

BOLTON TOWN BOARD

Call To Order: 7:00 pm

December 28, 2012

Pledge: Rob MacEwan

Regular Meeting:

Supervisor Ronald Conover  
Councilman Robert MacEwan  
Councilman Owen Maranville  
Councilmember Cheryl Bolton  
Councilmember Susan Wilson (absent)  
Deputy Town Clerk Wanda Cleavland  
Counsel Michael Muller

Minutes: Approve Minutes of Town Board Meeting held Tuesday, December 4, 2012.

**RESOLUTION #238**

Councilmember Bolton moved, seconded by Councilman MacEwan to approve the Minutes of the Town Board meeting held Tuesday December 4, 2012. All in Favor. Motion Carried.

Board of Health

Variance application by Sisca and Sisca LLC, this application was tabled on 8/7/2012 and the public hearing kept open. **Note: (there will be no review or action take on this application at the December 4, 2012 meeting of the Bolton Town Board and the public hearing will remain open).**

SEQRA Environmental Assessment Finding  
Resolution regarding variance request by Sisca & Sisca LLC (Francis Sisca)

Bolton Town Board

Public Hearing: None

Public in Attendance:

Frank McDonald, McDonald Real Estate Professionals, Inc. representing various properties at Lagoon Manor requesting PUD Amendment to develop patios under existing decks at 30, 32, 34, 36, 38, 40 and 42 Lagoon Manor Drive.

Frank McDonald stated that five property owners have already put the patios in without approval and without his knowledge. He stated that he is there several times per week and he didn't know they had done this work. This was discovered by the Town Code Enforcement Officer.

Frank McDonald stated that these 7 units are the only ones that have a walkout. These

patios are all flat to the ground.

Supervisor Conover stated that the application looks very straightforward and he finds that they look very nice.

Supervisor Conover reviewed the SEQRA assessment.

C. Could the action result in any adverse effect associated with the following:

1. Existing air quality, surface or ground water quality/quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion drainage or flooding problems? No.
2. Aesthetic, agricultural, archeological, historic or other natural or cultural resources or community or neighborhood character? No.
3. Vegetation, fauna, fish, shellfish, wildlife species, habitats, threatened or endangered species? No.
4. Communities existing plans or goals that have been officially adopted or change in use or intensity of use of land or other natural resources? No.
5. Growth, subsequent development or related activity likely to be induced by the proposed action? No.
6. Long term, short term, cumulative or other effects not identified in the above? No.
7. Other impacts including changes in use in either quantity or type of energy? No.

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

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

Determination of Significance: Based on the information and analysis above, and any supporting documentation, the proposed action will not result in significant adverse environmental impacts.

**RESOLUTION#239**

Councilmember Bolton moved, seconded by Councilman MacEwan to make a negative declaration with regard to PUD Amendment for V12-47 Lagoon Manor. All in Favor. Motion Carried.

**RESOLUTION #240**

Councilmember Bolton moved, seconded by Councilman MacEwan to approve the PUD Amendment for application V12-47. All in Favor. Motion Carried.

- Willie Bea McDonald, Chairperson, Town of Bolton Occupancy Tax Committee.

Willie Bea McDonald stated that there hasn't been a lot of change over last year. However some of the things that have changed are the amount given to the Asian Clams which was raised to \$30,000. Additionally the Chamber wants to upgrade their website so that they can work with phone apps.

Willie Bea McDonald stated that last year we had \$128,000 to spend and we did spend it because the TB agreed to put \$30,000 more towards Asian Clams. This year we have \$135,067 which is the funds that came in from 2011 and we have requested \$135,050.

Supervisor Conover stated that some of the items here are items that are included in the Town budget. We do maintain some collections over and above this but we have been very conservative with our allocations. This is the budget that has come in and overall it is a tight program. Councilman MacEwan stated that it is money well spent. Supervisor Conover thanked Mrs. McDonald.

### **RESOLUTION #241**

Councilman MacEwan moved, seconded by Councilmember Bolton to approve 2013 Town of Bolton Occupancy Tax Program Budget as presented. All in Favor. Motion Carried.

### **Correspondence:**

- Michael A. Dauphinais, Jr., Environmental Program Specialist 2, Division of Water NYS DEC having questions proposed use of Slack Plus and Toxicity levels.

This has been referred to Slack Plus to answer some important questions regarding defining the toxicity levels in the use of slack plus.

- Copy of letter from Tom Guay, General Manager Sagamore Resort to Jane Gabriels in response to concerns by Jane Gabriels regarding storm water run-off and roadway ownership and maintenance issues.
- John S. Mucha, Director, Governmental Relations, Time Warner Cable regarding possible changes to offerings and services.
- Parent Laurissa, NYS DOS reminder regarding December status reports and MWBE reports per grant agreements.
- Kristen MacEwan Deputy Director of Real Property transmittal of 2013 tax rates for the Town of Bolton.

Supervisor Conover stated that the rates have been reviewed and appear to be correct. He stated that the rate is down because the revaluation project.

- Copy of email from Alexander Gabriels to Randy Rath, LGA regarding Asian Clams, survey maps and density estimates for Sawmill Bay.
- Andrew L. Luce, Environmental Engineering Technician, NYS DEC regarding

Nitrogen total exceeding permit in one well #3 for October.

- Teresa R. Sayward, Assemblywoman, 113 District thank you letter to Supervisor and Town Board.
- Alexander Gabriels email regarding public information and access to meetings of the Asian Clam Rapid Response Task Force.
- Douglas W. Miller, Project Administrator Adirondack Park Agency determination that the floating docks proposed for Veterans Park will not affect wetlands.

Supervisor Conover stated that we are currently working with the State OGS to work through their permit process. There will be a small annual permit fee. Currently we are in the process of notifying the neighbors.

- Martin D. Auffredou, Warren County Attorney copy of transmittal letter to property owner concerning public access to Trout Lake.
- Keith P. McKeever, Public Information Officer, NYS APA notification of monthly meeting for Thursday, December 13, 2012.
- William Post Huber, President Sembrich Museum, request for occupancy tax funding for 2013.
- Martin Auffredou, Warren County Attorney 2013 Snow and Ice Agreement with Warren County.

Supervisor Conover stated that this has been signed per previous Counsel approval and has been forwarded back to the County. He stated that there has been a slight modification to the agreement which says that unless the numbers change or either party opts out of the agreement it will be good for 5 years.

- Martin Auffredou, Warren County Attorney 2013 funding agreement with Warren County for Up Yonda Farm.

#### Supervisors Report:

- New restroom building at Rogers Park has been delivered, landscaping and metal roof work will take place in the Spring.
- Update: Meeting with retirees did take place(6 have signed up for the CDPHP, two with change of residency will move to the reimbursement system and 6 still with MVP)
- Recording of public meetings and back-up copies.

Supervisor Conover stated that the Clerk's Office, Planning Office and Kristen MacEwan have been working on having a more secure system for taping the Town meetings. We have purchased a new lap top and recording device. The lap top will record the meetings as will the device and both have the capability to download the minutes directly from the device. He thanked all parties involved and stated that now we will have a more secure system.

- Completed an Emergency Response Plan for Bolton Town Hall, Work Place Violence Training and Hazard Communications Training (Right to know) through Warren

County.

Supervisor Conover stated that some of these things are required for compliance on a yearly basis and we will do our best to continue to stay compliant. He thanked MaryAnn Roberts-Huck and Kate Persons for getting this together for the Town.

- Reminder of Snow Emergency Declaration informing residents to remove their vehicles from roadways during snowfall periods so that Bolton Highway Department can plow streets.

Supervisor Conover reminded everyone that during snowfall conditions everyone will need to get their vehicles off the streets for emergency response as well as the general public. He thanked Counsel Muller for his assistance in updating this declaration.

Old Business / Tabled Resolutions:

- Solar Project: No report
- 824 Trout Lake Road
- Dry Hydrant on New Vermont Road

Supervisor Conover stated that this will be a spring project. We found that we will need a different piece of equipment to complete the work.

New Business:

- Resolution authorizing participation in CDPHP Medicare Supplement Program.

**RESOLUTION #242**

Councilmember Bolton moved, seconded by Councilman Maranville to authorize participation in CDPHP Medicare Supplement Program. All in Favor. Motion Carried.

- Resolution increasing Health Reimbursement Account for retirees that participate in the CDPHP Medicare Supplement Program from \$1250 to \$1400 per household per year.

Supervisor Conover stated that this helps our retirees and helps the Town save money.

**RESOLUTION #243**

Councilman MacEwan moved, seconded by Councilmember Bolton to increase Health Reimbursement Account for retirees that participate in CDPHP Medicare Supplement Program from \$1250 to \$1400 per household per year. All in Favor. Motion Carried.

- Resolution authorizing reimbursement for retirees that establish residency outside of the health manage service area including HCRA provided such reimbursement does not exceed what the Town expense would otherwise have been had said employee remained within the approved plan service area.

Supervisor Conover stated that this is for those that change residency under the Medicare program, they will need to find a service provider in that area and we will reimburse them

for like program up to what we would have otherwise spent.

**RESOLUTION #244**

Councilman Maranhville moved, seconded by Councilmember Bolton to authorize reimbursement for retirees that establish residency outside of the health manage service area including HCRA provided such reimbursement does not exceed what the Town expense would otherwise have been had said employee remained within the approved plan service area. All in Favor. Motion Carried.

- Resolution authorizing Deputy Clerk to carry over 6.5 hours of annual leave into 2013.

Councilmember Bolton thanked Deputy Clerk Penny Cleavland for her hard work in the absence of Pat Steele. Supervisor Conover agreed.

**RESOLUTION #245**

Councilmember Bolton moved, seconded by Councilman MacEwan to authorize Deputy Clerk to carry over 6.5 hours of annual leave into 2013. All in Favor. Motion Carried.

- Resolution authorizing Supervisor to sign agreement with Coyne Textile Services for 2013.

Supervisor Conover stated that Coyne was the low bidder.

**RESOLUTION #246**

Councilman MacEwan moved, seconded by Councilman Maranhville to authorize the Supervisor to sign agreement with Coyne Textile Services for 2013. All in Favor. Motion Carried.

- Resolution declaring the 1988 Hyster Roller as surplus equipment, per the recommendation of the Bolton Highway Superintendent and authorizing that it be publicly auctioned.

Supervisor Conover stated that this is a piece of equipment that has some value. Councilmember Bolton asked if we have an appraisal of the equipment. Supervisor Conover stated that the Superintendent has an idea of the value but we should do some homework on this as well. Councilmember Bolton suggested talking to the County because they have had someone come in to give them an estimate of value. Supervisor Conover stated that he will talk to the County. He asked if we can set a reserve. Counsel Muller replied yes the Town can set a reserve. He stated that the Town is permitted by law to sell this in any commercial useful manner. The Highway Supervisor should have a ballpark reserve. You can put this bid out nationwide and as long as the reserve is met it will be sold. Councilman Maranhville asked if they plan to buy a new roller. Councilmember Bolton replied no, the Town is contracting out for that kind of work.

Supervisor Conover stated that they will get a value for this equipment and then set a

reserve that will not be public information.

**RESOLUTION #247**

Councilman Maranhville moved, seconded by Councilman MacEwan to declare the 1988 Hyster Roller as surplus equipment, per the recommendation of the Bolton Highway Superintendent and authorizing that it is publicly auctioned. All in Favor. Motion Carried.

- Resolution authorizing Supervisor to execute 2013 funding agreement with Warren County relating the Up Yonda Farm.

Supervisor Conover stated that this has been an agreement that was put in place during Kathy Simmes term as Supervisor. Part of the funding comes out of the Town budget and the other part comes from Occupancy funds. It is a terrific program that is widely accepted in the community. It is a tremendous asset to the community. Councilman MacEwan agreed and added that it is also used by other communities as well. Councilmember Bolton stated that they have a wide variety of programs for all age groups.

**RESOLUTION #248**

Councilman Maranhville moved, seconded by Councilmember Bolton authorizing Supervisor to execute 2013 funding agreement with Warren County relating the Up Yonda Farm. All in Favor. Motion Carried.

Public in Attendance:

Transfers for December, 2012

**RESOLUTION #249**

Councilman Maranhville moved, seconded by Councilmember Bolton to approve the following transfers:

GENERAL FUND:

<u>TO:</u>	<u>FROM:</u>	<u>AMOUNT:</u>
1220.4 Supervisor CE	1990.4 Contingency Account	\$ 323.00
1420.4 Attorney CE	1440.4 Professional Services	3,307.00
1650.4 Central Communication CE	1410.4 Town Clerk CE	1,339.00
5132.4 Garage CE	4560.4 Med. Health Center CE	3,955.00
7110.1 Parks PS	3120.1 Police & Constable PS	1,342.00
7110.4 Parks CE	1990.4 Contingency Account	495.00
7180.4 Special Rec Ballfield CE	7140.4 Playgrounds/Rec CE	25.00
8160.1 Refuse/Garbage PS	3120.1 Police & Constable PS	1,489.00
8160.4 Refuse/Garbage CE	1440.4 Professional Services	5,000.00
8160.4 Refuse/Garbage CE	1620.4 Buildings & Grounds CE	7,745.00
9010.8 State Retirement	9060.8 Medical Insurance	4,038.00

HIGHWAY FUND

5110.4 General Repairs CE	9060.8 Medical Insurance	7,091.00
5130.1 Machinery PS	5148.1 Serv to Other Govt PS	1,478.00
5130.4 Machinery CE	5148.4 Serv to Other Govt CE	17,124.00

WATER FUND

8310.4 Administration CE	8310.2 Administration EQ	290.00
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SEWER FUND

8110.1 Administration PS	8110.2 Administration EQ	1,254.00
8110.1 Administration PS	8120.2 Sewage Collection EQ	1,777.00
8110.1 Administration PS	9030.8 Social Security	88.00
8120.4 Sanitary Sewers CE	8130.2 Sewage Treatment EQ	529.00
8130.4 Treatment/Disposal CE	8130.2 Sewage Treatment EQ	156.00

TO INCREASE THE BUDGET FOR DECEMBER 2012

7997.4 Trail Master Plan \$11,537.00 from Unexpended Balance.

All in Favor. Motion Carried.

Motion to Pay Bills:

**RESOLUTION #250**

Councilman MacEwan moved, seconded by Councilmember Bolton to approve payment of the following:

	<b>Voucher</b>	<b>Amount</b>
<b>December Mid Abstract 12A</b>		
General	1395-1402, 1404-1410	\$4089.15
Water	263,264	1360.12
Highway	492	16.54
Sewer	278-281	4620.65
Lights	1394,1403 1411	487.64
<b>December Mid Abstract 12</b>		
General	1339-1393, 1412-1436	38537.00
Highway	474-491, 493-505	21477.84
Water	250, 251, 253-262, 266-268	3610.17
Sewer	265-267, 269-277, 282-285	10624.24
Tourism	50, 51	2045.49

All in favor. Motion Carried.

Councilman Maranville asked for a moment of silence for community member Mike O'Connor who passed away recently.

Executive Session:



- Matters involving litigation, Matters involving employment history of a Town employee.

**RESOLUTION #251**

Councilmember Bolton moved, seconded by Councilman MacEwan to enter into Executive Session at 7:35 pm with no further business to attend to. All in Favor. Motion Carried.

Adjourn:

Respectfully submitted by:  
Wanda Cleavland  
Deputy Town Clerk

Respectfully submitted by:  
Kristen MacEwan  
Minute Taker