

TOWN OF BOLTON
Town Board Meeting
December 2, 2008- Minutes

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

Meeting Called to order 7:01 p.m.

Pledge: Councilman Maranville

Public Hearings

RESOLUTION #223

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

Wastewater disposal variance

John & Faye Perry 62 Valley Woods Rd.171.07-1-7

Supervisor Simmes stated that the following variances are being sought: 1) 20' separation between the house foundation and leach field is required; 14' is proposed due to the proximity of the 25' County right-of-way. 2) 10' separation between house foundation and septic tank is required, as is the septic tank to the property line; 25' is available between the house and southeast property line. The variance will allow field flexibility. 3) 10' separation between the leach field and County right-of-way is required, 1' is proposed.

Kathleen Suozzo of Delaware Engineering stated that she has contacted Warren County and spoken with George VanDusen about the County right-of-way. He came out to the site and measured it and found that it is 25' and their proposed replacement system will be adjacent to the right-of-way and they will not have the 10' separation off the right-of-way but they will not infringe on the right-of-way. Mr. VanDusen indicated that he would not approve a system that was in the right-of-way. Pam Kenyon stated that their septic system has not failed; the applicants are just seeking to replace it. Kathleen Suozzo explained that the existing system is the old-fashioned cesspool which is a concentrated infusion of effluent into the ground and they are proposing a new 1,000 gallon septic tank. The residence is a 2 bedroom with a design standard of 110 gallons per bedroom or 220 gallons/day. They have a 100' of leach field and one of the variances they are seeking is for the separation to the foundation. They are proposing

14' which is the furthest they could place it without interfering with the County right-of-way. The existing cesspool is closer than 14' to the foundation with a high concentration of effluent into the ground and they are proposing to disperse that over 50'. The third variance is requesting a little field flexibility in putting in the septic tank because of the close proximity between the foundation and property line. Pam Kenyon stated that the Health Department is not involved because this is a replacement system. Councilmember Rehm asked why they did not consider moving the septic system off the front of the house. Kathy Suozzo replied that 1) there is an above ground swimming pool, 2) if they were to bring it closer to the back of the house they would have to modify the plumbing coming out of the residence and 3) they wanted to keep it as far away from the stream located on the property. Pam Kenyon stated that they looked at the setback from the stream and that the applicant would not have been able to meet the requirements. Councilmember Rehm stated that neither of the other 2 variances appears to have any environmental concerns associated with them.

RESOLUTION #224

Councilman Saris moved, seconded by Councilman MacEwan to approve the variances requested for John and Faye Perry, 62 Valley Woods Road Tax Map #171.07-1-7. All in Favor. Motion Carried.

Ed Riedinger & Joyce Avedisian 9 Lakeside Lane 185.19-1-61

Supervisor Simmes stated that the applicants are seeking 11 variances for property located on Trout Lake.

Supervisor Simmes stated that she understands that this is an old camp that the applicants would like to take down and put up a new house. Pam Kenyon replied yes and stated that the ZBA just approved the variances to allow them to do that. Supervisor Simmes stated that as she understands it the most serious of the 11 variances sought are numbers 2 and 5. Pam Kenyon and Jim Hutchins agreed that they would be of the most concern.

Jim Hutchins gave a brief description of the location of the parcel. He stated that the existing water source for the parcel is Trout Lake. The existing wastewater treatment is located immediately behind the building approximately 65' from the lake and in all probability in the water table. The proposed dwelling provides a 10' addition to the rear but the front of the new house will stay where it is now. He stated that they are proposing a drilled well on the shoreline to replace the existing water source of Trout Lake. They are also proposing UV disinfection in light of the separation distances to the neighbors' waste water treatment system which is only 40' from the lake and 69' from

the proposed well and the proposed on-site waste water system which is 90' from the lake from the edge of the fill and over 100' to the edge of the system itself. They tried to move the wastewater treatment as far back on the lot as possible to increase the separation distance to the lake. Because there is less than 2' to seasonal high ground water they have designed the system for 3 bedrooms and provided 3' of unsaturated soil. Donna Boggs asked for an explanation of the UV disinfection. Jim Hutchins stated that the water will pass through ultraviolet light and will essentially kill any bacteria in it. This is an alternative to chlorination which does the same thing. However, unlike chlorine the UV treatment has to be done at the point of use because it does not maintain killing power. He stated that they have to meet conditions from the NYS DOH that go along with the UV disinfection.

Jim Hutchins stated that they did consider the existing water source of Trout Lake but given potential contamination by Canada geese or stormwater they felt that drilling a well was much more preferred. He stated that they also considered using a holding tank again for their waste water, but he only uses holding tanks when there is no other option and DOH 1996 Design Manual also states that holding tanks are to be used only when there is no other option available. Jim Hutchins went through each variance in detail as follows:

- 1) Section 3.030 requires 200' separation between the leach field and Trout Lake, 90' is proposed. Jim Hutchins stated the lot is only 160' deep and they would not be able to meet it anyway.
- 2) Section 3.030 requires 100' separation between the neighbors leach field to the west and the proposed well, 69' is proposed.
- 3) Section 3.040 requires 2' of naturally occurring soil over an existing layer, 22" exists.
- 4) Section 3.030 requires a 5' vertical separation from the bottom of the leach field to seasonal high ground water, 3' is proposed. Jim Hutchins stated that if he tried to provide the required 5' his grading limits go beyond the lot and it would decrease the separation to the lake, well and the neighbors' well. He chose 3' which does exceed the DOH requirement.
- 5) Section 3.030b requires a 200' separation between the well and up-gradient leach field, 83' is proposed. Jim Hutchins stated that this requirement is only necessary because the waste water system is uphill of the well and if it were flat it would only require 100'.
- 6) Section 3.030 requires a 10' separation between the property line and top of fill slope, 6" is proposed.
- 7) Section 3.030 requires a 10' separation between the dwelling and septic tank, 7' is proposed.
- 8) Section 3.030 requires a 10' separation between the property line and septic tank, 7'

is proposed.

9) Section 3.030 requires a 10' separation between the dwelling and pump chamber, 7' is proposed.

10) Section 3.030 requires a 10' separation between the property line and pump chamber, 7' is proposed.

11) Section 3.020c requires 20,000 sq. ft of land for the placement of a well and septic system, approximately 9,550 sq. ft. exists.

Jim Hutchins stated that they are asking for a lot of variances but he feels that a drilled well and septic system are a better answer for this undersized lot. He stated that Tom Nace has signed off on this plan and has recommended that the TB consider it.

Councilmember Rehm stated that since variance #4 meets DOH standards she wonders how many are just Town variances and how many would require DOH if they were doing new construction. Jim Hutchins stated that most of the variances are DOH standards as well. Councilmember Rehm asked if there would be an alarm system associated with the septic system. Jim Hutchins stated that if the pump fails the water level rises and there is a float in there which goes into the alarm. When the alarm is triggered there is a light panel to indicate the level. The level will continue to go up and can be replaced before it triggers the next alarm which will either electrically or mechanically disconnect the well so the house cannot generate anymore wastewater or flood the ground. Councilmember Rehm asked if it will happen automatically. Jim Hutchins replied yes. Jim Hutchins stated that they are not affecting any of the neighbors' lots with regard to separation from their septic to neighboring wells and it is all self-contained within this lot.

Councilman MacEwan asked if the need for so many variances is a domino effect due to the size of the lot. Jim Hutchins replied yes and stated that this lot would never meet the Town's current standards. He stated that he is trying to do the best that he can with what he has got.

Supervisor Simmes stated that in previous situations like this the TB has required special pump-outs. Counsel replied that they have imposed some requirements with approvals. He recommended that they consider if this is the minimum variance necessary to remediate this predicament. He stated that this is like a stacking situation where there are so many variances that they cannot comply and they look for other feasible alternatives. Counsel stated that Jim Hutchins has stated that the other choice that is available is a holding tank and they will need to weigh and balance all of that. Supervisor Simmes stated that if they decide to deny the variance, the applicants will

need to install a holding tank, and then they would need to discuss a pumping schedule. Counsel agreed and stated that it would still have alarms built in and there would be scheduled pump-out but he was unsure of who in Town monitors this. Pam Kenyon stated that Kate Persons handles this pump-out schedule and follow-up. Supervisor Simmes asked if they would require pump-outs on the septic system if it were approved. Counsel replied that Jim Hutchins has stated that there are alarm features built in and if they should approve it, it should be on the condition that it is built as designed and if they feel they need some back up, system checks/pump-outs could be part of that as well. Councilman Saris stated that they have required this in the past and this could provide added protection to the lake. Councilman MacEwan asked if they could attach it to the deed as well. Counsel replied yes it could be in a restrictive covenant. Councilmember Rehm asked how frequently a holding tank would need to be pumped out. Jim Hutchins replied 5 days at peak capacity. Jim Hutchins replied that if they eliminate the new septic system they are only eliminating 2 variances requested.

Supervisor Simmes asked if DOH is involved. Jim Hutchins replied that DOH would not be involved because this is a replacement system. Pam Kenyon agreed. Supervisor Simmes asked if they received any correspondence from any of the neighbors. Pam Kenyon replied no.

Councilmember Rehm stated that she was at the site and read the minutes from the ZBA meeting and it is a tough situation because the existing system is probably at water level and all of these variances aren't good. The applicants are really between a rock and a hard place. Councilman MacEwan stated that since Tom Nace has approved this plan they should consider a maintenance schedule attached for safety. Jim Hutchins stated that he would have no objection to drawing up a maintenance schedule for Tom Nace to review. Councilman Saris asked how often he would recommend. Jim Hutchins stated that he would suggest testing the well for bacteriological quality every 3 months. Councilman MacEwan asked if that was excessive. Jim Hutchins replied no the tests are only \$15-20. Councilman Saris asked how often the septic system should be pumped out. Jim Hutchins replied every 3 years for full time use and even though this house may only be used periodically and could be pumped less frequently, he would still recommend 3 years. Councilmember Rehm asked if the well is tested, is that assurance that it is not going into the lake. Jim Hutchins replied that typically the wells around here are rock wells and the key to a rock well is to seal the casing to the surface so it may not be a true telling. However, it certainly is a suggestion that it is not happening. Councilmember Rehm asked if they should test the shoreline. Jim Hutchins stated that he would hesitate in doing so because the lake fluctuates so much and they would not be able to tell where necessarily it would be coming from.

Councilmember Rehm stated that approval of the variances is clearly because all of the evidence presented shows that this is the only feasible alternative to improve what goes on at that site. There will be no undesirable change in the neighborhood or nearby properties. The request is substantial but is a better alternative to what currently exists. The request will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The alleged difficulty is self-created but it is an improvement of the overall site.

RESOLUTION #225

Councilmember Rehm moved, seconded by Councilman Maranville to approve the eleven variances for Ed Riedinger and Joyce Avedisian, property located at 9 Lakeside Lane, Tax Map #185.19-1-61 with the following conditions: 1) the property owner have the water tested every 3 months and said results are to be submitted to the Zoning Administrator; and 2) a 2 year maintenance plan for septic pump-out is required and will be added as a requirement in the chain of title. All in Favor. Motion Carried.

RESOLUTION #226

Councilman Maranville moved, seconded by Councilman MacEwan to close the public hearing and adjourn to the regular meeting. All in Favor. Motion Carried.

Public in Attendance

Harry Spahn stated that he was exposed to prepaid legal services and identity theft prevention about 6 months ago. He stated that he works in the legal field and it very much intrigued him and started working with the company about 2 months ago. He spent quite a bit of time doing research on the company. Prepaid Legal Services provides prepaid legal services to municipalities at no cost to the municipality. He stated that in this economy something to be offered to an employee at no cost to the municipality is something they might want to hear about. He stated that Steve Stevens will be doing the actual presentation.

Steve Stevens stated that prepaid legal services are like prepaid medical insurance for doctors and hospitals is what prepaid legal services does for attorneys and legal fees. He states that it is not insurance but it is similar. Prepaid Legal Services was founded by Herman Stonecipher and his life experience. Thirty years ago he was in a car accident, he had medical and auto coverage but did not have any legal coverage. The accident was not his fault but was in a coma and could do very little. The person at fault for the accident hired an attorney and sued him. By the time he made his way back to good health he had exhausted his personal funds to defend himself against a frivolous

lawsuit. He decided that there had to be a different way and found it in Europe. He pursued it and over the last 30 years and has worked with the Bar Association and 50 different states. The founder's idea was that there are a lot of people who can afford legal coverage while others cannot and have public defenders, and then there is about 80% in between who need some kind of help, but because of cost or lack of understanding of the system do not seek it. Steve Stevens stated that the company has not been heard of much until about a year ago but it is starting to really take off. Success, Money, Fortune and Forbes Magazines have all evaluated the company and stock and written positive things about it.

Steve Stevens stated that there are 5 different areas of coverage under the membership: 1) Preventive legal services- which is unlimited access to a provider law firm in the State of New York. If it is decided by the attorney answering the call that something needs to be done, such as a phone call or letter on behalf of the client, it will be done. This also includes Will preparation for husband and wife and/or significant other, children of the age of 21 up to 23 years old. 2) Motor Vehicle Legal Services- for accidents or tickets in any state for a fee of \$25.00. 3) Trial Defense- there is an accumulation of hours over the course of years of membership. 4) IRS Legal Services- for audits a tax attorney will be assigned at a \$49 hourly fee. 5) Legal Shield- which is 24/7 protection so that you will know what to say and what questions to ask.

Prepaid Legal Services has a provider law firm with a network of attorneys around the state and if there is a need in this area they will find someone in the area. At the law firm in the beginning of the month receives a check for \$500,000 to serve the 60,000 people on this membership. The membership costs \$24/month to have these services. They also offer a standard plan which is \$10.00 less but omits the IRS and Trial Defense coverage.

Steve Stevens stated that they also offer Identity Theft Protection. This will protect you in five ways 1) financially, 2) driver license, 3) social security, 4) medical and 5) character or criminal identity. This is one of the fastest growing crimes around. Often times coverage is offered through credit cards and financial institutions but it only protects the financial aspect of it. The membership also includes a credit report from 3 different agencies. Restoration of financial or identity theft can take a lot of time to restore and can cost an average of \$1,600. The cost of this added membership is \$9.95.

Each member would receive a handbook describing all services available to them as well as phone numbers for the services.

Councilmember Rehm asked if they would need a minimum of the employees to participate. Steve Stevens replied no but if they are doing payroll deduction there is a minimum of 5 required. Supervisor Simmes asked how they will get the information to the employees. Steve Stevens replied that they would request to have a few meetings to discuss this opportunity. Supervisor Simmes asked Counsel if he had heard of this type of service before. Counsel replied yes. Supervisor Simmes asked if there are not many local providers where would the legal services come from. Steve Stevens replied that the provider law firm is based on Long Island and they do have a network of 200 attorneys around the state. If someone has an attorney that they would like to use Prepaid Legal Services would have to approve of that attorney and then negotiate services. Supervisor Simmes asked if the participants had to sign up for a certain amount of time. Steve Stevens replied no, it is month to month. Steve Stevens asked what their next step should be. Supervisor Simmes suggested seeing what kind of interest they have by providing some information to the employees. Councilmembers agreed. Steve Stevens stated that he feels that the best way for people to understand the services provided is to see it as it was presented tonight and he would like to recommend meeting with the department heads then set up a meeting with interested employees.

Announcements

We have advertised for the two surplus water district properties: Bids are not due until December 10th.

Carl Schoder is working on plans for the rebuild of our pier. He will be scheduling a meeting with the board shortly.

December 6th & 7th will be an art show in the Town Hall.

December 7th will be the tree lighting in Rogers Park at 4:00 p.m.

Councilmen MacEwan and Maranville and Supervisor Simmes attended the community recognition ceremony. The Town of Bolton received 2 awards from the Southern Adirondack Tobacco Free Partners.

Bixby Beach Stormwater and Erosion Control project is finally completed.

Zoning Issues:

Bernard and Trish Marki have an animal rehab cage that requires a use variance. As of December 1st we are waiting for their Attorney to respond.

Bell Point Shores. Minimal remediation has been started on Norwood Drive. They have until 12-30-08 to complete. They have until 5-30-2009 to remediate the lakefront parking area.

Ongoing Issues-

1. Lehman barn- Ms. Lehman has been served in Illinois but Counsel has not gotten back the proof yet.
2. Harrington- Counsel amended the complaint to narrow the one legal issue that remains and his Attorney is still within the time period to answer.
3. Raven- Harold Raven's Attorney has stated that he is in the process of proposing a plan that would bring it into conformity which will be presented to the Zoning Administrator.

Public in Attendance

John Gaddy stated that he has met with Deborah Graf of National Grid about changing over the Town's streetlights. He supplied the TB with a copy of her recommendations in which she has made some suggestions that they replace some of the older 100, 175 and 400-watt mercury vapor lamps with high-pressure sodium lamps. The difference in the light changes the color from a whiter to a reddish color but it also significantly changes the amount of wattage that they would need. It would be lower wattage with equivalent or greater light at a significant reduction in cost and could be an annual savings of approximately \$10,700 right from the beginning. National Grid would assume the total labor costs as well as the change in fixtures. The new fixtures will fulfill his wish for less light pollution because it will be flat and they have to change them anyway. John Gaddy stated that he needs to contact Ms. Graf to get the specifics put out to move forward with this.

Chris Navitsky Lake George Waterkeeper stated that he would like to inquire about the review of on-site wastewater treatment systems or septic systems in the Town as well as inquire about the application of the existing sanitary sewage disposal ordinance. The LG Waterkeeper has provided comments to the PB during site plan reviews where the proposed septic systems clearly do not comply with the NYS DOH regulations and/or the Town of Bolton's Sanitary Sewage Disposal Ordinance without response or acknowledgement. Most recently a single site plan application for 5 lots in the Diamond Point subdivision was reviewed with separate wastewater treatment system applications for each lot. The existing grades for the lots ranged from 15-23% which well exceed the maximum allowable existing grade of 10% in the Town of Bolton Code for fill systems or the maximum allowable existing grade of 12% according to the NYS DOH regulations. These existing grades were listed on the separate site applications as well as detailed in the comment letter. However, the applications consisting of the 5 non-compliant proposals were approved without question. Is the Town of Bolton's Sanitary Sewage Disposal Ordinance an enforceable document, who should be reviewing these applications and is there a means to contest these approvals.

Counsel stated that the ordinance as it exists is old but it is enforceable. However at

times it is awkward in its language and they often refer to the NYS regulations. The PB does not have the jurisdiction to approve or disapprove the plans for the septic. The Zoning Administrator decides whether or not it complies with the Town of Bolton's regulations and/or NYS DOH regulations and any relief may only come from the TB. He continued that these plans are also reviewed and approved by the Town Engineer before coming before the TB. Chris Navitsky asked if it is something that should be brought up at the site plan review at the PB level. Counsel replied yes it is and he might get a reaction but it would be part of the record and the Zoning Administrator would be watching all 5 of these lots. Pam Kenyon clarified that the subdivision that he is referring to was before the PB for stormwater and house placement and septic was not discussed at all and the PB does not review that part of the application.

John Gaddy submitted a request for the Town to consider how to protect the rural character of New Vermont Road, Potter Hill and any other roads that have not been improved yet by the Town Highway Department. Highway Superintendent Coon and his crew do many of the jobs associated with the Department very well he remains very critical of the style and extent of the clearing along the recently improved highways, like Lamb Hill, North Bolton Road and Edgecomb Pond Road. He pointed out that Valley Woods Road which is maintained by the County looks very different and encouraged TB members to evaluate the difference and meet again about their feelings in the difference in appearances of these roads. He feels that the local department continues to alter and significantly degrade the visual appeal of the local roads by creating tremendously cleared shoulders in the name of road safety and protection. He stated that they have some time to think about this but would like to continue the leadership role they have in the community.

Correspondence

Department of State official notification of funding two grants. \$23,800 for Local Waterfront Revitalization Plan and \$250,000 for Town Pier improvements.

Time Warner notice of changes to some of their stations

NYS DOT letter Re: Speed Limit Reduction of 9N between Cty Rt. 11 & Ledge View Lane. They do not feel it is warranted at this time.

Mr. Kudlack letter issues with CEO

Counsel's letter to Attorney for the Clark Estate concerning property issues.

Thank you note from neighbor concerning our taking action on the Clark repairs

Thank you note from the Gabay's for the excellent professionalism of Officer Jim Galante concerning a break in on their property.

Lake George Park Commission news release: Release of documents for Stream Corridor

Management Initiative has been delayed until January 1, 2009.

Lake George Association letter regarding the LGA's floating classroom initiative.

Committee Reports

Councilman Saris

Sewer- They took in 3,746,190 gallons of wastewater for an average of 124,873 gallons/day. There were no violations. They did change a motor on the #2 pump at the north station. They installed float system to the upper beds and they used Lake George's safety gear to do that. They hauled grit out of the south station and hauled 24,000 gallons of liquid sludge. They have to do some repairs on the heater in the south and north station. They also need to replace the lights in the trickling filter.

Town Clerk- Total local shares- \$7,920.17, non-local revenue- \$566.36 Total State, County and Local revenue- \$8,486.53.

Councilmember Rehm

Library- Every quarter the Friends of the Library have an evening of reading by various members of the community. The winter reading will be held December 10th at 7pm. The usage at the Library continues to be up.

Recreation Department- Swimming at the Sagamore will start later in the winter.

Councilmember Rehm stated that the Sagamore offers a 6 week program for students to swim for no fee. They pick the students up at school and bring them to the hotel for 2 hours and then drop them off at Town Hall for their parents to pick them up. A youth group has asked to use the Rec Center on alternating Sundays for activities since the Rec Center isn't open on those days. She asked if there is anything that they would need from them. Counsel replied no because they are not formally organized and they wouldn't expect a certificate of insurance from them and the municipal insurance is adequate. Supervisor Simmes stated that this group has been meeting at the Conservation Park every Sunday all summer long and they are looking for someplace because it is winter. Deb Gaddy is assisting the Town in the geese removal problem. She had extensive discussions with someone from Long Lake and brought back some ideas and Supervisor Simmes has since has contacted people about a permit to remove them via firearms however they are too late in the season and hopefully they can handle it in the spring.

Councilman Maranville

Assessor- During November daily work and deed map maintenance was kept timely.

The number of property sales continues to decline and as of July 1st they have only had

18 sales, while a year ago they had 38 sales over the same time span. The bulk of the time in November was spent reviewing the homeowner questionnaires and correcting the files when necessary. Inventory edits have also been made updating the data to more standard formats. The WC Assessor's Association was rescheduled to December 8th so that they could attend the meeting of the Assessors of the Adirondack Association of Towns and Villages to be held in Lake George at the Holiday Inn.

Justice Court- Hon. Harry Demarest- \$5,000.00 and Hon. Edward Stewart- \$5,330.00
Total- \$10,330.00. Itemized lists are located in the Court. Annette Saris extended a thank you and wished everyone Happy Holidays.

Police Department- There is a 2 page list of all the calls that they answered and assists that they had. Officer Varney attended training for Heavy Equipment Theft Summit at the Suffolk Police Academy.

Councilman MacEwan

Water Department- 4,876,997 gallons of water filtered. Total of 5,580,251 gallons made. Pond level is over the spillway. They took bacterial samples that came back satisfactory. Due to the time of year a lot of services have been shut down. They installed new hook-up for Jim Palazzo with a 10" main for fire protection. All meters were read. They found that they were bleeding water at North Brook Village so it wouldn't freeze, they have put a meter on it and now they are going to be paying for their water that is bleeding which they weren't doing before.

Transfer Station- Total Receipts- \$5,461.00

Supervisor's Report

Receipts \$165,844.04 Disbursements: \$492,912.77

County budget has been passed and the tax rate for Bolton on a County level is \$4.112. Last year's rate was \$4.059.

Old Business

We have received only one bid for the survey of Brereton Road. Dennis Dickinson was the only one to respond and he quoted \$1,500 to provide an on the ground survey, this work will include the determination of the limits of the existing Lower Brereton Road, setting any missing or incorrect corners, determine shoreline location with both high and low water lines, location of all pertinent docks on property and adjoining properties, preparation of a map showing all of the above as well as a combination of riparian

rights lines, a mylar will also be prepared for filing.

RESOLUTION #227

Councilmember Rehm moved, seconded by Councilman MacEwan to accept the \$1,500.00 bid from D.L. Dickinson & Associates to survey Brereton Road as specified in the bid request. All in Favor. Motion Carried.

Town Hall Furnace- Excel has submitted their contract to design a heating system and provide bid documents. Counsel has reviewed it and has no problem with it. Supervisor Simmes stated that their lump sum price is \$6,500 to prepare all of the documents and if there is any extra work, his hourly rates are listed with the types of additional services he would provide.

RESOLUTION #228

Councilman Maranville moved, seconded by Councilman Saris to accept the proposal from Excel to design a heating system and provide bid documents at the quoted fee. All in Favor. Motion Carried.

We applied for and will be receiving payments on two existing grants that date back to 2001 and 2003. Veterans Park reimbursements so far totals \$4,630 and Rogers Park totals \$4,750.

We will also be receiving an extra \$7,200 for Bixby Beach under the Lake George Watershed Conference funding.

New Business

Resolution to accept our insurance for 2009 in the amount of \$68,080 with Marshall & Sterling. There are no changes other than to increase coverage on our buildings and equipment. Authorize Supervisor to sign.

RESOLUTION # 229

Councilman Saris moved, seconded by Councilmember Rehm to accept the 2009 insurance in the amount of \$68,080.00 with Marshall & Sterling and authorize Supervisor Simmes to sign for it. All in Favor. Motion Carried.

Lake George Watershed Conference Resolution

Supervisor Simmes stated that they have been doing this for years and it is in the budget.

RESOLUTION # 230

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

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 Hague, 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, several of which will require the engagement of contract services to execute these recommendations, and

WHEREAS, the State has recently awarded a grant in the amount of \$600,000 to the Town of Queensbury, on behalf of all participating municipalities in the Lake George Watershed Basin, that carries with it the requirement of a local match, which will take the form of services in kind, as well as matching funds, and

WHEREAS, the Town of Bolton wishes to contribute its fair share, along with other municipalities throughout the Basin to this critically important program so as to be able to take advantage of the aforementioned State funding,

NOW, THEREFORE BE IT RESOLVED that the Town of Bolton confirms it shall provide an amount of \$7,000.00 to this endeavor, which funds will be transferred to the Town of Queensbury, in its capacity as administrator for this particular grant program.

All in Favor. Motion Carried.

Discussion of proposal to enact Ordinance #10 entitled "Removal of Assessment Restrictions on converted residential condominiums" as specified in Real Property Tax Law Section 339y, and Real Property Tax Law Section 581. We will need to set a public hearing for our January 6, 2009 meeting.

Councilmember Rehm stated that she wanted to speak on this matter due to her experience as an assessor for the last 30 years. She stated that in NYS there are special privileges in how properties are assessed if those properties are condominiums. It came about in the late 1940's early 1950's and its origin was in NYC. At that time there were a lot of apartment buildings that were being converted to cooperatives and condominiums and it has always been a suspicion that a few of the owners might have had some influence in Albany and they decided at that juncture that those buildings should continue to be valued as if they were just apartment buildings. In NYC that was the fair thing to do but the condominium concept has spread throughout the state of NY. For instance there is a development in the Town of Bolton that up to the 1970's

was a housekeeping cottage colony, Sunrise Shores, and when they subdivided they could not meet the minimum requirements for lot size so they sold their cottages as condominiums. Even though these so called condos do not look like the NYC condos they receive the same beneficial property tax treatment. This reduces their assessment by approximately 50%. She stated that in her 30 years she has been attempting to get the legislature to do away with this preferential treatment. She stated that they may eventually get it through the legislature to change the law but it will take time and in the meantime they have found that the Town of Bolton can protect anything that exists now, such as a cottage or dwelling unit, it will remain a dwelling unit and they will not be able to get this preferential treatment if they adopt this law. However, this will not have a retroactive effect on existing condominiums. She stated that this not only will be protecting the Town's tax base but they are providing an equality in taxation.

RESOLUTION # 231

Councilmember Rehm moved, seconded by Councilman Maranville to set end of the year meeting to pay bills on Tuesday, December 30th at 9:00am and set the Organizational Meeting for 2009 to be held January 6th at 7:00pm. All in Favor. Motion Carried.

RESOLUTION # 232

Councilman MacEwan moved, seconded by Councilmember Rehm to set a public hearing on January 6, 2009 at 7:30pm to discuss the proposal to enact Ordinance #10 entitled "Removal of Assessment Restrictions on converted residential condominiums" as specified in Real Property Tax Law Section 339y, and Real Property Tax Law Section 581. All in Favor. Motion Carried.

Reinvestment of the 4 million. How long a term? Supervisor Simmes stated that in the last few days she has had some individuals coming in that are requesting money. Councilman Saris stated that he has been approached as well and feels that they should put it on their agenda in January and set up some workshops to start discussing what to do. Councilman Maranville stated that he spoke to some individuals at Mass Mutual who informed him that they could get anywhere from 7 ½ to 8% return on that money if they wanted to invest it for the short term. He stated that they would be willing to come up and provide a presentation. Supervisor Simmes stated that she has to do something with it by the December 8th and will temporarily reinvest it wherever she can get the best rate.

Pay the bills

RESOLUTION #233

Councilman Saris moved, seconded by Councilman Maranville to pay the Highway Department bills in the amount of \$152,330.83. Councilmember Rehm opposed. All others in Favor. Motion Carried.

RESOLUTION #234

Councilmember Rehm moved, seconded by Councilman Maranville to approve paying the following bills:

Water \$8,448.67

Sewer 18,268.40

Street Lighting 2,703.04

General Fund 161,593.90

Tourism 4,619.88

All in Favor. Motion Carried.

Transfers:

RESOLUTION #235

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

From To Amount

General Fund

Insurance 19104 14404 Engineer \$4,860.00

Water & Sewer 19504 31204 Police 1,039.43

Municipal Dues 19204 45604 Health Center 500.00

Research 80304 51324 Garage 5,000.00

Bldgs & Grounds 16204 71104 Parks 1,135.00

Public Safety 30102 86874 Hamlet Sustainability 1,450.00

Health Ins. 90608 97306 Debt Principal 6,109.00

Health Ins. 90608 97397 Debt Interest 706.68

All in Favor. Motion Carried.

RESOLUTION #236

Councilman Saris moved, seconded by Councilman Maranville to approve the transfer to the Highway fund from the General Fund in the amount of \$200,000.00.

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

Executive Session- None

Adjourn

RESOLUTION #237

Councilman Saris moved, seconded by Councilman Maranville to adjourn at 9:01pm. All in Favor. Motion Carried.

Respectfully submitted by: Respectfully submitted by:

Patricia Steele Kristen MacEwan

Town Clerk Recording Secretary