriels suggested that the TB consider getting some info on the cost to redo one of the two Padanarum bridges. He would recommend getting them shovel ready in hopes to receive some stimulus money that might come out of Washington. Supervisor Conover stated that the County Engineers are looking at those bridges presently and he will be talking to them as well as Carl Schoder to address any issues.

Zandy Gabriels asked if they had any plans to replace Mr. Norton at the Highway Department before the winter. Supervisor Conover replied yes.

Transfers:

**RESOLUTION #174**

Councilman Maranville moved, seconded by Councilman MacEwan to approve the following transfers:

To	From	Amount
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13552 Assessor	13554 Assess Equip	\$382.00
30102 Public Safety	19904 Contingency	2590.00
30972 Public Safety	19904 Contingency	6925.00
31204 Police Contr.	30102 Police Equip	800.00
31204 Police Contr.	40104 Board of Health	135.00
56504 Off St Parking	56502 Equip	140.00
57204 Docks	19904 Contingency	531.00
71804 Ballfield	81604 Refuse	5010.00
85404 Drainage	19904 Contingency	1240.00

Highway

14404 Engineer	51484 Services	2205.00
51404 Brush	51484 Services	394.00

All in Favor. Motion Carried.

Pay Bills :

**RESOLUTION #175**

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

	<b>Voucher #</b>	<b>Amount</b>
<b>August Mid Abstract 8A</b>		
Highway	359	\$43,158.40
Water	154	900.00
General	881-894	2,767.50
Lights	880	3,115.03
Sewer	172-174	509.75
<b>August Mid Abstract 8B:</b>		
General	969-977, 979-983, 985-986	4,408.53
Highway	377	16.54

Water	167-168	1,590.27
Sewer	182-185	3,155.07
Lights	978, 984,987	330.15

**September Abstract:**

General	881-892, 895-968, 988-1033	85,818.61
Highway	360-376, 378-393	32,677.69
Sewer	175-181, 186-192	17,209.31
Water	155-166, 169-179	12,543.57
Tourism	38-46	1,900.96
Storm Damage General Repairs	18-24	7,497.88
Rogers Park Dock	2	24,048.21
Zoning Ordinance Update	1-2	12,614.03
L.G. Watershed	2	7,531.40

All in Favor. Motion Carried.

Councilmember Rehm stated that she was in Rogers Park Friday night and she noticed 8 boats at the docks, but Saturday morning most were gone. However, when she was down there at 10:30pm Friday night, one of the boats on the finger docks was plugged into the electricity on the dock and having a fine time. She asked if the Board was aware that all of the finger docks had electricity and that all summer long the people have had free access to it. She asked if the Parks Department could turn them off immediately. Supervisor Conover stated that they will be sure to have them shut off.

Executive Session: Personnel Matter, contractual matter and matter involving potential litigation.

**RESOLUTION #176**

Councilman Maranville, seconded by Councilman MacEwan to adjourn to Executive Session at 8:58pm with potential action to be taken. All in Favor. Motion Carried.

**RESOLUTION #177**

Councilman Maranville moved, seconded by Councilman MacEwan to return to regular session at 9:23pm. All in Favor. Motion Carried.

**RESOLUTION #178**

Councilman Maranville moved, seconded by Councilman MacEwan to adopt the following resolution:

IT IS HEREBY RESOLVED that the Town of Bolton shall retain Counsel Brian Reichenbach to act as special lead Counsel for the Town of Bolton to proceed with any and all requirements of litigation in the action Town of Bolton v. Lavender, Warren County Supreme Court Index #56115 and to defend Supervisor Ronald Conover and

Town Attorney Michael Muller in any actions brought by Defendant Lavender as a counterclaim or Third Party Action as part of the proceedings and special counsel shall seek to recover all remedies and relief to which the Town of Bolton, Supervisor Conover and Town Attorney Michael Muller shall be entitled, including all legal and equitable relief, punitive or exemplary damages, sanctions, attorneys fees, costs and disbursements. The special legal counsel shall be afforded full access to all Town of Bolton records pertaining to the matter and shall have the full cooperation of the Town of Bolton Planning Office personnel in preparing the case. Compensation for the special counsel shall be billed at a rate of \$200.00 per hour, plus reimbursement for actual incurred costs and disbursements. All in Favor. Motion Carried.

Adjourn:

**RESOLUTION #179**

Councilmember Rehm moved, seconded by Councilman Maranville to adjourn at 9:26pm. All in Favor. Motion Carried.

Respectfully submitted by:  
Patricia Steele  
Town Clerk

Respectfully submitted by:  
Kristen MacEwan  
Minute Taker