

REGULAR MEETING  
BOLTON TOWN BOARD

December 4, 2018

Regular Meeting:

Supervisor: Ronald Conover  
Councilman: Robert MacEwan  
Councilman: Tim Coon  
Councilmember: Wanda Cleavland  
Councilmember: Susan Wilson  
Deputy Town Clerk: Rebecca Coon  
Counsel: Michael Muller

Meeting Call to Order: 6:00 pm.

Pledge: Susan Wilson

Please remain standing for a moment of silence for: Olivia Gaddy & Dorothy Vilmar.

Minutes:

- Approve the November 7, 2018 Minutes.

**RESOLUTION #276**

Councilmember Cleavland moved, seconded by Councilmember MacEwan to approve the minutes of the regular Town Board Meeting held November 8, 2018. All in Favor. Motion Carried.

Public Hearings:

Public Hearing for the purpose of giving consideration to: AMENDMENT TO CURRENT ZONING CODE (CHAPTER 200-45).

No one spoke from the public.

Supervisor Conover closed the Public Hearing.

- Resolution regarding the amendment of Zoning Code (Chapter 200-45).

Councilmember Wilson stated that the current code was extremely nebulous. Atty. Muller said it was very hard to apply. This is a rewrite that they can apply and what they have now is useless.

**RESOLUTION #277**

Councilmember Wilson moved, seconded by Councilmember MacEwan to approve and amend **STORAGE OF VOLATILE LIQUIDS** Zoning Code section **200-45 A** which purports to regulate the location and setbacks concerning storage of volatile liquids to read as follows:

- A. Location. Volatile liquid storage of fifty or more gallons shall require a one-hundred-foot (100') setback from residential property. This requirement shall not be applicable to storage of home heating fuels at residences by individual users.
- B. Dike. A dike capable of containing the entire stored volume must surround the storage facility. In no case shall the height of the dike be less than five feet.
- C. Buffer. A one-hundred-foot buffer must surround the entire parcel. Existing vegetation should be retained, or additional new plantings should be installed to create a visual screen.
- D. This section shall not apply to the storage of home heating fuels by individual users.

All in Favor. Motion Carried.

Public in Attendance:

- Matt Schuette of Jaeger & Flynn addressed electronic enrollment and the medical insurance plans for the upcoming 2019 year.
- Mark Suozzo of KSPE PLLC., stated that the Town of Bolton was awarded a grant for improvements to the water system. He explained that this was based on phase 1 of the improvements which include the most critical improvements. Supervisor Conover said this was good news and thanked Mark and Kathy for all the work they did to develop all the information for this huge grant.
- Willie B. McDonald spoke to the Board and handed out the 2019 Occupancy Tax Program and Activities allotments. She explained that they had to make some cuts this year. Supervisor Conover thanked her and the committee for all their hard work.

**RESOLUTION #278**

Councilmember Wilson moved, seconded by Councilmember Coon to adopt the 2019 Occupancy Tax Expenditure Plan. All in Favor. Motion Carried.

Zandy Gabriels talked about the following:

- Wants to know who is liable for any data breach that may occur with the insurance company if we enroll everyone electronically. Mr. Schuette stated they could share all of security protocols they have in place.
- His concerns with Warren County discussions concerning changing the allocation of sales tax. The supervisors in other towns apparently only wish to discuss the sales tax distribution. They have apparently never looked at the equalization assessment form which the County fathers have to pass every year establishing the allocation of sales tax and the county tax to the various towns. They only wish to discuss one aspect. They are not talking about changing how the formula for the taxes are allocated. Perhaps if they

and the Post Star wish to modify the allocation of sales tax and county tax from a fair market value and population, it may be an opportunity that we might agree with. Perhaps not however given some of the leaders down there that have their hands out and really want to put them in the Town of Bolton's pocketbook. No matter what they do to change the formula, it will hurt the Town of Bolton. This formula should not change. Bolton gets quite a lot of sales tax, but Bolton also pays quite a bit in their property taxes. Only one other town pays greater than Bolton and that is the Town of Queensbury. Every other town pays significantly less. They should not be able to modify the sales tax allocation formula. Population has no bearing on the basis of what the sales tax is intended to do. There has been no discussion of changing the weighted voting system. This is all done by population and Bolton represents 33 out of the 999 votes on the county board. It should be changed to reflect percentage of fair market value throughout the county. Bolton would have the second highest amount next to Queensbury. If you are obligated to pay the money, you should get back the return. Bolton does not receive anywhere close to 15% of the benefits. Bolton continues to pay its fair share and does not get as much.

*Supervisor Conover said he was in complete concert with Mr. Gabriels on this matter.*

- His concerns with what the actual phosphorus levels were that actually reach the ground water which eventually reaches the lake.

Kathy Suozzo stated the bio reactor was working very well and detailed the operation to the Board.

Supervisor Conover stated there was a lot of interest from the other towns on this project.

Correspondence:

- Robert Nemer, complementing the Highway Department on great job done paving and communicating with the residents at all times.
- NYS DOS pertaining to grant C1000515.
- Weil, Gotshal & Manges LLP regarding Tops Holding II Corporation, et al.
- NYS Environmental Facilities Corporation regarding Water Infrastructure Grant.
- NYS Agriculture and Markets regarding the Municipal Shelter Inspection Report.
- Thank you from the YMCA to Supervisor Conover.
- Thank you from AARC to Supervisor Conover.
- Resignation letter from Richard Kober. *Received with regret.*
- LA Group regarding Brook Street.
- NYS DOT pertaining to applications for Bridges on Padanarum Road.

**Committee Reports:**

**Councilmember Robert MacEwan**

Justice Court: During the month of November 2018, Judge Edward White took in \$4,368.00 and Judge Edward Stewart took in \$3,938.00. Total monies forwarded to the Town of Bolton amounted to \$8,306.00. There are itemized lists located in the Court if anyone desires to look them over.

Transfer Station:

- Total for the month is \$6,073.00
- Spring cleanup cards \$2,874.00
- Donated sheets and blankets to animal shelter.
- Took car batteries to Cohens.
- Building needs repairs.
- Still waiting for 40-yard bin for electronics from the county.

Highway Department:

- Finished shoulder work on South Trout Lake Road and Lower Brereton Road.
- Graded and raked dirt roads.
- Cleaned up downed trees from wind.
- Put plow and wings on trucks.
- Picked up loads of leaves on streets.
- Plowed, salted, and sanded several snow and ice storms.

EMS:

EMR report regarding billing activity for September 2018:

Calls: 28 of which 20 were billable.

Gross Charges Billed in September:	\$ 23,303.80
Payments Received in September:	\$ 19,442.84

Payroll Expenses for September were \$22,035.88.

EMR report regarding billing activity for October 2018:

Calls: 20 of which 15 were billable.

Gross Charges Billed in September:	\$ 17,802.80
Gross Charges Billed YTD:	\$223,977.80
Payments Received in September:	\$ 14,928.53
Payments Received YTD:	\$125,606.74

Billing payments received thru October 2017 were \$100,296.86.

Payroll Expenses for October were \$22,771.92. Year to date thru October 2018 was \$237,575.09. Payroll thru October 2017 was \$184,660.11.

### **Councilmember Tim Coon**

#### Assessor:

- The office has begun the process to generate the 2019 Assessment Roll. New construction projects are being looked at, photos and inventory are being updated.
- Enhanced Exemptions are continually being renewed with the new Mandatory Income Verification Program.
- Each year at this time, property owners that are currently receiving the BASIC Star exemption and who are turning 65 years of age in 2019 have been contacted to see if they could qualify for the larger Enhanced Exemption.

#### WWTP:

- Total flow for the month 5,515,257 gallons for a daily average of 183,000 gallons.
- No sludge was hauled out due to road work on brook street extension.
- Removed mowing deck from mower and installed snow blower and chains.
- Had all heat turned on at the stations and at the plant.
- Readied for winter around stations and at the plant.
- Had Maranville's put the winter tires back on our truck.
- Cleaned the wet well at Rogers, scraped all the grease off the walls and removed the grit from the pit.
- On 11/16 Siewert Equipment was at the main station repairing one of the pumps. The pumps belts had loosened up and were squealing. They installed new belts and adjusted the bearings. Pump is working great.
- HMA contractors finished the road project on Brook Street Extension.
- On 11/20 they worked with Kathy Suozzo and Reuben Ellsworth on digging up the effluent manifold on bio reactor. The manifold was plugged due filter fabric not letting it drain properly. The manifold is working great now and not plugging up. The bio reactor is working great.
- Attended 3 training classes.
- Cleaned up snow around plant and at the stations.

### **Councilmember Susan Wilson**

#### Planning / Zoning:

- The Planning Office for the month of June collected fees in the amount of \$345.00 for various items including Certificates of Compliance, Variances, Site Plan Reviews, Stormwater Permits and After the Fact Fees.

- Pam, Mitzi, Mike and I continue to meet with Jim Martin to review the zoning code revisions.
- We also meet regularly each month to discuss projects, issues or concerns or to meet with residents.

#### Supervisors Office:

Along with all of our normal daily duties, such as paying abstracts, paying bills, biweekly payrolls, monthly insurances, state retirement and deferred compensation, we are continually cleaning out and updating the office files.

- Website.
- Insurance Reports.
- Personnel.
- Correspondence.
- Notarized documents for many different individuals.
- Grants.
- Updating Vehicle lists.
- Updating Personnel files.
- Quarterly Reports.
- Project quotes.
- Retirement Updates.
- BUDGET
- EAP's.
- Handbook.
- 426's.

#### Town Clerk:

- Post Water/Sewer Payments from recent quarterly billing.
- New water meters entered.
- Addressed several water/sewer billing issues.
- Issued 3 hunting & fishing licenses.
- Issued Parking Permit.
- Dog Licenses & Renewals.
- Issued several Burn Permits.
- Issued several Spring Clean Up Cards.
- Notarized Numerous Documents.
- Prepared & Entered Invoices for Payment.
- Balanced Monthly Abstract.
- Ordered supplies for various departments.
- Sold \$1,907.00 in Landfill tickets at the counter.
- Reservations at the Community Center.
- Updated Tax changes from the Assessor's Office.
- Issued Marriage Licenses.
- Issued Copies of Death Records.
- Issued numerous Disability Parking Plaques.

- Placed several legal ads with the Post Star.
- Completed Several FOIL Requests.
- Prepared Warrant for Taxes.
- Responded to Dig Requests.

Veterans Park Advisory Committee:

- Held a public information meeting last Tuesday night.
- A presentation was made about the process, review of the existing conditions, deficiencies and a proposed program that has been developed thus far by the members of the committee.
- Community members in attendance were able to provide feedback.
- They will be putting the information on the town website so that members of the community are able to comment until mid-January.
- There will be another public meeting in the spring.

Supervisor Conover stated that he thought this had been done really well and the committee should be congratulated.

**Councilmember Cleavland**

Police:

- 35 patrol shifts, 340 reportable activities and 299 property/area checks.
- 11/15 Chief Neumann participated in a lockdown drill at BCS along with members of the Warren County sheriff's Office, NYS Police and school personnel.
- 11/17 Chief Neumann and P.O. Lail provided traffic control for the BCS PTO Annual Turkey Trot footrace.
- 11/30 BCS Kindergarten students visited the Bolton Police Department. Chief Neumann gave a tour of the office and police car. All students received a thumbprint and a "Police Officers Are My Friends" coloring book. 8 students participated.

Supervisors Report:

- Deposits: \$1,306,927.32
- Disbursements: \$666,531.91
- Brook Street extension largely complete, some issues as result we will retain project funds pending successful completion.
- Sales Tax Issue at County.
- Christmas Tree lighting postponed to December 9, 2018 at 2:00pm.
- Parks Department is looking for a line on First Street to turn off. *They have done a very surgical job looking for the shutoff.*
- Consolidated funding through the state. *We should be hearing soon on the status of the 2 grants that were applied for.*

New Business

- Resolution appointing Wendy Burkowski to a 1-year term to the Warren County Youth Board to expire December 31, 2020.

Supervisor Conover thanked Mrs. Burkowski for continuing to serve on this board.

**RESOLUTION #279**

Councilmember Coon moved, seconded by Councilmember MacEwan to appoint Wendy Burkowski to a 1-year term to the Warren County Youth Board to expire December 31, 2020. All in Favor. Motion Carried.

- Resolution authorizing the Supervisor to sign the proposed amendment for Grant C1000515 pertaining to Veterans Park Improvements Phase 2 South Dock Replacement.

**RESOLUTION #280**

Councilmember Wilson moved, seconded by Councilmember Coon to authorize the Supervisor to sign the proposed amendment for Grant C1000515 pertaining to Veterans Park Improvements Phase 2 South Dock Replacement. All in Favor. Motion Carried.

- Resolution authorizing the Supervisor to sign an agreement for 2019 with Hudson Headwaters Health Network for Hepatitis B Vaccination Services for the Town of Bolton at a cost of \$60 for each Hepatitis B Vaccination.

**RESOLUTION #281**

Councilmember MacEwan moved, seconded by Councilmember Cleavland to authorize the Supervisor to sign an agreement for 2019 with Hudson Headwaters Health Network for Hepatitis B Vaccination Services for the Town of Bolton at a cost of \$60 for each Hepatitis B Vaccination. All in Favor. Motion Carried.

- Resolution authorizing the Supervisor to sign an updated 2019 roadway maintenance agreement with Warren County in the amount of \$163,489.37 for snow and ice removal and \$2,469.60 for mowing.

**RESOLUTION #282**

Councilmember MacEwan moved, seconded by Councilmember Cleavland to authorize the Supervisor to sign an updated 2019 roadway maintenance agreement with Warren County in the amount of \$163,489.37 for snow and ice removal and \$2,469.60 for mowing. All in Favor. Motion Carried.

- Resolution authorizing the Supervisor to enter into a contract with New York Municipal Insurance Reciprocal (NYMIR) for property and casualty insurance for 2019 at a premium amount not to exceed \$74,616.17.

**RESOLUTION #283**

Councilmember Cleavland moved, seconded by Councilmember Coon to authorize the Supervisor to



enter into a contract with New York Municipal Insurance Reciprocal (NYMIR) for property and casualty insurance for 2019 at a premium amount not to exceed \$74,616.17. All in Favor. Motion Carried.

- Resolution to approve the change in the Town of Bolton Retiree's Health Insurance Supplemental Plans through Jaeger & Flynn from CDPHP Medicare Advantage 2019 and the MVP Gold Anywhere PPO 2019 to Humana Medicare Advantage Plan 2019.

**RESOLUTION #284**

Councilmember Coon moved, seconded by Councilmember Wilson to approve the change in the Town of Bolton Retiree's Health Insurance Supplemental Plans through Jaeger & Flynn from CDPHP Medicare Advantage 2019 and the MVP Gold Anywhere PPO 2019 to Humana Medicare Advantage Plan 2019. All in Favor. Motion Carried.

- Resolution to authorize the Supervisor to increase the Retiree's Health Reimbursement Amount to \$1,600 per household starting in March 2019.

Supervisor Conover stated it has been a number of years since they have adjusted this.

**RESOLUTION #285**

Councilmember Cleavland moved, seconded by Councilmember Coon to authorize the Supervisor to increase the Retiree's Health Reimbursement Amount to \$1,600 per household starting in March 2019. All in Favor. Motion Carried.

- Resolution to authorize the Supervisor to close out the Cross Street Parking lot loan in the amount of \$113,906.77.

Supervisor Conover stated this was the recommendation from the bookkeeper and it made sense.

**RESOLUTION #286**

Councilmember Cleavland moved, seconded by Councilmember Wilson to authorize the Supervisor to close out the Cross Street Parking lot loan in the amount of \$113,906.77. All in Favor. Motion Carried.

- Resolution to authorize the Supervisor to sign an agreement with Warren County Soil & Water for the use of its sandbagging equipment.

**RESOLUTION #287**

Councilmember MacEwan moved, seconded by Councilmember Coon to authorize the to sign an agreement with Warren County Soil & Water for the use of its sandbagging equipment. All in Favor. Motion Carried.

Public in Attendance:

Zandy Gabriels suggested stocking up and storing some sand bags for the dam instead of waiting until there was a real emergency.

**RESOLUTION #288**

Councilmember Cleavland moved, seconded by Councilmember MacEwan to approve the following transfers: All in Favor. Motion Carried.

Public in Attendance

TRANSFERS FOR DECEMBER 2018

To	From	Amount
<u>GENERAL:</u>		
1010.4 Town Board CE	1220.1 Supervisor PS	\$300.
1110.1 Justices PS	3120.1 Police & Constable PS	\$5,400.
1220.4 Supervisor CE	1220.1 Supervisor PS	\$453.
1355.1 Assessor PS	1355.2 Assessor EQ	\$202.
1355.4 Assessor CE	1355.2 Assessor EQ	\$545.
1620.1 Builds & Grounds PS	1620.4 Builds & Grounds CE	\$13,500.
5132.4 Garage CE	3120.1 Police & Constable PS	\$6,120.
8030.4 Research CE	8010.4 Zoning/Planning CE	\$3,414.
8160.1 Refuse/Garbage PS	1990.4 Contingency	\$6,400.
8160.4 Refuse/Garbage CE	1990.4 Contingency	\$8,123.
9789.7 Loan Repayment Int	9780.6 Debt Payments	\$1,578.
<u>HIGHWAY:</u>		
5112.2 Permanent Imp EQ	Fund Balance	\$290,404.
5130.4 Machinery CE	5110.4 General Repairs CE	\$16,384.
5142.1 Snow & Ice PS	5110.1 General Repairs PS	\$1,926.
5142.1 Snow & Ice PS	5148.1 Serv Other Govts PS	\$15,677.
5142.1 Snow & Ice PS	9060.8 Medical Ins. Town Share	\$5,000.
9030.8 Soc Security Town Share	9060.8 Medical Ins. Town Share	\$200.
<u>WATER:</u>		
8310.2 Administration EQ	8310.1 Administration PS	\$1,458.
8330.2 Purification EQ	8340.2 Transm/Distr EQ	\$2,153.
8330.4 Purification CE	8340.2 Transm/Distr EQ	\$1,557.

SEWER:

8110.1 Administration PS	Fund Balance	\$4,500.
8110.4 Administration CE	8110.2 Administration EQ	\$993.
8110.4 Administration CE	Fund Balance	\$1,192.
8130.4 Treatm/Disposal CE	Fund Balance	\$4,961.
9060.8 Medical Ins Town Share	9010.8 State Retirement	\$350.
9789.7 Loan Repayment	9780.6 Debt Repayment	\$4,573.

ADDITIONAL TRANSFERS:

\$150,000. To be transferred to Highway District from General Fund for Abstract 12

ADDITIONAL TRANSFERS FOR NOVEMBER 2018:

To	From	Amount
<u>GENERAL:</u>		
1110.1 Justices PS	1110.4 Justices CE	\$1,225.
5132.4 Garage CE	5010.4 Supt of Hwy CE	\$46.
<u>SEWER:</u>		
8120.4 Sanitary Sewers CE	9010.8 State Retirement	\$1,399.
8120.4 Sanitary Sewers CE	8130.2 Sewage Treatment EQ	\$409.

RESOLUTION #289

Councilmember MacEwan moved, seconded by Councilmember Coon to approve payment of the following bills: All in Favor. Motion Carried.

Pay the Bills:

	Vouchers	Amount
Mid Abstract 11A		
General	1695-1721	\$117,048.47
Highway	536	62,429.00
Sewer	429-432	11,716.72
<b>Water</b>	305-308	11,728.93
Lights	38	49.10

Abstract 12

General	1612-1694 1722-1741	\$52,843.21
Highway	523-535 537-560	379,018.81
Sewer	410-428 433-438	9,896.88
Water	286-304 309-313	12,979.13
Tourism	55-56	6,956.51
Sewer Plant Improvement Project	56	500.00
St Lights	39	585.79

**RESOLUTION #290**

Councilmember Cleavland moved, seconded by Councilmember Wilson to enter into executive session to discuss employment matters dealing with employment history of a specific town employee. All in Favor. Motion Carried.

No Action Taken: 7:15pm

Minutes respectfully submitted by:

Rebecca Coon  
Deputy Town Clerk

Katie Persons  
Minute Taker