

Town of Bolton

Town Board Meeting

November 4, 2009

Pledge: Town Clerk

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

ABSENT: None

Meeting Called to order 6:33 p.m.

Pledge: Town Clerk Patricia Steele

Announcements:

Specialist Scott R. French has been awarded the Medal of Valor by the Secretary of the Army for exceptionally valorous action while in combat patrol in the Kunar province of Afghanistan under direct enemy fire, disregarding his own personal safety.

Kudos to the children of Bolton. There were no problems in town on Cabbage night or Halloween.

Town Hall will be closed for Veterans Day on November 11th and for Thanksgiving. Many of the offices will be closed the day after Thanksgiving as well except for the Zoning office and Court.

We have three public hearings tonight:

1st hearing is on **Local Law #4 Authorization of Town Board to Establish Application Fees by Resolution**

This local law will create the procedure which would grant authority to the Town Board to set administrative fees from time to time by resolution

Open for comments

Councilmember Rehm stated that she supports this idea.

Frank McDonald asked if there would be a limit set on the fees. Supervisor Simmes replied no. Frank McDonald stated that he was concerned that this could be open season on the applicants. Supervisor Simmes stated that he may better understand once she reads Ordinance #46. She stated that this local law needs to be in place before they could pass Ordinance #46. Councilmember Rehm stated that this Local Law would just be giving the Town Board full authority to set the fees. However, it is not something that can be changed overnight. The fees would still need to be made public and a resolution would be necessary in order for any change to occur.

Supervisor Simmes left the public hearing open.

2nd hearing is for **Ordinance #46 entitled "An Ordinance to Provide for the Imposition and Collection of Administrative Fees and Application Expenses"**

This ordinance allows the Town to create the application fees and possibly the "extra fee" for an after the fact variance application by TB resolution and provides for a system of collecting engineering and expert fees incurred by an applicant (that have been paid by the town) for which the Town seeks collection and enforcement. This part allows the Town to withhold final approval.

Supervisor Simmes stated that this will inform applicants up front what expenses they will be responsible for and to be sure that the Town is reimbursed for any fees. She stated that this also addresses after-the-fact applications.

Open for comments:

Councilman Saris stated that the Town has been looking for a deterrent for after-the-fact applications. He stated that it is a situation that they do not like to put the ZBA in. He stated that as it is set up now, there is no punitive aspect to after-the-fact applications. There is no incentive to do things the right way. He feels that this ordinance will get people going in the right direction.

Councilman Saris suggested that some individuals come in with after-the-fact applications in which it was not their fault (i.e. it was there when they purchased the home) and suggested that they come to the TB and apply for an exemption.

Frank McDonald stated that he has attended many Town meetings in which alternative remedies were discussed and has seen people get charged with fees that vary. He understands that sometimes that is due to the nature of the violation. He asked if there was a way to put a value on the different types of violations.

Supervisor Simmes left this public hearing open.

Public hearing on the 2010 budget.

Supervisor Simmes stated that five workshops were held for this budget. She highlighted some of the more important items that have affected this budget.

On the Revenue side:

Sales tax for the first three quarters of 2009 was down and with that trend in mind we have decreased the anticipated sales tax figure for the 2010 budget.

Interest on invested monies is down due to the recession.

The County has decreased by 5% the amount of revenue we will receive for snow and ice removal for County roads we take care of.

The State has lowered the amount of funds we receive for our Youth programs as well as funds we receive for processing the star program.

On the appropriation side:

We have an increase in our appropriations to cover costs for the GIS program that is used by the Planning, Zoning and Assessor's office. This is a new cost to the Town.

We have budgeted \$10,000 to help UpYonda Farm keep their operations running.

In return, UpYonda will be offering special services for our residents. This is also a new cost to the Town.

Health Insurance costs are anticipated at 15 to 20% increase.

Raises for employees has been held to 2 ½ percent.

The good news is that this budget compared to the '09 budget does show a decrease in expenditures for the General Fund and Highway, but the news on the revenue side is anticipated to be much lower

Even though we are using a portion of fund balance, we have budgeted a 2.5% increase in the Town tax rate.

The 2010 budget for the General Fund; Appropriations \$2,354,920, Less Estimated Revenues of \$2,135,802

Leaves an un-expended balance of 219,118, which will be raised by taxes.

Highway budget: appropriations \$1,644,076 less estimated revenues of \$206,860, with an un-expended balance of \$652,127. The new amount to be raised will be \$785,089. Last year it was 765,941.

Fire District budget: \$449,535 with a rate of .4276 cents/thousand.

Supervisor Simmes stated that they have budgeted for the Rescue Squad so that they could have paid staff again over the summer season.

Consequently, the tax rate for 2010 will be .746 cents per thousand, up from .734 for last year.

Examples of how this will affect your taxes are as follows:

If your home is assessed at \$200,000 you will see an increase of approximately \$26

The Fire District budget is down \$4000. The tax rate is projected to be .425 cents per thousand

The Light district budget remains stable will a tax rate projected at .103 cents per thousand.

Where this Town Board has spent considerable time is on the increasing debt that is mounting in the water and sewer budgets.

For at least the last five years the General Fund as appropriated funds to pay bills for both districts. In some years the Water District has been able to pay back what was borrowed. That has not been the case for the Sewer District.

The water district was able to sell some of their property and has paid back the General Fund and will show an unexpended balance that will carry over to 2010. The water district budget is \$438,873.

The Sewer district being much smaller does not have the luxury of assets that can be sold or revenue that can be generated other than from the users of the district. The budget is \$309,594.

There has not been an adjustment made to the water or sewer rates since 2000

Inevitably it will come down to a rate increase to try and balance budgets for both departments. This will take some time and will probably not take place until the next billing cycle in January or later.

Open for Comments:

Paul Gollhofer stated that there was an article in the Post Star regarding a stimulus package for Warren, Washington and Saratoga County. He stated that there seems to be quite a bit of money on a number of categories and if they could get some of that money it could affect the numbers on this budget. Supervisor Simmes stated that she did see that but she is not sure if this will affect them at the Town level. Paul Gollhofer stated that the County might be willing to share it for the roads.

Pubic In Attendance:

Steve Hart- expanding or connecting two properties (VanWart and Baer) to the water district.

Supervisor Simmes stated that she spoke to Chet Dagles, Sewer Plant Operator, who has indicated that he has no issues with these additions. RPI does not have any issue either. She stated that it is now a matter of the approval and legal documents to be drawn.

Steve Hart stated that they have spoken to DOT regarding this matter. The DOT has a use and occupancy fee that they will need to incorporate because their main will be running into the DOT right-of-way. This would be \$100 yearly fee. The DOT also requires that each owner maintain a \$300,000 liability policy. He stated that DOT has seen the design plans and seem to be in favor of the plan. He stated that they still have more engineering to do but they need to get the approval from the TB first.

Supervisor Simmes stated that Counsel Muller suggests entering into a contract rather than to extend the district.

Willie Bea McDonald stated that North Brook Village is right behind these homes and asked if the main is large enough to tie in the rest of North Brook Village. Steve Hart replied that the 8" sewer main is large enough, but that is not the intent and they would need permission from this Board in order to do so.

Chris Navitsky, Lake George Waterkeeper, stated that he is concerned with the legal definition of a sewer extension. He stated that when they are connecting a pipe for more than one property they are creating an extension. He stated that he is also concerned with additional connections because there are I and I problems already in Town. He feels that they should address these problems first before considering extensions.

Steve Hart stated that Mr. Baer's system is in failure, so they either need to re-design an on-site system for him or get the connection to the sewer line. He stated that Mr. VanWart is currently not experiencing any problems with his system but he will run the pipe along his property with the intent to connect in the future.

Supervisor Simmes asked if there was room to have an on-site system. Steve Hart stated that it would be difficult on Mr. Baer's property given the size and topography of the land.

Aside from the legal aspect of this connection, Councilman Saris stated the practical aspect proves to be beneficial in many ways. He feels that if they can assist these property owners that are in a tight spot and they have the ability to do so, it is a good thing. He stated that he wishes that they could do this for more people. He stated that this will also add more revenue to the sewer district which is always in need. With regard to the sewer operation, he stated that they do not have enough customers in it, yet they still have to maintain a plant of a certain size and staff it 24 hours/day.

Supervisor Simmes stated that Counsel also informed her that since these individuals would be outside of the district they could charge a different fee. Councilmember Rehm suggested that since these individuals have not incurred any initial cost for the installation of the sewer district, that they may have to pay some upfront fees as well as a higher fee on a yearly basis.

Councilmember Rehm stated that Chet Dagles had a letter from the DEC where they addressed some of the issues. She stated that there is a distinction between a sewer extension and a contract for disposal. She stated that they are

not proposing a sewer extension they are only contracting with a private party to accept waste water. She stated that DEC does not seem to have any issue with that concept.

Councilmember Rehm stated that she saw that the RPI contract had a 40 year term and asked Steve Hart if they expected that length of term. Steve Hart replied that a longer term would be preferred.

Councilman MacEwan stated that he thought the Waterkeeper would be in favor of this application from the perspective of a containment factor. He stated that one system is failing and this connection would remedy this situation quickly. Chris Navitsky stated that they obviously approve of the containment factor. He stated that he is looking at the bigger picture. He stated that he was not aware of the letter from DEC to Mr. Dagle. However, his office has been in discussions with DEC regarding sewer extensions in Lake George. It is great to address this one property but he is concerned that they could be setting a precedent. He asked how far they can expand before they push the boundaries on what they treat.

Councilman Saris stated that their issue of I and I comes down to revenues. He stated that it takes money to address it and the only money that they have to address it comes directly from the 550 members of the sewer district. He stated that they have been slowly making improvements but they cannot address the overall issue. Chris Navitsky stated that I and I also comes from sump pumps. Councilman Saris stated that they would also need some way to do that.

Supervisor Simmes asked if both houses were seasonal. Steve Hart replied yes. He stated that they are expecting the flows to be approximately 200 gallons/day.

Kevin Neacy, 39 Goodman Avenue, stated that he has concerns with adding extra people to the district. He stated that when it rains he has water flowing down to the drain system and they have a problem with the road where the culvert has collapsed. He stated that when it rains all of the houses around the plant are affected by the run-off.

Councilmember Rehm asked if they would start the project this fall. Steve Hart replied no they will probably wait until spring so they can complete their design and engineering. Zandy Gabriels asked if they have coordinated with the DOT because they will resume their project in the spring. Steve Hart replied yes they have spoken to DOT. He stated that their plan is to stay off of the roadway so they should not conflict with that project.

Don Roessler – representing Deanna Roberts, 15 Stewart Avenue

Don Roessler stated that over the last 20 years Deanna and her father, owners of 15 Stewart Avenue, have had problems with the sewer main. There has been a problem with the main on Stewart Avenue. There is a connection to the pipe which now contains a root which has created a plug. He stated that over the years it has been cleaned out several times. He stated that they tried several years ago to have it addressed but it was forgotten about. He stated that in August she had troubles again. At the end of August they had to dig it up and they did not have time to go to the TB to discuss it. He stated that he spoke to Supervisor Simmes and Counsel regarding how the ordinance is written. Counsel has indicated that the ordinance states that any repairs are the homeowner's responsibility. Don Roessler stated that he read the ordinance and was confused by it. He stated that the language did not make any sense to him. He stated that they dug up the area which was between the sidewalk and the main which runs down the middle of Stewart. They found that the pipe was broken and the root was running all throughout. He stated that he would like to know the TB's determination of whether or not this is the homeowner's responsibility or the Town's. He stated that the cost was approximately \$2,700 to repair the problem that was on Town property. He stated that the problem was not in her driveway but on the Town road. He also requested that they come up with some better wording on who is responsible and where the responsibility starts and stops. He stated that he was very uncomfortable with digging up the road considering the water main is right there as well.

Supervisor Simmes stated that they would look into this and get back to him next month.

Kevin Neacy

Kevin Neacy stated that the road going up to the sewer plant has caved in due to heavy rain and run-off. He stated that the Town has filled it approximately 4 times. He stated that there has been issues with digging because they are not sure where the pipes are. He stated that this problem has been ongoing for the past 3-4 years and up until recently the water was running into his basement. He stated that when some work was done the water was diverted and since that time his basement has been dry. However, there continues to be a problem with the road and run-off.

Supervisor Simmes stated that she is aware of this problem. She stated that because of this problem they found the water leak going through the culvert. She stated that they had the County there and they could not determine where the pipe ends. Kevin Neacy stated that they did figure it out; it ends by Fred Lethbridge's house. He stated that the Town needs to get the Highway, Water, and Sewer Departments together with the County to figure out how to fix the problem.

Supervisor Simmes stated that she started looking into getting some equipment in there to fix the problem. However, Chet Dagles had indicated that Mr. Neacy was no longer getting water in the basement so she thought the problem was resolved. Kevin Neacy stated that he no longer gets water in his basement but there still is an issue with the road. Supervisor Simmes stated that they would look into the problem.

Willie Bea McDonald-

Willie Bea McDonald stated that she was speaking on behalf of the Occupancy Tax Committee. She stated that they have been going over the use of the funds for the Town and one of the things that they have found would benefit from the funds was the Town's website. She stated that the current website is outdated, hard to read and not user friendly. She stated that technology changes and it is time to upgrade. She feels that they need to show what Bolton Landing is all about.

Willie Bea McDonald stated that she has contacted Mannix Marketing. She stated that she has used them and feels that they have done a great job. She stated that they are locally owned and operated. In her discussions with Mannix she has talked to them about a 12 page website. The cost would be approximately \$4-5,000 with an additional cost of \$400/year to host it. The initial fee would be just to start up.

Willie Bea McDonald stated that there is bed tax money available to do this for them. She stated that she has spent many hours reviewing other municipalities' websites and noticed a big difference. She asked the TB if they would like to go forward with this proposal.

Councilmember Rehm stated that originally when the website was set up it was mostly for dispersing public information as opposed to promotion. She stated that now they are much savvier and if the Bed Tax Committee wants to do some preliminary work she would be happy to see it so long as this is an appropriate use of funds. Willie Bea McDonald stated that this would be appropriate use of bed tax funds. She stated that the committee has been discussing this for some time and they have set aside more money than is necessary.

Councilman MacEwan asked if the annual fee would change. Willie Bea McDonald replied that their fee has not changed much over the years. Supervisor Simmes asked if there would be any additional cost to have their own administrator of the site. Willie Bea McDonald replied that the cost is set up for someone in town to administer the site.

Willie Bea McDonald stated that the Chamber of Commerce is using Mannix Marketing for their website who has completely re-vamped their website. She stated that the Town could link to the Chamber to connect to all of the businesses and other websites locally. She stated that she would be willing to spearhead the project to a point. She stated after the initial stages someone from the Town will need to get involved so that the site is designed to your liking and needs.

The TB agreed to get some preliminary designs and set-up information.

Outstanding Issues

Elmer Clark- Purchaser has investigated contaminated well issue. No factual evidence, the Engineer is working on proposed well and septic and will be submitting a variance application to move the structure.

Michael Dean: APA has issues with his application regarding setbacks from wetland and stream. He is requesting an extension until May 2010. Cottage will not be in use.

RESOLUTION # 226

Councilmember Rehm moved, seconded by Councilman Maranville to grant an extension to Michael Dean for the remediation of his septic system located at 455 East Schroon River Road, Tax ID#198.04-1-2, until May 15, 2010 with the condition that the house is not used. All in Favor. Motion Carried.

Correspondence:

Encon Notice of Violation for phosphorous level.

Application for a Liquor License from Timothy Mulchy for a new business at 4933 Lake Shore Dr. called Son of a Sailor

Copy of letter sent to Planning Board from LGA with concerns regarding the Simonson project

Encon has returned a fully executed copy of Amendment #2 to Contract #C301757 for the Indian Brook Stream Corridor Improvement Project.

Encon letter Re: Annual SPDES Compliance Inspection of our wastewater treatment plant. We are still having issues with our Phosphorous levels

APA project notice for dredging on Finkle Brook

APA notice of incomplete permit application for the Finkle Brook project.

APA notice of application for installation of an onsite wastewater system for Michael Dean on East Schroon River Rd. .

APA minor project notice for Indian Pond Estates, LLC

State of New York with information regarding the status of the Town of Bolton's 2010 reassessment project.

BCS thank you to our Police Dept. for the great job they are doing.

Notice that the LGPC will not be addressing the Stream Corridor Regs at this time.

Letter from the Attorney for Home Place Corporation requesting that we remove the planters on Bixby Rd. since they say we only have an easement of passage only

Copy of Notice of claim against the Town of Bolton, Local Dev. Corp and Village of BL

Committee Reports

Councilman Saris

Wastewater- Took in 4,874,970 gallons for an average of 157,257 gallons/day. All of the beds are dry with the exception of the one in use. There was one violation for phosphorous and Chet is working with the DEC. DEC has requested 3 samples from the manhole on Sagamore Road and the Norowal pump station to determine where the phosphorous might be coming from. The new pump has been installed at the Norowal pump station and he is waiting on an estimate to replace the other pump for back-up. The annual inspection from DEC went well. They handled a sewer plug by Brickner's due to grease in the line. They hauled 22,500 gallons of liquid sludge.

Town Clerk- Local Shares remitted \$15,081.31, non-local revenue \$854.99, Total State, County and Local revenues \$15,936.30

Councilmember Rehm

Library- A clarification, Jane Gabriels who donated a kayak will be raffled off before Christmas and not Columbus Day. There is still time to get your raffle tickets.

Recreation- The calendar has been posted. Councilmember Rehm stated that they need to come up with a policy to address the situation when either the Director or Assistant are not available to run the Center. She stated that today both were out with the flu. It was announced at school, but they are concerned that someone might not get the message and a child would show up. She stated that she understands that staff at the Town Hall have been very helpful in the past but she wants to know from Counsel if they should have some sort of agreement or notice so that they do not have that liability. Counsel asked if there is any paperwork involved with the signing up of each child to participate. Councilmember Rehm stated that she believes there is something in the beginning and she knows that there are rules that need to be signed off on. Counsel stated that if there is something like that they could add a paragraph protecting the Town from any liability. This could act as a release. Counsel stated that he could provide some wording for them.

The Rec Dept will no longer be going to the Fun Spot because Fun Spot has just signed a contract with NYS that would preclude them from taking on outside activities. However, they will find an alternative.

Councilmember Rehm stated that over the summer a child in the summer program was stung by a bee and had an allergic reaction. She stated that everyone performed very well. She stated that Carol Ann Fitzgerald, who is a recent graduate and has been a member of the Rescue Squad, really stepped up and showed her presence in that her training paid off. The Director has asked that even though the Counselors all have first aid training she will be increasing the level of training necessary.

Emergency Squad- The paid staff was extremely helpful to the squad. They will be contracting with them once again and will be seeking to have paid staff from Memorial Day through Columbus Day of 2010. This will be an ongoing budget item.

Seniors- The Christmas party will be held at Frederick's on December 12, 2009.

Councilman Maranville

Assessor-The number of real estate sales in continues to be down from previous years. Deed maintenance and sales are up to date. On October 30th a copy of the file was sent to the County for the January tax bills. The Assessor's Office is now preparing a list of changes for the tax collectors which happen between now and then.

In October they had numerous visits and phone calls from residents upset over their school taxes. One reason the bills were slightly higher is the reduction in the amount of the STAR exemption. The County Assessor's Association has prepared an informational press release to help explain the STAR program and that it is still intact. To date the Post Star has not published their article.

During October he continued work on the re-evaluation project, and has completed the land tables for some of the larger neighborhood and has tested the sales against his numbers. He hopes to have the land tables completed in the next 10 days and will soon be able to run the field numbers.

His defense of 3 small claims hearings resulted in 2 reductions and 1 no change. He was extremely disappointed in the hearing officer's decisions.

He has prepared a water and sewer district report to help analyze the users in those districts. He trusts this information will be useful during the budget process. The lighting district was also looked into.

Police- There were a couple of thank you letters. They patrolled 3,881 miles and used 246.9 gallons of fuel. A detailed list of all the calls answered is available for review.

Justice- Hon. Harry Demarest took in \$8,240 and Hon. Ed Stewart took in \$4,945. Total monies forwarded to the Town of Bolton - \$13,185. Itemized lists are located in the Court.

Councilman MacEwan

Water Department- Filtered 5,115,000 gallons of water with an average of 165,000 gallons/day. The bacterial samples came back satisfactory. They replaced rod and boxes in certain areas of Lakeshore Drive. They had to shut down a water main from Sagamore Road to Veteran's Park for a few hours on October 15th due to a break. They installed a new fire hydrant on the corner of Sagamore Road and Route 9N. All the meters were read. The Algonquin has installed some new shut-off valves so they can drain their line better.

Supervisor's Report

Receipts: \$460,083.97 Disbursements: \$950,194.25

Supervisor Simmes stated that she has been impressed with the speed in which the sewer main was relocated. She stated that it will not be until February when everything will be on line.

Old Business

Discussion of the awarding of bid for the Rogers Pier Construction project: Low bid was received from OSI Industries in the amount of \$929,292.

The bids were as follows:

VMJR \$ 981,000.00

Kubricky 1,133,574.59

Galusha & Sons 1,385,624.00

OSI 929,292.00

Tim Larson explained they re-bid the project due to the bids that came in over the summer. He stated that originally they estimated that the engineering cost would be \$950,000 and the lowest bid came in at \$1,090,000. He stated that they made some engineering changes to the drawing and put it back out to bid.

Councilman Saris stated that he is glad that they took the time to re-bid and he feels more comfortable with the cost.

Zandy Gabriels asked how they plan to pay for the project. Supervisor Simmes replied that they will probably borrow some of the UDAG funds. However, the details have not been discussed yet. Councilmember Rehm suggested that they should have some discussion on how this project will be funded.

Supervisor Simmes stated that they have approximately \$281,000 set aside and the grant will be \$250,000. Councilman Saris suggested that they borrow the money from the UDAG funds with the intent to pay it back. He stated that this could save the Town money by not having to pay interest. He also likes using the UDAG funds for this type of purpose. He stated that it will be paid back so future Town Boards can look to finance similar types of projects that this Town really needs.

Councilman MacEwan stated that they would need to discuss the time frame in which they plan to pay it back. Supervisor Simmes stated that they would need to borrow, at most \$650,000 if the grant should not go through. However, with the grant money they would only need \$400,000. Supervisor Simmes stated that the grant has been approved but it has not been released as of yet. Councilman Saris stated that if that money needed to be borrowed it could be immediately replaced once the grant comes through. There was further discussion of the amount and time frame.

Tim Larson stated that if they decide to award the bid tonight some minor work could be done by the end of the calendar year but the majority of it would have to wait until the spring. He stated that they still need to get all of the permits in place which will probably take about a month, so he is not sure that any work would be done this year.

RESOLUTION #227

Councilman Saris moved, seconded by Councilman MacEwan to award the bid of \$929,292 to OSI for the Rogers Pier Construction Project. All in Favor. Motion Carried.

RESOLUTION #228

Councilman Saris moved, seconded by Councilman Maranville to authorize borrowing up to \$650,000 from the UDAG funds to be paid back interest free over a ten year period. If the State grant money is received it will be used to pay back the money and to shorten the terms if possible. All in Favor. Motion Carried.

Open bid for a Leeboy shoulder machine

There was only one bid from Nathan Kingsley in the amount of \$850.00.

RESOLUTION #229

Councilmember Rehm moved, seconded by Councilman MacEwan to award the bid for the Leeboy Shoulder Machine to Nathan Kingsley for the amount of \$850.00. All in Favor. Motion Carried.

Open bid for sander- there were no bids submitted.

Discussion of Green Island zoning.

Local Law #3 with APA comments

Bid documents will be ready by November 18th for the Conservation Park Project. Authorize to go to bid and accept bids until December 14th at 1:00 p.m. at which time they will be opened.

Councilmember Rehm asked what it would entail to alter the bid to complete the project segmented into the rough buildings which could be completed with Town force . She stated that she is concerned that they may run into a

similar situation that they had with the pier project and having to go out again to bid because it was too high. She thought that if they did this they could at least award the bid so that the building could go up and be finished by the Town. Supervisor Simmes stated that she has a couple of add alternates to the project 1) for the decking and patio on the side, 2) stone veneer front, which could be done at a later date and 3) wanes coating that could be done by Town forces. She stated that they are already at the point of where documents are ready to be done. Councilmember Rehm stated that she did not want to hold the project up but she wanted to ask if that was possible. Supervisor Simmes stated that she would look into it.

RESOLUTION #230

Councilman Saris moved, seconded by Councilman MacEwan to go out to bid for the Conservation Park Project with a deadline for accepting bids as December 14, 2009 at 1:00pm. Councilman Maranville opposed. All Others in Favor. Motion Carried.

New Business

Local Law #4 Authorization of Town Board to Establish Application Fees by Resolution

RESOLUTION #231

Councilmember Rehm moved, seconded by Councilman MacEwan to close the public hearing on Local Law #4. All in Favor. Motion Carried.

RESOLUTION #232

Councilmember Rehm moved, seconded by Councilman Saris to approve Local Law #4.

TOWN OF BOLTON LOCAL LAW #4 – 2009

AUTHORIZATION OF TOWN BOARD TO ESTABLISH APPLICATION FEES

BY RESOLUTION

BE IT ENACTED that the Town Board of the Town of Bolton, pursuant to its authority under law and as authorized pursuant to statute, including Town Law, General Municipal Law and Municipal Home Rule, hereby provides that any administrative fees to be imposed and collected from an applicant upon submission of an application for consideration before the Zoning Board of Appeals, the Planning Board, the local board of health, or to the Office of the Zoning Administrator, shall be established by resolution of the Town Board, and, from time to time, may be amended, modified or terminated by further resolution of the Town Board.

This local law shall take effect immediately pursuant to the requirements of law.

All in Favor. Motion Carried.

Ordinance #46 Administrative Fees and Application Expenses

RESOLUTION #233

Councilman Maranville moved, seconded by Councilmember Rehm to close the public hearing on Ordinance #46. All in Favor. Motion Carried.

RESOLUTION #234

Councilman Maranville moved, seconded by Councilman MacEwan to adopt Ordinance #46.

ORDINANCE #46

ADMINISTRATIVE FEES AND APPLICATION EXPENSES

AN ORDINANCE TO PROVIDE FOR THE IMPOSITION AND COLLECTION OF ADMINISTRATIVE FEES AND APPLICATION EXPENSES

BE IT ENACTED and ordained by the Town of Bolton, Warren County, State of New York, as follows:

A uniform procedure shall be established by authority of Town Law, General Municipal Law and Municipal Home Rule for the application of administrative fees and reimbursement and collection of applicant's expenses incurred as provided by law.

SECTION 2

The Town Board of the Town of Bolton shall from time to time by approval of a Town Board resolution impose reasonable and necessary application fees for matters presented for municipal board review before the Town Board, Zoning Board of Appeals, Planning Board or local board of health, and such fees shall be collected and be considered in full effect until amended or terminated by subsequent resolution of the Town Board.

SECTION 3

Wherever any application presented for municipal board approval shall require professional expert review and recommendation for the town to properly evaluate the project under consideration, the applicant shall be required to promptly reimburse the municipality for expert, engineering, legal or technical expenses as may be billed to the town, upon the following requirements:

- a) Upon presenting of the town's request for reimbursement, the applicant shall pay the full amount within thirty (30) days. The town shall not be required to provide any signature or evidence of "final approval" to the applicant/developer until such time as the applicant/developer shall have reimbursed the town in full.
- b) In the event that the applicant shall fail or refuse to reimburse the town, the town may apply or seek the following remedies until payment is received:
 - 1) Board project approval may be suspended pending receipt of payment.
 - 2) Interest shall be applied and computed on any balance due in accordance with the provisions of the New York State Civil Practice Laws and Rules.
 - 3) In the event the town is compelled to commence any collection action, including litigation to collect on the amount due, the town shall be entitled to also receive costs and disbursements of such action and actual attorney's fees incurred.
 - 4) In the event the town is compelled to seek security for the collection of sums due, by resolution of the Town Board upon ten (10) days' notice to the applicant, and only in instances where the applicant was and remains the owner of the premises, the town shall be entitled to consider the unpaid or uncollected sums chargeable as a special assessment to be included on the premises' next available town tax billing with interest and collected as a tax.

5) The town shall not be required to accept for processing any further or subsequent administrative application under any code, regulation or ordinance from any person who shall have unpaid reimbursement sums past due to the town. The town shall give consideration to any facts in which an applicant/developer who has unpaid reimbursement sums due to the town and such applicant/developer acts in other capacities as an individual applicant, developer, agent or principal in any business entity making application to the Town of Bolton while reimbursed sums remain unpaid to the Town of Bolton on any project application.

SECTION 4

In the event that a court of law shall determine any section of this ordinance to be invalid, such court determination shall be limited to the specific section and shall not effect the enforceability of this entire ordinance.

This ordinance shall become immediately effective after enactment in accordance with the provisions of law.

All in Favor. Motion Carried.

Resolution to adopt 2010 budget

RESOLUTION #235

Councilman Saris moved, seconded by Councilman Maranville to close the public hearing on the 2010 budget. All in Favor. Motion Carried.

Councilman Maranville stated that he missed the last budget workshop in which water and sewer was discussed. He asked for some clarification. Supervisor Simmes stated that they met with a consultant and once the water bills are sent out the consultant can put some new programs in to get better information.

RESOLUTION #236

Councilmember Rehm moved, seconded by Councilman MacEwan to adopt the 2010 budget. All in Favor. Motion Carried.

Resolution to authorize a change order for LA Group and Schoder River Associates to the Rogers Park Pier Reconstruction project in the amount of \$5072.53. This was for work involved in the rebid of the project.

RESOLUTION #237

Councilmember Rehm moved, seconded by Councilman MacEwan to authorize the change order for LA Group and Schoder River Associates to the Rogers Park Pier Reconstruction Project in the amount of \$5,072.53. All in Favor. Motion Carried.

Request to lower the speed limit on streets within the hamlet, specifically Brook Street, Question will this require an Ordinance or Local Law for enforcement if determined that it will be lowered.

Supervisor Simmes stated that she contacted the County who informed her that it is up to the Town to lower the limit on that road. She stated that if they approve such change they would have to send a letter to the County for the request. The County would then send it to the State and the State does an evaluation and decides whether or not it should be lowered. Supervisor Simmes asked if they would need something else in place in order to enforce it. Counsel replied yes they would need to have some sort of penalty set in place for the violation of the speed limit. There was discussion of what the current speed limit is on the road currently since it is not posted. Counsel stated that if the road has no posting it is probably 55 mph. Paul Gollhofer disagreed and stated that all of the Town roads

are 30 mph until they get past Slaughterhouse Hill. Counsel asked if the ordinance says anything about the speed limit. Supervisor Simmes stated that she was not aware of anything. Councilman MacEwan stated that none of the roads in the hamlet are posted. There was also discussion of whether this was a County or Town road. Supervisor Simmes stated that Brian Humphrey indicated that it would be a Town decision. Counsel stated that he would need to investigate that before he felt comfortable in agreeing. Supervisor Simmes stated that they will do more research on this issue.

Resolution to place the following amount on the 2010 Town and County tax bill for demolition work that the Town contracted since the landowner did not comply with a court order for removal of dilapidated buildings under our Ordinance #27 Unsafe Buildings on property owned by Janet Lehman, Tax Map #171.15-1-28, address 57 Horicon Ave. Bolton Landing, NY in the amount of \$16,015.01.

RESOLUTION #238

Councilman Maranville moved, seconded by Councilman MacEwan to place \$16,015.01 onto the 2010 Town and County tax bill for demolition work that the Town contracted since the landowner did not comply with a court order for removal of dilapidated buildings under our Ordinance #27 Unsafe Buildings on property owned by Janet Lehman, Tax Map #171.15-1-28, address 57 Horicon Ave. Bolton Landing, NY. All in Favor. Motion Carried.

Willie Bea McDonald asked what happens if the tax isn't paid. Counsel Muller stated that if it goes unpaid long enough they could lose their property at a tax foreclosure sale. Willie Bea McDonald stated that this same thing has happened to Muriel Crandall. However, she is concerned because she already has difficulty paying her property taxes let alone the additional levy. Councilmember Rehm stated that the County does everything reasonably possible to work with these individuals so that they do not lose their homes.

Discussion of requiring that mileage sheets be kept for all town vehicles and submitted to the Town Clerk at the end of each month. This will help in tracking the use of fuel vs. the bill we receive from the County.

Councilman MacEwan suggested adding a way to check the gallons of fuel added and used. He stated that they keep track of this for the buses so they can keep track of mileage as well as fuel use. Sue Wilson suggested leaving it in the vehicles.

Request to obtain RFP's to perform end of year audits for the Town Clerk, Court and Supervisor's office.

Councilmember Rehm stated that this is used to help the Board be better informed and it is a TB requirement. The Court's records are supposed to be audited the last week of the year and the Town Clerk and Supervisor's Office is to be audited by the 20th of the following year. She stated that they tried last year but it mainly fell on the Supervisor. She stated that it is a TB requirement and she feels that they should have someone with the expertise to review with the Board members for the first year but thereafter the TB would be able to do it themselves. Councilman Maranville stated that he liked this idea.

Request to use the Town Hall for the Holiday Art show scheduled for December 5th and 6th.

RESOLUTION #239

Councilman Maranville moved, seconded by Councilman MacEwan to authorize the use of the Town Hall on December 5 and 6, 2009 for the Holiday Art Show. All in Favor. Motion Carried.

Request from Mitzi Nittmann to carry over 15 hours of vacation to be used in January of 2010.

RESOLUTION #240

Councilmember Rehm moved, seconded by Councilman Maranville to approve the request of Mitzi Nittmann to carry over 15 hours of vacation to be used in January of 2010. All in Favor. Motion Carried.

Jack Hall proposal to remove and dispose of 4 existing circulators and supply and install 4 new circulators, etc at the Highway Building for the amount of \$4,780.00

RESOLUTION #241

Councilmember Rehm moved, seconded by Councilman MacEwan to approve the proposal from Jack Hall to remove and dispose of 4 existing circulators and supply and install 4 new circulators at the Town Highway Building for the amount of \$4,780.00. All in Favor. Motion Carried.

Resolution to Time Warner to extend cable to the following areas: Pine Tree Lane, Lamb Hill Rd. and East Schroon River Rd.

Councilman Maranville stated that he thought Pine Tree Hill was a private road. Supervisor Simmes replied that it is. She stated that she had estimates previously for East Schroon River Road and Pine Tree Lane and there are enough houses to support it.

Zandy Gabriels asked if they could add Padanarum to the request. Supervisor Simmes replied that they could be put on the schedule but it is going to be awhile until they get there.

With regard to Pine Tree Lane, Dennis Murphy asked if that will be coming off Coolidge Hill. Supervisor Simmes replied that yes. Dennis Murphy stated that it would end at his property and he would be concerned with them running the wires overhead. He stated that if it does get extended to Pine Tree Lane, he has no problem with it crossing his property as long as it is underground. He also suggested looking closer at the numbers for Pine Tree Lane because he feels that they have the numbers for Time Warner to do the project without having to spend any Town money. Councilman Maranville agreed that would be worth looking into. The TB agreed. Councilman Maranville stated that he is in favor of requesting an extension to Town roads not private roads.

RESOLUTION #242

Councilman Saris moved, seconded by Councilmember Rehm to request extending cable to Pine Tree Lane, Lamb Hill Road, East Schroon River Road and Padanarum Road from Time Warner Cable. Councilman Maranville opposed. All Others in Favor. Motion Carried.

Approve a three year contract with Cornerstone Telephone Co. for a monthly figure of \$736.36.

Councilmember Rehm stated the Town has done their due diligence in trying to obtain other quotes from other providers. She stated that they have only received a response from Cornerstone who have been their provider and has done a good job.

RESOLUTION #243

Councilmember Rehm moved, seconded by Councilman Maranville to approve the three year contract with Cornerstone Telephone Co. for the monthly figures of \$736.36. All in Favor. Motion Carried.

The following resolutions are the result of a grant that was awarded authorizing agreement with County of Warren for Administration Assistance of Local Waterfront Revitalization Grant.

RESOLUTION #244

Councilmember Rehm moved, seconded by Councilman Maranville

Whereas, the Town of Bolton applied for and received Local Waterfront Revitalization funds relative to the development of a 3-County Blueway Trail Plan for a grant in the amount of \$65,000 and

Whereas, the NYS Department of State Division of Coastal Resources Local Waterfront Revitalization Program grant is a 50/50 reimbursement program this project worth is identified as \$130,000 that is defined as \$65,000 allocation from the Department of State Coastal Resources with matching in-kind service of \$65,000 and

Whereas, it is in the best interest of the Town of Bolton to cooperate with the County of Warren in the administration assistance of the activities related to said project at no cost to the County, and

Whereas, the Department of State Division of Coastal Resources under Title 11 of the Environmental Protection Fund has encouraged that a written agreement be executed between the Town of Bolton and the County of Warren prior to grant funds being released, now, therefore, be it

Resolved, that the Supervisor of the Town of Bolton be, and hereby is, authorized and directed to enter into an agreement on behalf of the Town of Bolton with the County of Warren for the administration assistance of a Local Waterfront Revitalization Program Grant.

All in Favor. Motion Carried.

The second Resolution is authorizing distribution of a request for expressed interest (REI) for the development of a 3-County Blueway Trail Plan under the LWRP grant.

RESOLUTION #245

Councilman Maranville moved, seconded by Councilman MacEwan

Whereas, the Town of Bolton applied for and received Local Waterfront Revitalization funds relative to the development of a 3-County Blueway Trail Plan, and

Whereas, the Town of Bolton has entered into an agreement with the County of Warren for administration assistance of this 3-County Blueway Trail Plan Local Waterfront Revitalization Program Grant, and

Whereas, the Town will work with the NYS Department of State Division of Coastal Resources to ensure all applicable procurement policies area complied with NYS General Municipal Law Section 103 and 104B, and

Whereas, a Request for Expressed Interest (REI) has been prepared to solicit professional services, and

Resolved, that the Town of Bolton authorizes the distribution of the REI under the agreement between the Town and County of Warren

All in Favor. Motion Carried.

The next two resolutions are for grant applications that the LG Watershed Conference is applying for on behalf of the Town of Bolton and other communities within the Watershed both require authorization for the Supervisor to sign.

The first one is through DEC and is for Stormwater projects throughout the watershed

RESOLUTION #246

Councilmember Rehm moved, seconded by Councilman Saris

Whereas, the environmental health and overall quality of life in the Lake George Watershed area is critical to the social and economic well being for the Town of Bolton, Warren County, and the region in general, and

Whereas, the protection, preservation and proper management of water quality within the basin is an essential ingredient to maintaining this revered natural resource as a key to the social and economic vitality of this region, and

Whereas, the Town of Bolton has been an active participant in developing the critically important water quality management plan, and

Whereas, the adopted document, entitled, "Lake George – Plan for the Future" identifies numerous recommendations and actions as being critical to pursuing the objectives of preserving, protecting, and enhancing the water quality throughout the Basin, and

Whereas, the State had previously solicited (competitive) Applications for State Assistance Payments are part of the Water Quality Improvement Projects- (NYSEC) Round 10, from municipalities around the state, and

NOW THEREFORE BE IT RESOLVED, that the Town of Bolton acting on behalf of and in concert with all the several communities that make up the watershed, submits the application (dated September 2009) for funding in response to said solicitation, and agrees to serve as custodian for said grant funds, if awarded.

All in Favor. Motion Carried.

2nd resolution is for projects throughout the watershed including Dula Pond and Finkle Brook

RESOLUTION #247

Councilman MacEwan moved, seconded by Councilman Maranville

Whereas, the environmental health and overall quality of life in the Lake George Watershed area is critical to the social and economic well being for the Town of Bolton, Warren County, and the region in general, and

Whereas, the protection, preservation and proper management of water quality within the basin is an essential ingredient to maintaining this revered natural resource as a key to the social and economic vitality of this region, and

Whereas, the Town of Bolton has been an active participant in developing the critically important water quality management plan, and

Whereas, the adopted document, entitled, "Lake George – Plan for the Future" identifies numerous recommendations and actions as being critical to pursuing the objectives of preserving, protecting, and enhancing the water quality throughout the Basin, and

Whereas, the State had previously solicited (competitive) Applications for State Assistance Payments as part of the Local Waterfront Revitalization Program for the Year 2009-2010, from municipalities around the state, and

NOW THEREFORE BE IT RESOLVED, that the Town of Bolton acting on behalf of and in concert with all the several communities that make up the watershed, submits the application (dated September 2009) for funding in response to said solicitation, and agrees to serve as custodian for said grant funds, if awarded.

All in Favor. Motion Carried.

Hart Engineering proposal for extending the sewer district for VanWart and Baer.

Councilman Maranville asked if it would be easier for the Town to just extend the sewer district rather than go into contract with these 2 individuals. Counsel replied mechanically it would be but procedurally it wouldn't be. He explained that it would be creating a district which would require public notice with a public hearing and it would need to be mapped out. Councilman Saris stated that he thought it would be more financially to their benefit to have the contract as opposed to extending the district. He stated that this could allow them to charge a different rate or fee because they are out of the district. Counsel agreed.

Councilmember Rehm stated that Chris Navitsky raised the question of whether or not this was technically an extension of the district. Counsel stated that any add-ons outside of the district have all been done by contract. He has added more than 2 and it was never an issue. He stated that there are certain provisions that they would need to set and adhere to. He stated that he could provide some sample contracts for them.

Councilmember Rehm stated that their contract with RPI makes no reference to the Town being allowed to charge any more than the users in the district. However, RPI has a portion of their land in the district and that is why they honored the district rate. She stated that when they write this contract she wants to make sure that they don't get accused of treating these new additions differently.

Counsel suggested that if the Town chooses to approve this connection they would need to enter into a 3 party contract with the property owners and RPI.

RESOLUTION # 248

Councilmember Rehm moved, seconded by Councilman MacEwan to conceptually approve the sewer extension contract to the VanWart and Baer properties and to move forward to contract negotiations. All in Favor. Motion Carried.

Public in Attendance

Councilman Saris stated that effect January 1st there will be a vacancy on the ZBA and he wanted to let the TB know that he would be interested in offering his services to serve on the ZBA.

With regard to the Rogers Park Pier project, Councilmember Rehm commented that the break down of cost for the additional docks turns out to be \$40,000 a slip.

Councilman Maranville requested that any notes or messages that are sent to his email not get copied and put into his folder. He stated that he reads all of them on line and the duplication wastes paper and ink.

Zandy Gabriels requested that appropriate action is taken to follow-up on any stormwater work. He stated that it would be nice to have some follow-up analysis to be sure that the stormwater remediation project is working and provide that information to the public.

With regard to a new website, Zandy Gabriels stated that he would hope that they could also post Departmental monthly reports posted on the site. He asked if the cost would approach the purchasing requirement since this is not a specialty item therefore it would require a RFP to go out to bid. Supervisor Simmes stated that she thought it was only for professional services. Zandy Gabriels stated that he felt that this would qualify for professional services. Counsel agreed.

Councilman Maranville extended congratulations to all newly elected officials. Supervisor Simmes seconded it.

Councilmember Rehm commended Supervisor Simmes for all of her hard work she put into the budget. Councilman Maranville agreed and stated that he felt the budget meetings went very smoothly.

Pay Bills

RESOLUTION #249

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

General: \$35,553.09

Light: 4,538.68

Highway: 41,207.58

Sewer: 10,554.36

Water : 4,580.60

Tourism: 2,140.40

Engineers : 3,131.20

Rogers Docks : 5,072.53

All in Favor. Motion Carried.

Transfers

RESOLUTION #250

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

FROM TO Amount

General Fund

12202 Supervisor, Equip. 12204 Contractual \$400.00

13552 Assessor, Equip. 13554 Contractual \$400.00

19504 Judgments 30972 Public Safety 2,500.00

19904 Contingency 30972 Public Safety 3,879.00

31204 Police, Cont. 30972 Public Safety 2,121.00

Highway Fund

90558 Disability Ins. 97306 Debt Principal \$.20

90558 Disability Ins. 97307 Debt Interest \$16.40

Councilmember Rehm abstained. All Others in Favor. Motion Carried.

Executive Session

RESOLUTION #251

Councilman Maranville moved, seconded by Councilmember Rehm to enter into Executive Session at 8:45pm with no further business to be attended to.

Adjourn

Respectfully submitted by: Respectfully submitted by:

Patricia Steele Kristen MacEwan

Town Clerk Recording Secretary