

BOLTON TOWN BOARD

Call To Order: 7:00pm

November 1, 2011

Pledge: Councilman Robert MacEwan

Regular Meeting:

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

Minutes: Approve minutes of Regular Meeting held October 4, 2011.

**RESOLUTION #205**

Supervisor Conover, moved, seconded by Councilman MacEwan to approve the minutes of the Regular Meeting held October 4, 2011. All in Favor. Motion Carried.

Public Hearings:

**RESOLUTION #206**

Councilmember Rehm moved, seconded by Councilman MacEwan to table the application for Sisca and Sisca, LLC. All in Favor. Motion Carried.

- Variance application by Sisca and Sisca LLOC, 461 Westchester Avenue, Port Chester N.Y., Parcel ID# 156.20-1-26, lot 15 Pioneer Village on Cottage Lane. The Following Variances are being requested:
  1. The existing grade at the Puraflo bed is over 25% and at the Eljen trenches 20% (**the maximum grade permitted by the NYSDOH 75-A is 8% for the bed and 15% for the trenches.**)
  2. **Section 3.030 Table I of the Town of Bolton Sanitary Sewage Disposal Ordinance:** 100' is required between the Puraflo Bed/Eljen trenches and the well to the northeast. 56.7' is proposed to the bed and 72' is proposed to the trenches. **It is assumed that the proposed house will be tied into the community water supply and will not have a well.**
  3. **Section 3.030 Table I of the Town of Bolton Sanitary Sewage Disposal Ordinance:** 10' is required from the property line, 8' is proposed to the bed.
- Resolution regarding SEQRA
- Resolution Regarding Variance Request

Public Hearings:

- Public Hearing on Preliminary 2012 Town of Bolton Budget (General Fund, Highway Fund, Lighting District, Sewer District, Water District, Fire District).

- Resolution adopting 2012 Town Budget

**RESOLUTION #207**

Councilmember Rehm moved, seconded by Councilman Maranville to amend the unexpended balance to reflect the revenue increase to \$68,193 and appropriation line 7410.4 (Library) would go from \$40,500 to \$40,800. No change to amount raised by tax. All in Favor. Motion Carried.

**RESOLUTION # 208**

Councilmember Rehm moved, seconded by Councilman MacEwan to make the following revision to the 2012 Town Budget: the 6410 Occupancy Tax/Tourism to modify the listing of categories to put invasive species on the 6410.2 line. This would replace equipment and put Invasive Species, \$10,000 on line 6410.4. \$128,636 would become \$118,636 and the total would be the same. All in Favor. Motion Carried.

Councilmember Rehm applauded the Supervisor, Donna Boggs and the other Board members for their efforts on the 2012 budget. She was away for a lot of the workshop meetings but it was a job well done.

Supervisor Conover stated that the budget continues this Board's and Bolton's long standing policy of detailed, line by line review of the budget by the Town Board. He is happy to say that next year's budget maintains Bolton's tax rate per thousand at 75 cents, with a small fractional increase from 75.3 to 75.5. Our taxable property value for 2012 rose from \$1,056,725,572 in 2011 to \$1,058,323,422 in 2012, with an increase of \$1,597,850. Sales tax continues to be off. Although it has been up over the 2009 figures it is still well below historic levels. The 2012 tax levy for all funds, including the lighting and fire district is down slightly from the 2011 which was at \$1,274,310 to \$1,262,710 for the total combined tax levy. This reduction is due largely to our friends in the fire district who lowered the 2012 fire district levy from \$447,360 to \$432,760.

Supervisor Conover stated that in 2012 we will be purchasing a new dump truck for the highway department. Our plan is to pay for it from savings from borrowings coming off line in 2013 and 2014, and the sale of 2 older pieces of equipment so it has no net increase on the tax rate of Bolton. We have continued the funding increase from last year's budget in our highway program and hopefully with continued improvement in the economy we can see our way through to increasing that line again in 2013.

Supervisor Conover stated that we tried to provide what additional dollars that we could to our community organizations and where possible and needed even increased a little.

Supervisor Conover stated that Bolton's Rescue Squad is in the process of moving from a volunteer organization to a not-for-profit with some paid responders. This is the trend throughout the region in rural areas like Bolton. While we have substantially increased their financial support to assist with this transition we may need to revisit the financial

plan and transition in 2012. Our Rescue Squad has a long and proud history of service to Bolton with some of our best and brightest steering the way. Speaking for himself and the Board we are committed to insure that Bolton has this service in the years to come.

Supervisor Conover stated that health care costs continue to rise and he has no doubt that we will have move to a new provider by March 2012. Keeping health care affordable is a big challenge. We will need to be flexible in partnership with our employees if we are to continue to make it all work.

Supervisor Conover stated that our fund balance remains healthy and as he looks ahead, while we have some challenges we are moving to meet those challenges. While we have made great strides to reduce cost and increase revenue in our water and sewer districts it is insufficient for 2012. As such water rates are scheduled to rise \$.25 /thousand and sewer rates \$1.25/thousand for next year. He stated that no one on this Board likes raising rates, but this Board has committed itself to the financial solvency of our special districts and addressing the deteriorating infrastructure that we have. Deteriorating infrastructure is not an option, we will be fair and only ask for what is needed, work toward efficiencies wherever possible and take advantage of grants. However, our recent experience with the trickling filter building should tell all of us what can happen when improvements to infrastructure are delayed too long. On the positive side we have upgraded more than half of our sewer lines this past year and we are already seeing the benefits of that upgrade in pumping costs. This is an important project for Bolton and our lake.

Supervisor Conover stated that they have budgeted \$10,000 for fighting invasive species which is now a line item in our budget. He knows the Board is committed to supporting this vital effort in future years and that is why we have added the line item.

Supervisor Conover applauded the employees and stated that it is an honor and pleasure to work with such a fine group of people. He specially thanked Bookkeeper, Donna Boggs for all of her assistance from day to day and during the budget process. He thanked the Town Board members for their commitment to the community, their time and help in the budget process as well.

### **RESOLUTION # 209**

Councilman Maranville moved, seconded by Councilman MacEwan to adopt the 2012 Town of Bolton Budget. All in Favor. Motion Carried.

- Resolution establishing sewer and water rate schedule for 2012 (effective January billing period 2012).

Councilmember Rehm stated that this has been a long time coming as most people are aware. It has taken a lot of diligent work by the Supervisor Conover and Town Clerk

Patricia Steele to come up with something that allows them to finally see where we stand. She stated that this will allow them the ability to set a rate each year based upon actual usage from the year before.

Supervisor Conover applauded the Town Clerk for her time and patience. These are small districts with big challenges. They have to be focused on efficiencies, lost water, condition of our lines and overall infrastructure. There are new and important processes out there to help us achieve even better results and more efficiencies. He stated that when they first increased the rates earlier in the year he had mentioned that it would probably be a 2 year program of adjustment. We continue to be on track with that schedule. The first effort is to get our head above water, once we get there we can look further down the road relative to upgrades that need to happen.

### **RESOLUTION #210**

Councilmember Rehm moved, seconded by Councilman Maranville to establish the sewer and water rate schedule for 2012 effective January billing period 2012.

### **Water and Sewer Rate Schedule**

#### **Quarterly Water Rate Schedule**

1. 0 - 5000 gallons - \$26.25 **MINIMUM** quarterly payment
2. 5,001-50,000 gallons - \$5.25 per 1000 gallons
3. 50,001-150,000 gallons - \$5.50 per 1000 gallons
4. >150,000 gallons - \$5.75 per 1000 gallons
5. Flat Fee of \$25.00 per quarter will be charged to all parcels with **STRUCTURES** within the Water District having property tax I.D. #.
6. Flat fee of \$10.00 per quarter will be charged to all vacant parcels in district with **NO STRUCTURE ON SITE.**
7. Flat fee of \$10.00 per quarter for improved property served by wells (with no metered service).

#### **Quarterly Sewer Rate Schedule**

1. 0 – 5000 gallons – \$26.25 **MINIMUM** quarterly payment
2. 5,001 – 50,000 gallons \$5.25 per 1000 gallons
3. 50,001 – 150,000 gallons - \$6.25 per 1000 gallons
4. >150,000 gallons - \$7.25 per 1000 gallons
5. Flat Fee of \$18.75 per quarter will be charged to all parcels with **STRUCTURES** within the Sewer District having property tax I.D. #.
6. Flat fee of \$10.00 per quarter will be charged to all vacant parcels in district with **NO STRUCTURE ON SITE**

### **Additional Rate Schedule Items**

- Water customers outside the water district will pay the flat fee and gallon charge per the above rate schedule.

- Water customers will pay such Flat Fee as specifically authorized by the Town Board acting as the Board of Water Commissioners.

All in Favor. Motion Carried.

Public in Attendance:

Chris Navitsky, Lake George Waterkeeper, thanked the Board for their line item that has been added to the budget this year for the Invasive Species. Bolton has been a supportive participant in fighting the invasive species and the Asian Clam effort. He asked if there will be any money set aside for the update of the Bolton Zoning Ordinance which is out of date. Supervisor Conover replied yes they are working on that presently.

Chris Navitsky stated that he wanted to speak with the Board about the recent approval of a law that was established in the Town of Queensbury regarding lawn fertilizer and pesticide run-off control. On September 12, 2011 the Town of Queensbury unanimously passed a local law restricting the application of fertilizers within 50' of Lake George. The LG Waterkeeper strongly supports the Queensbury TB adoption of the fertilizer control law which will lessen negative impacts to residents' drinking water and reduce excess algae production and maintains people's property values. Because this local law is so crucial for the future health of Lake George they are encouraging other municipalities to take this opportunity to review the fertilizer control law and discuss the importance with restricting chemicals from flowing into Lake George.

The Lake George Waterkeeper urges the TB to adopt a similar law that will help protect Lake George, its drinking water, recreational resources and the foundation of our economy. Chris Navitsky stated that he has raised this issue previously, and the Supervisor has indicated that he will rely on the upcoming NYS law which goes into effect in January. However, he does not feel that it goes nearly as far as it should. The proposed NYS law restricts the sale of phosphorus fertilizers, restricts the application of fertilizer within 20' of the lake, unless you have a 10' buffer, then they can go within 10' of the lake, and if you have a guard on your applicator it allows one to go within 3' of the lake. He does not feel that this stands up to the level of protection that is needed for Lake George. The Supervisor has indicated meeting the challenge of Mayor Blais and Supervisor Dan Stec also put a challenge out to the other municipalities to encourage them to step up the way the town of Queensbury did. Chris Navitsky stated that 50' is a good standard for the lake and he hopes that they take a look at this and consider a similar resolution. He stated that he would like to work with the Town in this effort.

Zandy Gabriels agreed with Chris Navitsky's praise of the line item on the invasive species. They can only hope that zebra mussels, Asian clams and milfoil are the only invasive species that they will have to face in the near future. The funds committed will go a long way in the Asian Clam effort and it is greatly appreciated. Supervisor Conover thanked Zandy Gabriels for all of his efforts in this regard as well.

Zandy Gabriels reiterated the Supervisor's gracious accolades to Donna Boggs. He knows exactly what Donna means to anyone that sits in the Supervisor's chair. Whether the budgets were good or bad they were always presented accurately and firmly with her assistance.

Zandy Gabriels stated that he also agrees with Mr. Navitsky regarding the fertilizer law and encourages the Town's consideration of the same.

Zandy Gabriels stated that he understands that one of Bolton's Zoning Board members was served with papers regarding a zoning issue. A lawsuit has been brought to the Town as well and he hopes that Town Counsel will defend him and the Town to the best of his ability. He also feels that the Town of Bolton needs to look at the use of private homes going forward in the future.

With regard to the budget Zandy Gabriels stated that they are using sales tax for a lot of items. He hopes that they are correct in their predictions, however if they are not they will have to draw into un-appropriated funds. He hopes that they are correct, he has no suggestions otherwise but he was surprised at the level of sales tax used.

Zandy Gabriels stated that he agrees with the sewer and water rate schedule. His numbers seem to indicate that the slip lining work is appropriate and he hopes that it works. He still feels that they have problems with in-flow to the plant. He is not sure that the slip lining will take care of all of it. He feels that there are some other problems that need to be taken care of in the future.

Claire Kingsley asked if the monies indicated on the ball fields line item is for the little league field. Supervisor Conover replied that the money indicated is for any monies that they may need up there. Claire Kingsley asked what they spend this money on now. Supervisor Conover replied mowing and minimal maintenance. He stated that their hope is that they can do more in the future. Claire Kingsley stated that she has been a big advocate of the ball fields, and has been for a long time, as well as a member of the School Board for 18 years, but it just never happened. She appreciates what they are trying to do up there but she realizes that there is nothing in the budget to address it for next year. She understands it is difficult in this economy. She suggested getting some community members together to do a fundraiser or something. There are a lot of people in the community that have a lot of talent and parents that want to see this work. She doesn't care what is done as long as they start doing something. There are a lot of people that want this to happen. She suggested creating a committee to create a plan of action. She stated that the Town Board, School Board and community all need to work together to get this done. Supervisor Conover stated that he appreciates all of the Kingsley's support and efforts over the years.

Correspondence:

- Doug Melnick on behalf of Mayor Gerald Jennings regarding Capital Region Sustainability Plan and invitation to participate as a member of the Consortium.
- Christopher Navitsky, P.E., Lake George Waterkeeper regarding Queensbury adopting fertilizer law and offering to work with the Town to adopt a similar law.
- John S. Mucha, Director of Governmental Relations, Time Warner Cable regarding possible changes to service and or stations.
- L.M. Waterhouse request to name road into subdivision as “Brook Ridge”.
- Richard E. Weber, Deputy Director, APA approval with conditions of two lot subdivision on Padanarum Road by Robert Wolgin, Trustee of the Norman Wolgin 2002 Indenture of Trust and Lake George Land Conservancy.
- Joseph M. Miller to School Tax Collector regarding disappointment upon return of check .40cents less than amount due.
- Carl Schoder, Schoder Rivers Associates, review of bids for trickling filter cover.
- Richard E. Weber, III, Deputy Director, APA regarding conditionally approving treatment of invasive species Asian Clams at Norowal Marina.
- Brian Towers, Association of Towns and Villages regarding accomplishments and notification of membership meeting scheduled for December 4&5, 2011 at the Holiday Inn Turf Resort, Lake George, NY and dues notification of \$600.
- Richard E. Weber, III, Deputy Director, APA regarding application by the Fund for Lake George for suction harvesting of Asian Clams at Middleworth Bay, Bolton.
- Barry Kincaid, KLC Property Enhancements LLC regarding review of bids and request to rebid of building removal at the sewer plant due to lack of detail or specificity regarding removal of certain items associated with the project.
- Vasiliki V. Tekmitchov notification of intent to apply for a change in class year round Liquor License for Vontek Enterprises Inc. D.B.A. Lily’s and request for a letter from the Town of Bolton “as requested by the State Liquor Authority”.
- Andrew L. Luce, Environmental Engineering Technician 3, Division of Water regarding notice of violation of SPDES Permit for period ending August 31.
- Terry Martino, Executive Director APA regarding regularly scheduled monthly meeting on October 13, 2011 and tour of the Adirondack Club and Resort project on October 14, 2011.
- Dylan Walrath, Environmental Program Specialist, NYSDEC, Division of Lands and Forests regarding grant program requirement and contract for Trails Master Plan for the West Side of Lake George.
- John S. Mucha, Director of Governmental Relations, Time Warner Cable regarding new basic and standard prices and package prices.
- Manager Support Services for National Grid regarding seasonal lighting agreement and insurances.
- Claire and Don Kingsley regarding work to be done at the Little League Fields.

Committee Reports:

**Councilman Robert MacEwan**

Water- John Perry reports that the flow through the plant before deductions 6,439,934

gallons. The bacteria samples came back satisfactory. Tom Torebka took a week's vacation. Tom Flaherty did a 4" tap and 6" main on Goodman Avenue for BBL construction. They have been doing general maintenance of the plant. Tom Flaherty also did a water tap for the new owners of the property located on Route 9N.

Transfer Station- Lisa French reports the total receipts-\$7,106. They have had some trouble with the compactor. They had Jim Madison come up and do a quick fix on it but he is also working on an estimate of the repair work that needs to be done.

Code Enforcement Officer- Mitzi Nittmann submitted a 19 page report, 34 sites visited, 280 miles logged, 1 zoning violation.

### **Councilman Owen Maranville**

Highway- Matt Coon reported they have been working on Cotton Point Road hauling item 4 and getting the road ready for blacktop. Work on Edgecomb Pond Road is ready for paving and scheduled for November 2. Grading and patching various roads.

Justice- Hon. Harry Demarest took in \$5,535. Hon. Edward Stewart took in \$3,465 Total monies forwarded to the Town of Bolton was \$9,000. Itemized reports are available for review.

Assessor- David Rosebrook reports he received 4 arm's length sales of real property for the month of October which brings them to a total of 10 since July 1<sup>st</sup>. On October 25<sup>th</sup>, he attended the monthly Assessors meeting in Lake George. The in-house re-evaluation project is proceeding on schedule. He appreciates having a town vehicle which he has been sharing with the Planning and Zoning Departments. Clerk Deb MacEwan will be on vacation for 9 days during the month of November.

Councilman Maranville stated that he did not receive a report from the Police Department, but they were out very late during Halloween.

### **Councilmember Deanne Rehm**

Library- The Spelling Bee will be held this weekend. There are several other events coming up in November. There is a book club meeting on the 14<sup>th</sup> and on the 15<sup>th</sup> they will have a showing of the "Loss of the Teardrop Diamond" as part of their film series with the Sembrich. They also have a writing group for those interested in writing a memoir, it will meet on the 2<sup>nd</sup> and 4<sup>th</sup> Monday of the month. On the 27<sup>th</sup> Vincent Palazzo will have a book signing.

Recreation Department- The Recreation Center is now open. They are getting ready to start the ski program at Gore Mountain. The price of the program which runs for 6 weeks varies slightly depending on whether you need rentals, but the basic price is \$130 which includes lessons, transportation and supervision of the children. Rentals are \$84 in addition to the program rate.

At the Conservation Park they offer Zumba on Thursday nights and on Wednesday nights they will have a yoga class starting in addition to the chair yoga that they have at the

Town Hall on Monday mornings.

Seniors- Their monthly business meeting is tomorrow. They are preparing for their Holiday party which will be the 1<sup>st</sup> Sunday of December. Councilmember Rehm asked Supervisor Conover for an update regarding the possible closures of the meal sites. Supervisor Conover replied that all sites will remain open at this time and they have a budget committee meeting coming up. For now the plan is to stay status quo until they have further information. Councilmember Rehm stated that the number may not seem large to the Board of Supervisors, but there are people that depend upon this service every day.

Conservation Club: The Conservation Club Center has been open for almost 1 full year. They will have a committee meeting tomorrow night in which they will discuss their business plan and one year operating report of the events held over the past year. It will be submitted to the Town Board in December.

Supervisors Report:

- Receipts: \$177,662.94
- Disbursements: \$454,258.40
- Sales tax: Warren County sales tax up 8.6% from last year for 3rd quarter 2011.
- Update of Town of Bolton Waterfront Revitalization Plan (Committee)
- Second phase of sewer lining work is underway. Under this contract they will complete about 7,100 feet of sewer work.
- New Cover for trickling filter: Manufacturer is HMT Inc., Woodlands TX. , base bid manufacture of structure: \$88,490; Construction: \$54,990; Total: \$143,480.

Supervisor Conover stated that he is pleased that this is moving along quickly. The building is largely down at this point. The expectation is that the new cover will help the trickling filter operate much more efficiently which will place less demand on the sand filters.

- Report on Meeting with FEMA and NYSOEM Officials on Irene damage and cost in Bolton.

They did not sustain a lot of damage on this storm but they will be working with FEMA to be reimbursed for their costs associated with Irene, as are the Fire Company and Rescue Squad.

Old Business / Tabled Resolutions:

- Resolution authorizing the Town Clerk to re-advertise for bids for improvements to Rogers Park.

Supervisor Conover stated that they did file the next grant application for Rogers Park improvements. Some of the items for the last bid that they didn't have the money for will be considered in the new grant and they hope to put it all together to do the project they hoped for.

Councilmember Rehm stated that the original bids came in much higher than what was anticipated or budgeted. The committee discussed ways to redesign the restrooms to eliminate some of the cost. They made the decision to eliminate the changing areas because they weren't expensive to build but they did increase the footprint of the building. She stated that the committee and consultants are revising the plan in order to go back out to bid. Councilmember Rehm suggested that they authorize the Town Clerk to go out to bid when the consultants are ready so that they can move on awarding the bid so they can move on the project in the spring.

### **RESOLUTION #211**

Councilmember Rehm moved, seconded by Councilman MacEwan to allow for the Town Clerk to go out to bid when the consultants are ready so that it is ready before the December meeting. All in Favor. Motion Carried.

### **New Business:**

- Resolution authorizing Supervisor to sign agreements with Warren County relating to Solid Waste Disposal and Transportation Services in conjunction with a consortium of Warren County municipalities under a contract with the County and the low bidder Waste Management of New York, LLC (tipping fee change from \$69 to \$58 per ton; transport waste from \$129.22 to \$118.15 per trip (40 cu yd container); recyclables from \$129.22 to \$125.10. per trip (40 cu yd container) with credits for different recyclables (Town can exclude specific items from contract as desired).

Supervisor Conover stated that the low bidder on the tipping fee was Wheelabrator for the disposal. He stated that each aspect represents a pretty significant savings over the year. There is a credit that is awarded to them for each item that is recyclable. They would receive \$85/ton for newspapers, \$90/ton for magazines, \$95/ton for corrugated cardboard, \$200/ton of metal cans, \$200/ton of plastics, \$80 for bulk metal and no disposal cost on the glass. They also offer a combined or blended credit of \$98.50/ton. Supervisor Conover stated that they can elect out of certain items. However, they will need to do that before they enter into a contract. They will do an internal evaluation to determine where they would make more money. Supervisor Conover stated that the contract is only for a year, so they are not locked in for a long time and can make adjustments on a yearly basis.

Supervisor Conover stated that the County did not go out to bid for C & D material because not all municipalities accept C & D. This is hauled by Waste Management from the Transfer Station and will need to continue that contract.

Councilman Maranville asked what size containers were at the transfer station now. Supervisor Conover replied that they are larger than the 40 cu yds. However he has already talked to Waste Management who indicated that the differential is not significant.

Councilman Maranville asked if there will be any fuel surcharges. Supervisor Conover replied that the costs cited are the total costs of the bid.

Supervisor Conover stated that this is a good thing and great that they banded together with other municipalities because they got a better price.

**RESOLUTION #212**

Councilmember Rehm moved, seconded by Councilman Maranville to authorize Supervisor to sign agreements with Warren County relating to Solid Waste Disposal and Transportation Services in conjunction with a consortium of Warren County municipalities under a contract with the County and the low bidder Waste Management of New York, LLC (tipping fee change from \$69 to \$58 per ton; transport waste from \$129.22 to \$118.15 per trip (40 cu yd container); recyclables from \$129.22 to \$125.10 per trip (40 cu yd container) with credits for different recyclables.(Town can exclude specific items from contract as desired.) All in Favor. Motion Carried.

- Resolution to correct the original minutes of August 3, 2010 and resolution #168 to reflect the intent of the Town that the withholding of sales tax by Warren County to be applied against Bolton's share of the County tax levy should continue unless and until otherwise specified by the Town Board.

This is to provide the County clarification that this arrangement needs to continue until such time that the Bolton Town Board specifies otherwise.

**RESOLUTION #213**

Councilman Maranville moved, seconded by Councilman MacEwan to correct the original minutes of August 3, 2010 and resolution #168 to reflect the intent of the Town that the withholding of sales tax by Warren County to be applied against Bolton's share of the County tax levy should continue unless and until otherwise specified by the Town Board. All in Favor. Motion Carried.

- Resolution approving emergency trickling filter cover roof work by HMT, Inc. at the Sewage Treatment Plant (Structure Fabrication: \$88,490/ Construction: \$54,990).

Supervisor Conover stated that Carl Schoder really stepped up to the plate for them. He is doing a terrific job.

**RESOLUTION #214**

Councilman MacEwan moved, seconded by Councilmember Rehm to approve emergency trickling filter cover roof work by HMT, Inc. at the Sewage Treatment Plant (Structure Fabrication: \$88,490/ Construction: \$54,990). All in Favor. Motion Carried.

- Resolution authorizing use of Community Development Funds for project costs

associated with cover of trickling filter building project (terms of loan will be determined by the Town Board upon completion of project once total cost is known and disqualified by related adjustment of sewer and water district fees for 2012 and as we look forward).

Supervisor Conover stated that the loan terms will have to be appropriate to the district in terms of the payback. Councilmember Rehm asked if it would be appropriate to use UDAG funds for another upgrade to the plant. Counsel Muller stated that UDAG funds are appropriate for this type of use. Supervisor Conover stated that the terms of the loan may be that there are no terms to the loan because it is a grant.

### **RESOLUTION #215**

Councilmember Rehm moved, seconded by Councilman MacEwan to authorize use of Community Development Funds for project costs associated with cover of trickling filter building project (terms of loan will be determined by the Town Board upon completion of project once total cost is known and disqualified by related adjustment of sewer and water district fees for 2012 and as we look forward). All in Favor. Motion Carried.

- Resolution authorizing Supervisor to purchase up to 22 PD water Meters at a net estimated cost of \$2,904 dollars including applied discount of \$726 for buy back of TClarity Transponders (purchase cost to be paid by homeowner upon application for installation).

Supervisor Conover stated that the meters are for the 22 condos not presently metered on Green Island but are privately owned. Normally he wouldn't need approval at this dollar amount. However they have some aged transponders that were originally purchased by the town that the company is willing to take as a credit against the new more modern meters, which will be wireless radio read. This is in front of the board because it is property of the water district that is being used as a credit.

### **RESOLUTION #216**

Councilman Maranville moved, seconded by Councilman MacEwan to authorize Supervisor to purchase up to 22 PD water Meters at a net estimated cost of \$2,904 dollars including applied discount of \$726 for buy back of TClarity Transponders (purchase cost to be paid by homeowner upon application for installation). All in Favor. Motion Carried.

- Resolution naming road into new subdivision off North Bolton Road as Brook Ridge (see map).

Supervisor Conover stated that they discussed this with Pam Kenyon who indicated that they do not have a road called Brook Ridge.

**RESOLUTION #217**

Councilman Maranville moved seconded by Councilmember Rehm to name road into new subdivision off North Bolton Road as Brook Ridge. All in Favor. Motion Carried.

- Resolution adopting updated Drug Free Workplace Policy as prepared by the Town Attorney for the Town of Bolton.

Councilman Maranville thanked Counsel Muller for his job well done. Supervisor Conover stated that this new policy will be distributed to all of their employees.

**RESOLUTION #218**

**Town of Bolton Drug-Free Workplace Policy**

**Purpose and Goal**

The Town of Bolton is committed to protecting the safety, health and well being of all employees and other individuals in our workplace. We recognize that alcohol abuse and drug use pose a significant threat to our goals. We have established a drug-free workplace program that balances our respect for individuals with the need to maintain an alcohol and drug-free environment.

- The Town of Bolton encourages employees to voluntarily seek help with drug and alcohol problems.

**Covered Workers**

Any individual who conducts business for the Town of Bolton, is applying for a position or is conducting business on the Town of Bolton's property is covered by our drug-free workplace policy. Our policy includes, but is not limited to executive management, supervisors, full-time employees, part-time employees, off-site employees, volunteers, interns and applicants.

**Applicability**

Our drug-free workplace policy is intended to apply whenever anyone is representing or conducting business for the Town of Bolton. Therefore, this policy applies during all working hours, whenever conducting business or representing the organization, while on Town of Bolton property, at company-sponsored events, and during public meetings.

**Prohibited Behavior**

It is a violation of our drug-free workplace policy to use, possess, sell, trade, and/or offer for sale alcohol, illegal drugs or intoxicants.

Prescription and over-the-counter drugs are not prohibited when taken in standard dosage and/or according to a physician's prescription. Any employee taking prescribed or over-the-counter medications will be responsible for consulting the prescribing physician and/or pharmacist to ascertain whether the medication may interfere with safe performance of his/her job. If the use of a medication could compromise the safety of the employee, fellow employees or the public, it is the employee's responsibility to use appropriate personnel procedures (e.g., call in sick, use leave, request change of duty, notify supervisor, notify company doctor) to avoid unsafe workplace practices.

The illegal or unauthorized use of prescription drugs is prohibited. It is a violation of our drug-free workplace policy to intentionally misuse and/or abuse prescription medications. Appropriate disciplinary action will be taken if job performance deterioration and/or other accidents occur.

### **Notification of Convictions**

Any employee who is convicted of a criminal drug violation in the workplace must notify the Town in writing within five calendar days of the conviction. The Town will take appropriate action within 30 days of notification. Federal contracting agencies will be notified when appropriate.

### **Searches**

Entering the Town's property constitutes consent to searches and inspections. If an individual is suspected of violating the drug-free workplace policy, he or she may be asked to submit to a search or inspection at any time. Searches can be conducted of lockers, desks and work stations, and employer owned vehicles and equipment.

### **Drug Testing**

To ensure the accuracy and fairness of our testing program, all testing will be conducted according to Substance Abuse and Mental Health Services Administration (SAMHSA) guidelines where applicable and will include a screening test; a confirmation test; the opportunity for a split sample; review by a Medical Review Officer, including the opportunity for employees who test positive to provide a legitimate medical explanation, such as a physician's prescription, for the positive result; and a documented chain of custody.

All drug-testing information will be maintained in separate confidential records.

Each employee, as a condition of employment, will be required to participate in pre-employment, pre-duty, periodic, random, post-accident, reasonable suspicion, return-to-duty and follow-up testing upon selection or request of management.

The substances that will be tested for are: Amphetamines, Cannabinoids (THC), Cocaine, Opiates, Phencyclidine (PCP), Alcohol, Barbiturates, Benzodiazepines, Methaqualone, Methadone and Propoxyphene.

Testing for the presence of alcohol will be conducted by analysis of breath, saliva and blood.

Testing for the presence of the metabolites of drugs will be conducted by the analysis of urine and saliva.

Any employee who tests positive will be immediately removed from duty, suspended without pay for a period of 30 days, referred to a substance abuse professional for assessment and recommendations, required to successfully complete recommended rehabilitation including continuing care, required to pass a Return-to-Duty test and sign a Return-to-Work Agreement, subject to ongoing, unannounced, follow-up testing for a period of five years and terminated immediately if he/she tests positive a second time or violates the Return-to-Work Agreement.

An employee will be subject to the same consequences of a positive test if he/she refuses the screening or the test, adulterates or dilutes the specimen, substitutes the specimen with that from another person or sends an imposter, will not sign the required forms or

refuses to cooperate in the testing process in such a way that prevents completion of the test.

### **Consequences**

One of the goals of our drug-free workplace program is to encourage employees to voluntarily seek help with alcohol and/or drug problems. If, however, an individual violates the policy, the consequences are serious.

In the case of applicants, if he or she violates the drug-free workplace policy, the offer of employment can be withdrawn. The applicant may reapply after one year and must successfully pass a pre-employment drug test.

If an employee violates the policy, he or she will be subject to progressive disciplinary action and may be required to enter rehabilitation. An employee required to enter rehabilitation who fails to successfully complete it and/or repeatedly violates the policy will be terminated from employment. Nothing in this policy prohibits the employee from being disciplined or discharged for other violations and/or performance problems.

### **Return-to-Work Agreements**

Following a violation of the drug-free workplace policy, an employee may be offered an opportunity to participate in rehabilitation. In such cases, the employee must sign and abide by the terms set forth in a Return-to-Work Agreement as a condition of continued employment.

### **Assistance**

The Town of Bolton recognizes that alcohol and drug abuse and addiction are treatable illnesses. We also realize that early intervention and support improve the success of rehabilitation. To support our employees, our drug-free workplace policy:

- Encourages employees to seek help if they are concerned that they or their family members may have a drug and/or alcohol problem.
- Encourages employees to utilize the services of qualified professionals in the community to assess the seriousness of suspected drug or alcohol problems and identify appropriate sources of help.
- Ensures the availability of a current list of qualified community professionals.
- Offers all employees and their family members assistance with alcohol and drug problems through the Employee Assistance Program (EAP).
- Allows the use of accrued paid leave while seeking treatment for alcohol and other drug problems.

Treatment for alcoholism and/or other drug use disorders may be covered by the employee benefit plan. However, the ultimate financial responsibility for recommended treatment belongs to the employee.

### **Confidentiality**

All information received by the organization through the drug-free workplace program is confidential communication. Access to this information is limited to those who have a legitimate need to know in compliance with relevant laws and management policies.

### **Shared Responsibility**

A safe and productive drug-free workplace is achieved through cooperation and shared responsibility. Both employees and management have important roles to play.

All employees are required to not report to work or be subject to duty while their ability to perform job duties is impaired due to on- or off-duty use of alcohol or other drugs.

In addition, employees are encouraged to:

- Be concerned about working in a safe environment.
- Support fellow workers in seeking help.
- Use the Employee Assistance Program.
- Report dangerous behavior to their supervisor.

It is the supervisor's responsibility to:

- Inform employees of the drug-free workplace policy.
- Observe employee performance.
- Investigate reports of dangerous practices.
- Document negative changes and problems in performance.
- Counsel employees as to expected performance improvement.
- Refer employees to the Employee Assistance Program.
- Clearly state consequences of policy violations.

### **Communication**

Communicating our drug-free workplace policy to both supervisors and employees is critical to our success. To ensure all employees are aware of their role in supporting our drug-free workplace program:

- All employees will receive a written copy of the policy.
- The policy will be reviewed in orientation sessions with new employees.
- The policy and assistance programs will be reviewed at safety meetings.
- Employee education about the dangers of alcohol and drug use and the availability of help will be provided to all employees.
- Every supervisor will receive training to help him/her recognize and manage employees with alcohol and other drug problems.

### **RESOLUTION #218**

Councilman MacEwan moved, seconded by Councilman Maranville to adopt updated Drug Free Workplace Policy as prepared by the Town Attorney for the Town of Bolton. All in Favor. Motion Carried.

- Resolution to authorize the purchase of a 2012 Western Star 4800/4900SB Chassis, Tandem Plow Dump Truck from State Bid Contract and authorize a Bond Anticipation Note to pay for same in the amount of \$220,451.

Supervisor Conover stated that this is in the budget. They have an item coming off the line in 2013 and another in 2014. They will be selling the 2- 91's which should cover the gap for 2012. Councilmember Rehm suggested holding off on the bond anticipation note because they are still in 2011 budget. Supervisor Conover stated that this is just to order the truck and the bonding will take place next year.

### **RESOLUTION #219**

Councilmember Rehm moved, seconded by Councilman Maranville to authorize the purchase of a 2012 Western Star 4800/4900SB Chassis, Tandem Plow Dump Truck from State Bid Contract. All in Favor. Motion Carried.

- Resolution authorizing seasonal road closings: Notice is hereby given that Water Plant Road from Susan Huck property to Potter Hill Road and Padanarum Road from Comstock Road to Wardboro Road will not be maintained by the Town of Bolton Highway Department between December 1, 2011 and April 1, 2012, effective November 1, 2011 – Timothy Coon, Highway Superintendent.

**RESOLUTION #220**

Councilman Maranville moved, seconded by Councilman MacEwan to authorize seasonal road closings: Notice is hereby given that Water Plant Road from Susan Huck property to Potter Hill Road and Padanarum Road from Comstock Road to Wardboro Road will not be maintained by the Town of Bolton Highway Department between December 1, 2011 and April 1, 2012, effective November 1, 2011 – Timothy Coon, Highway Superintendent. All in Favor. Motion Carried.

- Resolution authorizing the re-levy of outstanding receivables in the Town of Bolton Water and Sewer Districts on the 2012 County tax bills in the total amount of \$42,168.73.

Supervisor Conover stated that these are unpaid bills that get re-levied onto the property tax. Councilman Maranville asked if this was higher than last year. Supervisor Conover replied that he believes it was in the high \$30,000's.

**RESOLUTION #221**

Councilmember Rehm moved, seconded by Councilman Maranville to authorize the re-levy of outstanding receivables in the Town of Bolton Water and Sewer Districts on the 2012 County tax bills in the total amount of \$42,168.73. All in Favor. Motion Carried.

- Resolution supporting the Supervisor award for demolition of existing trickling filter building to KLC Property Enhancement LLC for \$15,000.

**RESOLUTION #222**

Councilmember Rehm moved, seconded by Councilman Maranville to authorize award for demolition of existing trickling filter building to KLC Property Enhancement LLC for \$15,000. All in Favor. Motion Carried.

- Resolution approving Highway Superintendent appointment of Tyson Converse as medium equipment operator, truck driver at the established rate of \$17.73/hr.

**RESOLUTION #223**

Councilman MacEwan moved, seconded by Councilmember Rehm to approve Highway Superintendent appointment of Tyson Converse as medium equipment operator, truck driver at the established rate of \$17.73/hr. Councilman Maranville recused himself. All Others in Favor. Motion Carried.

- Resolution authorizing Supervisor to sign contract with the NYS Department of Environmental Conservation Division of Lands and Forests, Trails Master Plan for the West Side of Lake George, contract #C304508 for \$69,000.

This is the grant they were awarded to work with Hague and Town and Village of Lake George.

**RESOLUTION #224**

Councilman MacEwan moved, seconded by Councilman Maranville to authorize Supervisor to sign contract with the NYS Department of Environmental Conservation Division of Lands and Forests, Trails Master Plan for the West Side of Lake George, contract #C304508 for \$69,000. All in Favor. Motion Carried.

- Resolution authorizing Supervisor to provide insurances and sign agreement with National Grid for seasonal lighting.

**RESOLUTION #225**

Councilman Maranville moved, seconded by Councilman MacEwan to authorize Supervisor to provide insurances and sign agreement with National Grid for seasonal lighting. All in Favor. Motion Carried.

- \$13,000 payment to the Rescue Squad.

**RESOLUTION #226**

Councilmember Rehm moved, seconded by Councilman MacEwan to approve \$13,000 payment to the Bolton Rescue Squad for the month of November 2011. All in Favor. Motion Carried.

- Old Zoning fees/related services re-levy on taxes.

Supervisor Conover stated that they would like to see some of this money back.

Councilmember Rehm stated that these fees are from applicants that have not paid the Town Engineering fees for review. All applicants are made aware that these fees will be applied and are the responsibility of the applicant.

Upon reviewing the list, Counsel Muller stated that he has an escrow account that Mr. Ronning set up with his office for one of his projects. He stated that he may be able to cover some of those fees from that escrow.

Counsel Muller suggested that he send a non-threatening collection letter to those that owe these fees with a due date. Supervisor Conover stated that he is concerned that it would not give them enough time to re-levy the fees on the property taxes. Pat Steele stated that they would have to have that in by December 1<sup>st</sup>. Councilman Maranville stated that Counsel Muller could reflect that in his collection letter.

Councilmember Rehm asked if they were allowed to re-levy these fees. Counsel Muller

replied that he is not sure they can be but he would be happy to research it for them.

Counsel Muller further explained other options that the Town has in seeking recourse and payment for these outstanding fees.

Councilman MacEwan asked if the applicants know ahead of time what the engineering fees are. Counsel Muller stated that it should be communicated to the applicants from the Zoning office. Councilman MacEwan asked why they shouldn't require that the fee be paid before the applicant gets on the agenda. Counsel Muller stated that a lot of these reports come in last minute and he wouldn't want to hold someone up.

### **RESOLUTION #227**

Councilmember Rehm moved, seconded by Councilman Maranville to authorize Counsel to send a collection letter regarding overdue zoning fees. Counsel will also to investigate the following: 1) the possibility of the use of an escrow account to be used for partial reimbursement on one of the amounts owed to them and 2) whether or not a re-levy of fees is permitted by law. If such re-levy is permitted the Board approves the re-levy for the upcoming tax bill. All in Favor. Motion Carried.

### **Public in Attendance:**

Chris Navitsky, Lake George Waterkeeper, stated that Councilman MacEwan raises a good point about the engineering fees. A lot of times the engineering review is done prior to the application even getting to the PB so that when they are afforded public comment their comments are not taken into account because there is already an engineering report. He feels that the engineering report often comes first before even going to the PB.

Chris Navitsky stated that he didn't hear a sewer department report for the month. Supervisor Conover stated that he usually puts that into his report but unfortunately was not able to get that together for the meeting. He stated that he will have a report next month. Chris Navitsky stated that he did have a question about the violation. Supervisor Conover stated that he would be more than happy to discuss that with him if he would like to stop by and see him.

With regard to the road closures, Zandy Gabriels stated that he has some concerns with closing Padanarum since they have had to close 2 bridges. These bridges have been weight-listed for about 10-12 years and now they are no longer passable because of Hurricane Irene. Their budget includes \$17,000 for bridges which does not include any remediation for either one of the bridges. He asked if anything will be done or if a decision will be made by the town. They need both bridges to make the 7 mile loop and it is trafficked by 12 cars a year. He understands that it is a difficult decision to make but he suggests that the Town Board make some sort of decision with regard to funding their repair or not.

With regard to the sewer project, Zandy Gabriels stated that it is approximately \$140,000. It is his recollection that the town only expended some \$250,000 when the 5 million was initially received from HUD in 1982 or 1983. An additional \$250,000 got applied to the HUD grant to do something with the sewer treatment plant at that time and had nothing to do with any pay backs to the Town or HUD. A clear indication that 25 years ago their sewer treatment plant needed a \$250,000 to maintain its existence. When the Sagamore loan got revised in 1988/1989 no grants were given to the sewer treatment plant, it was just a million dollars and a promise that sometime in the future of 4 million dollars. With all due respect to Town Counsel, they could make that a grant. It goes far beyond what the Town of Bolton's procedure UDAG money intended to do for the Town, which is a zero interest loan involving capital investment accounts. If they were to lend the sewer treatment plant \$140,000 it ought to get repaid. It is no different than the 1.1 million loaned to the water district that is intended to get repaid over some period of time, now looking at 15 years with \$75,000 deposits. The \$140,000 to the sewer district becomes an obligation of the sewer district.

With regard to the Rogers Park Improvements, Zandy Gabriels stated that he is still concerned about the placement of the bathrooms at the base of the tennis courts. He feels that they should be placed over by where the current port-o-johns are. They can run the lines under the road and hook into the sewer main. He feels that this placement will maintain the visual aspects of Rogers Park.

Transfers:

**RESOLUTION #228**

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

FROM	TO	Amount
General Fund		
14104 Town Clerk	10104 Town Board	\$50.00
14404 Eng. Fees	14204 Attorney	12,000.00
71102 Parks	16202 Buildings Equip	55.00
31201 Police	31204 Police	1,000.00
71502 Cons Park	71504 Cons Park	1,000.00
71404 Recreation	71804 Ballfield	21.00

Sr Citizens Improvement 67724 Sr. Cit. 3,073.10

Transfer to Sewer District \$20,000.00

Highway

51484 Services 51304 Machinery 2,200.00

Increase Budget 51104 Rd Repairs 43,158.40 New Vt. Culvert

“ “ 51104 Rd Repairs 100,386.59 Storm Damage

All in Favor. Motion Carried.

Pay Bills:

**RESOLUTION #229**

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

<b>Mid Abstract 10A:</b>	<b>Voucher#</b>	<b>Amount</b>
General	1139-1140, 1142-1143	\$1,678.22
Highway	440	21.00
Rogers Park Docks	2	5,939.44
Tourism	49	4,000.00
Zoning Update	3	7,727.17 5
Lights	1141	3,579.93

<b>Mid Abstract 10B</b>		
General	204-1206,1208-1218,1220-1222,1224	8,699.77
Highway	475	16.54
Water	210-211	1,130.74
Sewer	231-234	3,049.84
Lights	1203,1207,1219	360.93
Tourism	55	3,855.00

<b>November Abstract</b>		
General	1144-1202,1223,1225-1240	33,247.78
Highway	441-474,476-484,486-487	101,722.05
Water	198-209,212-219	8,219.73
Sewer	220-230,235-244	4,659.69
Tourism	50-54	15,386.57
Veterans Memorial Fund	1	328.00
Highway Storm Damage	29	5,338.85

All in Favor. Motion Carried.

Executive Session: contractual matter relating to CSEA contract negotiations and litigation.

**RESOLUTION #230**

Councilman Maranville moved, seconded by Councilman MacEwan to enter into Executive Session at 8:35pm with no further business to be conducted. All in Favor. Motion Carried.

Adjourn:

Minutes respectfully submitted by:  
Patricia Steele  
Town Clerk

Minutes respectfully submitted by:  
Kristen MacEwan  
Minute Taker