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Subsection B. Amend as follows:

“It shall be unlawful for any person to cause to be discharged, within the Town, any sewage except by systems designed, installed, and approved in accordance with the requirements of this Ordinance. The hearing will be held on December 4th at 7 pm

All Favorable. Motion carried.

Close public hearing on Budget 2008

There were no comments from public in attendance at this time.

RESOLUTION #211

Councilman MacEwan moved, seconded by Councilman Andersen to close the public hearing on Budget 2008. All favorable. Motion carried.

Councilman Maranville asked to discuss the matter of overtime for the Bolton Police Department. Councilman Saris said that each of the Police Dept. employees have a max because they are retired from other police work and it would affect their retirement, so they are only available to the Town of Bolton for "X" number of hours per year, so if that is already in the budget, then the question is why you would put overtime in the budget if you have already put in the maximum hours they are allowed to work. The TB member consensus was that there shouldn't be any need for overtime if the hours worked are being tracked and the hours are being scheduled accordingly for the maximum allowable hours. Councilman Saris said that is being done.

Councilman Maranville asked about adding \$25,000 into the budget for a vehicle and miscellaneous expenses for the Police Dept. Councilman Andersen asked if any unused money that is put aside for the Police Dept. could be moved and used for something else and Counsel said yes. Deanne Rehm asked if the TB would also put revenue of \$25,000 and follow the money for this or if they are going to just increase appropriations and not increase revenue. Supervisor Gabriels said that would be the next question for the TB members, in that the \$25,000 could be by raising taxes in this year's budget, or obtaining financing for the vehicle, etc.

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Councilman Maranville moved, seconded by Councilman MacEwan, to add \$25,000 into the 2008 Budget for the Bolton Police Dept. All favorable. Motion carried.

RESOLUTION #213

Councilman Andersen moved, seconded by Councilman MacEwan, to adopt the 2008 Budget with the \$25,000 addition for a Police car. All favorable. Motion carried.

Authorize proclamation thanking Mark Bernstein for use of Camp Walden for Bolton Pride Day October 2007

RESOLUTION #214

Councilman Andersen moved, seconded by Councilman MacEwan, to authorize a proclamation thanking Mark Bernstein for use of Camp Walden for Bolton Pride Day, October 2007. All favorable. Motion carried.

Establish reserve account for cable build out – limit of \$100,000 – funding to only be franchise fees paid quarterly based on franchise agreement – reserve fund term would be until all roads/property owners have access to cable from franchise. Fund 2007 with 2007 franchise fees or begin funding in 2008 with \$25,000 in 2008 budget?
Supervisor Gabriels said that he brings this up because there is one instance on Trout Lake Road where there is a long driveway for 11 houses and there has been discussion of a \$1,000 fee to each homeowner to have cable run down that drive. Councilman

Andersen said that he is 100% for the reserve account, but he was under the assumption that the cable would run in the Town of Bolton and from the pole or wire where residents might get the power, he would think that would still be the homeowners' responsibility. Councilman Saris said that he suggests if the TB is to consider establishing a reserve fund that there be some rules or guidelines, because it is one thing if there is a particular long driveway with nine or eleven homes, but it is another thing if there is a particular long driveway and only one home. He said that if the Town of Bolton does that, it is going to take an awful long time, because they will chew up the money in the fund and the benefit won't be going toward the many with miles down the road, it would be going into one thing. Councilman Saris continued by saying that he has a neighbor who built a house on top of the mountain and that is one residence, so that is going to be a huge amount of money spent to get service to one residence. He said the question here is whether or not the TB wants to utilize the money in the reserve account to cover some of those costs or not. Councilman Saris and Councilman Andersen agreed that the TB's priority needs to be to bring service to the town roads that have current established telephone poles first. Supervisor Gabriels asked what dollar amount the TB members would like to begin the reserve account with and the TB members agreed on \$25,000 with a cap of \$100,000. Deanne Rehm said that the TB just adopted a budget with \$25,000 of revenue in it that will be raised by franchise and not property tax, but if the TB now takes that \$25,000 out of this then the TB will have to raise local tax because it is not appropriated anyplace else, it is to offset the other expenses the town has. Supervisor Gabriels disagreed and said that the \$25,000 appropriation was already put in the budget, so it was already taken into account, meaning that the appropriation was already made in this budget.

RESOLUTION #215

Councilman MacEwan moved, seconded by Councilman Maranville, to establish a reserve account for cable television beginning with \$25,000 from the 2008 budget in appropriations and the funding to only be from franchise fees paid quarterly based on franchise agreement. The reserve fund term would be until all roads/property owners have access to cable from the franchise. All favorable. Motion carried.

Preparation of detailed letter to NYSDOT regarding proposed "mill & fill" on Route 9N in 2008

Item is pending.

Need to amend Inter-municipal Agreement with County of Warren for construction improvements to WWTP as part of the WC Sewer Project – elements listed in WC Resolution #339 of 2006

Supervisor Gabriels said the TB members had discussions on this matter, but have to yet make a resolution.

RESOLUTION #216

Councilman Saris moved, seconded by Councilman Maranville to amend the Inter-municipal Agreement with the County of Warren for construction improvements to WWTP as part of the Warren County Sewer Project. All favorable. Motion carried.

Accept/Acknowledge Jennifer Torebka's resignation as minute taker for the Bolton TB/PB/ZBA – position has been advertised with a deadline of November 15, 2007 With much reluctance, TB members acknowledged and accepted Jennifer Torebka's resignation and thanked her for her valued professional service as minute taker for the Bolton TB/PB/ZBA. The consensus was that there was no further action needed beyond the advertisement running to fill this position.

RESOLUTION #217

Councilman Andersen moved, seconded by Councilman Saris to accept Jennifer Torebka's resignation as minute taker for the Bolton TB/PB/ZBA. All favorable. Motion carried.

Accept Lori LaGoy's resignation from Recreation Commission – Advertise for replacements – Resumes to Recreation Commission for their recommendation to the TB

RESOLUTION #218

Councilman Andersen moved, seconded by Councilman MacEwan, to accept Lori LaGoy's resignation from the Recreation Commission. All favorable. Motion carried.

RESOLUTION #219

Councilman Andersen moved, seconded by Councilman Maranville, for the Town of Bolton to advertise for the vacancy on the Recreation Commission. All favorable. Motion carried.

Consider appointing Craig Hannon and others as BLDC members – effective date? Councilman Saris said that he would like to recommend Craig Hannon, Art Baker, Scott Andersen and Alexander Gabriels. He said that Scott Andersen and Alexander Gabriels' terms would be commenced as of January 1, 2008 and Art Baker's and Craig Hannon's terms would commence immediately. Councilman Maranville asked if there is any issue with Scott Andersen or Alexander Gabriels serving on the BLDC and Counsel said that there would not be an issue, since they would no longer be serving in their current capacities as Councilman and Supervisor of the Town of Bolton. Supervisor Gabriels asked if he and Councilman Andersen could vote on this matter and Counsel said yes. Counsel said that the foundation document of the BLDC established that the corporation has a structure so that there would be a minimum of five members and could be greater than five members and the majority of the BLDC board must be people who are not on the TB. Councilman Maranville said that Jon Maranville has expressed an interest in resigning. Counsel said that it would be wonderful for the BLDC to have a full board and added that elected officials cannot be in a position on the BLDC board as an officer, but can be a voting member of the BLDC board.

RESOLUTION #220

Councilman Saris moved, seconded by Councilman Maranville, to appoint Scott Andersen and Alexander Gabriels to the BLDC board with terms commencing as of

Counsel said that it does require a public hearing and the premise for this amendment is where the Town of Bolton zoning isn't specific in its code or in Town Law, it would utilize the NYS Uniform Fire Prevention and Building Code.. He said that would mean that where the Bolton Zoning Code is specific, that is what would be relied on and where the local ordinances are specific, that is what would be relied on, but in the absence of specifics in the Bolton Zoning Code or local ordinances, the Town of Bolton should rely on the NYS Uniform Fire Prevention and Building Code, so there is uniformity within the Town of Bolton in its interpretations

RESOLUTION #223

Councilman Saris moved, seconded by Councilman MacEwan, to schedule a public hearing to proposed amendments to the Town of Bolton Code Chapters 125, 150 and 200.

TO be ADDED to Chapter 125-5D Stormwater and Erosion Control (Stormwater and Erosion Control Regulations:

TO be ADDED to Chapter 150-3C Subdivision of Land (Town of Bolton Land Subdivision Regulations)

TO be ADDED to Chapter 200-8C Zoning (Town of Bolton Zoning Ordinance)

The general applications of the New York State Uniform Fire Prevention and Building Code and the Energy Conservation Construction Code are to be read in conformity with the provisions of this Chapter unless local law, town code or town ordinance in effect specifically authorizes or provides a stricter requirement or specification. The hearing will be held December 4, 2007 at 7:00 p.m. All Favorable. Motion Carried.

Consider Zoning Policy proposed by Atty. Mike Muller on 10/18/07 that all submissions must be date/time stamped by Zoning Office before distribution to others

Counsel said it is not an amendment to the code, but a policy, which the Zoning and Planning Office tell him they are already following. He said that the issue is that there are different versions going out from applicants and what the Town Engineer is getting and reviewing may be entirely different from what the Zoning Office has been given, so when there is an item on an agenda, the information the board is reviewing may be different than that reviewed by the Town Engineer. He said that enacting this policy would ensure everyone is reviewing the same plans. Councilman Andersen said that this was an issue already brought up and he thought it was policy for a number of years now. Counsel said the matter was addressed in a nobler manner in the past, but he would like to have it as a TB policy. Councilman Andersen asked if that would include the letters that are submitted five minutes before a meeting starts and Counsel said no, all letters have a right to be read into the record and he is speaking of the applicants' submissions.

RESOLUTION #224

Councilman Saris moved, seconded by Councilman Andersen, to make it a TB policy that all applicant submissions to the Zoning Administrator and the Zoning and Planning Office must be time and date stamped before distribution to others. All distribution to others is to be done by the Zoning Administrator and the Zoning and Planning Office. All favorable. Motion carried.

Councilman Saris said that he thinks the new policy is a great idea and he likes it because they have set down some specific requirements for someone to be eligible under this policy. Counsel said that he thinks it has to be specific. Councilman Saris said that it is going to force the Town to be consistent, which is most important and he thinks the \$150 civil penalty is very appropriate because it is a motivation that if they take a shortcut of convenience for themselves and inconvenience the Zoning office, it will cost them \$150 to take that shortcut. It will head off problems in the future. He added that he thinks it is a great idea. There may be ideas for future refinement.

RESOLUTION#225

Councilman Saris moved, seconded by Councilman MacEwan to adopt the **Simplified Code Violation Disposition Policy** and under that policy to allow Jeff Streif and James Liebler to apply for a Certificate of Compliance and pay a civil penalty of \$150. This is authorized under Alternative Remedy. The Zoning Administrator, Code Enforcement Office and Counsel with meet and discuss with the Supervisor. All Favorable. Motion Carried.

In the matter of APA, Warren County and Finkle Brook wall restoration. Counsel said that the Town of Bolton is fine on this matter. Supervisor Gabriels asked if the Town of Bolton has brought this to the attention to the APA. Counsel said yes

Approve Water Dept. expenditure of \$8,200 for replacement 20 HP motor and installation of that motor for raw water intake pump
Supervisor Gabriels said that he authorized this today. Councilman Andersen said that this matter was discussed at length at the last budget meeting at which all TB members were present, but this just puts it in the public forum.

RESOLUTION #226

Councilman Andersen moved, seconded by Councilman MacEwan, to approve the Water Dept. expenditure of \$8,200 for replacement of a 20 HP motor and installation of that motor for the raw water intake pump. All favorable. Motion carried.

Discuss issue of rip rapping of NYS owned Rush Island – with private funds and labor – distribution to NYS Officials and AATV?

Supervisor Gabriels gave an overview of the issue. Councilman Andersen said that if Supervisor Gabriels is looking for the TB members to endorse that private funds and labor have the authority to riprap that island. He has no problem with that and if private people want to preserve something like that, it is part of the history of Bolton and there are places named after that, then he thinks the TB should endorse those private people and their private funds to be allowed to do that. Councilman Saris said that the private

people would be doing a public service, because in its present state, Rush Island has become quite a navigational hazard. Supervisor Gabriels said that one of the reasons the NYSDEC Officials are reluctant to give permission is because they (NYSDEC Officials) want it to go to a Unit Management Plan, which their estimate time to complete this Unit Management Plan is 2 ½ -5 years. Councilman Andersen asked how long the Town of Bolton has been waiting for it to go to a Unit Management Plan and Supervisor Gabriels said 37 years.

RESOLUTION #227

Councilman Andersen moved, seconded by Councilman Saris, for the Town of Bolton TB to endorse private individuals with private funds and labor have the authority to rip rap NYS owned Rush Island. All favorable. Motion carried.

Authorize ELAN to prepare grant application to LWRP for matching funds for Rogers Park Pier – contract is \$3,500 – Authorize Supervisor to sign the grant application. Councilman Andersen said that he thinks all TB members agree that they want more docking and more items to take place in Rogers Park, which would be better done with a dock facility/retaining wall. He said that the numbers discussed that night were significant and as soon as the Town of Bolton applies and gets matching funds, it is certainly worth the effort to get a grant to do that.

RESOLUTION #228

Councilman Andersen moved, seconded by Councilman Maranville, to authorize Supervisor Gabriels to sign the completed grant application to LWRP for matching funds for Rogers Park Pier to be prepared by ELAN at the contract cost of \$3,500.00. All favorable. Motion carried.

Determine correct and consistent spelling of Padanaram/Padanarum Road
Supervisor Gabriels said that the spelling “Padanarum” is reflected on the current signs and is the spelling also used on all of the tax maps.

RESOLUTION #229

Councilman MacEwan moved, seconded by Councilman Andersen, to proclaim the correct and consistent spelling of the road as “Padanarum”. All favorable. Motion carried.

Discuss new sidewalks from Sagamore Road north to U.S. Post Office (300 linear feet)
Item is pending.

Other Business:

Councilman Saris said that Town Counsel sent a letter to the Lake George Park Commission (LGPC) on behalf of the Bolton TB that the LGPC has basically been overstepping the Town of Bolton’s authority on the administration in stormwater regulations. He said that basically there has been no response from the LGPC to the Bolton TB’s letter and he can tell the TB members that because of his own personal involvement in this matter, because part of this came up because of his application before

January 1, 2008 and to appoint Art Baker and Craig Hannon to the BLDC board with terms commencing immediately. All favorable. Motion carried.

Mitch Monroe wishes to be paid for two (2) weeks (80 hours) unused vacation time – he has accumulated the time

RESOLUTION #221

Councilman Saris moved, seconded by Councilman Andersen, to pay Mitch Monroe for two (2) weeks (80 hours) of unused vacation time. All favorable. Motion carried.

Councilman Andersen said that there is a need for a better policy on unused time and it needs to be evaluated a little differently. He said that he doesn't begrudge it to the people, because they did work it and they are entitled to it, so he doesn't mean it in that respect, but the Town of Bolton keeps seeming to pay all these people for time and at some point it may be better to consider if another employee may be needed in that department. Councilman Andersen continued by saying that at some point that really has to be looked at and reevaluated because sometimes taking your vacation is a lot better for your performance on the job. He added that the TB needs to look out for these people in that sometimes requiring that they take their vacation, and not use it in any other way, might benefit the whole department. Councilman Andersen said that he has no problem paying it, as it has always been done and until it is reviewed and maybe a new written policy done, he doesn't want to change that, but he thinks it needs to be looked at in the future for a number of reasons.

Mitzi Nittmann wishes to be paid for 30.5 hours of unused vacation time – her anniversary date was November 1, 2007 – non-union policy is usually use it or lose it

Councilman Andersen said that he thinks the TB does it for other employees and to single Mitzi Nittmann out, union or not, wouldn't be fair because she has it coming and she is entitled to it. Councilman Saris said that it is important to recognize that union or not, part of this problem happens because the Town of Bolton has responsible people in positions where they know if they took all their time it would be a big inconvenience to the public. He said that in those employees' spirit of public service, they don't want to cripple the department they are in and it is important to take that into consideration that part of the TB's issues are when you have departments that don't have an overabundance of staffing, it could really be hard for a conscientious person to take their time off. Councilman Saris added that often times the Town of Bolton puts its employees in an awkward position, because as a town, they can't stop doing business.

RESOLUTION #222

Councilman Andersen moved, seconded by Councilman MacEwan, to pay Mitzi Nittmann for 30.5 hours of unused vacation time. All favorable. Motion carried.

Consider Zoning Amendment proposed by Atty. Mike Muller on 10/18/07 – NYS Uniform Fire Prevention and Building Code and the Energy Conservation Construction Code read in conformity with Bolton Zoning Code.

the LGPC in the amendment of his marina permit, that the LGPC hasn't agreed with Town Counsel's letter or given him (Saris) any indication that they are not interested in his stormwater information anymore. He added that it is not really an issue for him, because he is complying with what they are requesting of him, but it is an indication that they still have a disagreement with no settlement. He said that he thinks it is a real disservice to the Bolton Planning Board who puts a lot of work into the administration of the stormwater regulations. Councilman Saris said that he doesn't know what the next step is, but he suggests the TB not just leave it be, but that the TB take the next step whether that be another letter written from the TB requesting a meeting with the LGPC to discuss this, as he thinks this is a serious issue. Supervisor Gabriels said that you have to do more than write a letter and he thinks the TB needs to demand a meeting with the LGPC. All TB members agreed. Councilman Saris said that he'd like to invite Bolton PB Chairman H. Koster and Zoning Administrator Pam Kenyon to the meeting. Counsel said that he would like to invite all Bolton PB members, because the Bolton PB is really put through the process by trying to understand stormwater. He added that the present Bolton PB is really fine-tuned into what to look for, what to ask and what they can rely upon and they are a damn good board. Councilman Saris said that for his experience, the Bolton PB, Zoning Administrator and Town Engineer all reviewed his application and it was in compliance with all of them, but the LGPC doesn't have an engineer on staff, but an "expert" for stormwater and on one of the issues their expert doesn't agree with the Town of Bolton's Engineer, so the LGPC takes control over it, which is really problematic as a TB, PB and Zoning Office who go forth with the expertise of the Town Engineer then finds that they are somehow in disagreement with somebody who doesn't even have the credentials as the guy the Town of Bolton is relying on. Supervisor Gabriels said that it is also important that the supervisor to absolutely defend the right of municipal home rule in any instance where they are being encroached upon by any agency, otherwise, if you don't defend it, you're going to lose it. Counsel gave the example of Wayne Smith's dealings with the LGPC as an example. He said that Mike White of the LGPC characterized it that the LGPC was trying to help Wayne Smith by making recommendations on how to make his application and place look better for approval by the LGPC, then Wayne Smith came before the Bolton PB and said he was being held hostage by the LGPC because the LGPC wouldn't even look at his application until he made the recommended changes. Councilman Saris said that what the LGPC did with him is in writing and it is not a suggestion, it is a list of what they need him to do their way and if he didn't do what the LGPC suggested, it stated the LCPC would consider the application incomplete and after 60 days he (Saris) would start the process over again. Councilman Saris said that it wasn't a suggestion on how to make the project better and when he sent in his application to the LGPC, he sent the LGPC his certificate of compliance with the stormwater from the Town of Bolton, so the LGPC knew it was done and over within the Town of Bolton and it had been checked and found to be okay. Counsel said that it is important to note that the Bolton, Lake George Town, Lake George Village and Queensbury did not opt out of home rule prerogative, so those four municipalities have authority on stormwater and Bolton is the best at stormwater of those municipalities. Supervisor Gabriels said that he would like this TB to request a meeting with the LGPC, the LGPC expert and additional Town of Bolton staff and board members to clear this up.

RESOLUTION #230

Councilman Andersen moved, seconded by Councilman Maranville, to authorize Supervisor Gabriels to cordially invite and request the presence of the LGPC (including Mike White, the LGPC Board of Directors and the LGPC expert) to a meeting at the Bolton Town Hall on or about November 26, 2007 with the Bolton TB, Town Counsel, appropriate Town of Bolton staff and Bolton Zoning and Planning Board members to discuss the matter of stormwater authority. All favorable. Motion carried.

RESOLUTION #231

Councilman Saris moved, seconded by Councilman MacEwan, to approve the November 2007 transfers below

FROM	TO	Amount
General Fund:		
16204 Buildings & Grounds	16202 Bldgs & Grounds Equip.	\$ 285.00
19104 Insurance	16704 Central Printing	639.00
19104 Insurance	19504 Water& Sewer	141.00
31201 Police Personal	31204 Police Contractual	2,000.00
19104 Insurance	45604 Health Center	5,000.00
51324 Garage	50102 Supt. Of Hwys Equip	207.00
14304 Handbook	51822 Street Lights	20,000.00
71101 Parks Personal	71104 Parks Cont.	3,600.00
71101 Parks Personal	71504 Conservation Park	472.00
80304 Research	Zoning Ordinance	2,200.00
General Fund to Hwy 5031 Transfers	Highway Fund Budget increase Road Repairs 51104	\$50,000.00

Highway Fund:

Increase Revenues

2300 Transportation Services	\$9,391.00
2401 Interest	<u>8,979.00</u>
	\$24,394.00
51204 Bridges	\$1,000.00
51301 Mechanic PR	7,000.00
51304 Machinery	<u>16,394.00</u>
	\$24,394.00

Water

83102 Administration Equip.	83104 Administration Cont.	\$2652.00
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Sewer

Transfer from General Fund	\$10,000.00
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All favorable. Motion carried.

Comments from Public in Attendance:

as opposed to just going out and there are probably a lot of people who complain about it, but safety has to play a large role—there are a large number of small craft constantly in that area. Supervisor Gabriels asked if the concern is with small craft being hard to see by boats or the number of small craft and Russ Ferris said that it is both and a good number of them are inexperienced. Councilman Maranville asked about the possibility of putting danger buoys in the delta area and Russ Ferris said they are there already. Councilman Andersen said that the danger buoys would never move. Councilman Maranville asked if the NYSDEC has been contacted regarding the change, because he sees it as something that would concern them.

Supervisor Gabriels said that he would like at least one proposed amendment be considered which is language regarding the verbiage to read "northerly tip of the town pier".

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Subsection B. Amend as follows:

"It shall be unlawful for any person to cause to be discharged, within the Town, any sewage except by systems designed, installed, and approved in accordance with the requirements of this Ordinance. The hearing will be held on December 4th at 7 pm

All Favorable. Motion carried.

Close public hearing on Budget 2008

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Councilman Maranville asked to discuss the matter of overtime for the Bolton Police Department. Councilman Saris said that each of the Police Dept. employees have a max because they are retired from other police work and it would affect their retirement, so they are only available to the Town of Bolton for "X" number of hours per year, so if that is already in the budget, then the question is why you would put overtime in the budget if you have already put in the maximum hours they are allowed to work. The TB member consensus was that there shouldn't be any need for overtime if the hours worked are being tracked and the hours are being scheduled accordingly for the maximum allowable hours. Councilman Saris said that is being done.

Councilman Maranville asked about adding \$25,000 into the budget for a vehicle and miscellaneous expenses for the Police Dept. Councilman Andersen asked if any unused money that is put aside for the Police Dept. could be moved and used for something else and Counsel said yes. Deanne Rehm asked if the TB would also put revenue of \$25,000 and follow the money for this or if they are going to just increase appropriations and not increase revenue. Supervisor Gabriels said that would be the next question for the TB members, in that the \$25,000 could be by raising taxes in this year's budget, or obtaining financing for the vehicle, etc.

RESOLUTION#212

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Authorize proclamation thanking Mark Bernstein for use of Camp Walden for Bolton Pride Day October 2007

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Andersen said that he is 100% for the reserve account, but he was under the assumption that the cable would run in the Town of Bolton and from the pole or wire where residents might get the power, he would think that would still be the homeowners' responsibility. Councilman Saris said that he suggests if the TB is to consider establishing a reserve fund that there be some rules or guidelines, because it is one thing if there is a particular long driveway with nine or eleven homes, but it is another thing if there is a particular long driveway and only one home. He said that if the Town of Bolton does that, it is going to take an awful long time, because they will chew up the money in the fund and the benefit won't be going toward the many with miles down the road, it would be going into one thing. Councilman Saris continued by saying that he has a neighbor who built a house on top of the mountain and that is one residence, so that is going to be a huge amount of money spent to get service to one residence. He said the question here is whether or not the TB wants to utilize the money in the reserve account to cover some of those costs or not. Councilman Saris and Councilman Andersen agreed that the TB's priority needs to be to bring service to the town roads that have current established telephone poles first. Supervisor Gabriels asked what dollar amount the TB members would like to begin the reserve account with and the TB members agreed on \$25,000 with a cap of \$100,000. Deanne Rehm said that the TB just adopted a budget with \$25,000 of revenue in it that will be raised by franchise and not property tax, but if the TB now takes that \$25,000 out of this then the TB will have to raise local tax because it is not appropriated anyplace else, it is to offset the other expenses the town has. Supervisor Gabriels disagreed and said that the \$25,000 appropriation was already put in the budget, so it was already taken into account, meaning that the appropriation was already made in this budget.

RESOLUTION #215

Councilman MacEwan moved, seconded by Councilman Maranville, to establish a reserve account for cable television beginning with \$25,000 from the 2008 budget in appropriations and the funding to only be from franchise fees paid quarterly based on franchise agreement. The reserve fund term would be until all roads/property owners have access to cable from the franchise. All favorable. Motion carried.

Preparation of detailed letter to NYSDOT regarding proposed "mill & fill" on Route 9N in 2008

Item is pending.

Need to amend Inter-municipal Agreement with County of Warren for construction improvements to WWTP as part of the WC Sewer Project – elements listed in WC Resolution #339 of 2006

Supervisor Gabriels said the TB members had discussions on this matter, but have to yet make a resolution.

RESOLUTION #216

Councilman Saris moved, seconded by Councilman Maranville to amend the Inter-municipal Agreement with the County of Warren for construction improvements to WWTP as part of the Warren County Sewer Project. All favorable. Motion carried.

Accept/Acknowledge Jennifer Torebka's resignation as minute taker for the Bolton TB/PB/ZBA – position has been advertised with a deadline of November 15, 2007 With much reluctance, TB members acknowledged and accepted Jennifer Torebka's resignation and thanked her for her valued professional service as minute taker for the Bolton TB/PB/ZBA. The consensus was that there was no further action needed beyond the advertisement running to fill this position.

RESOLUTION #217

Councilman Andersen moved, seconded by Councilman Saris to accept Jennifer Torebka's resignation as minute taker for the Bolton TB/PB/ZBA. All favorable. Motion carried.

Accept Lori LaGoy's resignation from Recreation Commission – Advertise for replacements – Resumes to Recreation Commission for their recommendation to the TB

RESOLUTION #218

Councilman Andersen moved, seconded by Councilman MacEwan, to accept Lori LaGoy's resignation from the Recreation Commission. All favorable. Motion carried.

RESOLUTION #219

Councilman Andersen moved, seconded by Councilman Maranville, for the Town of Bolton to advertise for the vacancy on the Recreation Commission. All favorable. Motion carried.

Consider appointing Craig Hannon and others as BLDC members – effective date? Councilman Saris said that he would like to recommend Craig Hannon, Art Baker, Scott Andersen and Alexander Gabriels. He said that Scott Andersen and Alexander Gabriels' terms would be commenced as of January 1, 2008 and Art Baker's and Craig Hannon's terms would commence immediately. Councilman Maranville asked if there is any issue with Scott Andersen or Alexander Gabriels serving on the BLDC and Counsel said that there would not be an issue, since they would no longer be serving in their current capacities as Councilman and Supervisor of the Town of Bolton. Supervisor Gabriels asked if he and Councilman Andersen could vote on this matter and Counsel said yes. Counsel said that the foundation document of the BLDC established that the corporation has a structure so that there would be a minimum of five members and could be greater than five members and the majority of the BLDC board must be people who are not on the TB. Councilman Maranville said that Jon Maranville has expressed an interest in resigning. Counsel said that it would be wonderful for the BLDC to have a full board and added that elected officials cannot be in a position on the BLDC board as an officer, but can be a voting member of the BLDC board.

RESOLUTION #220

Councilman Saris moved, seconded by Councilman Maranville, to appoint Scott Andersen and Alexander Gabriels to the BLDC board with terms commencing as of

Counsel said that it does require a public hearing and the premise for this amendment is where the Town of Bolton zoning isn't specific in its code or in Town Law, it would utilize the NYS Uniform Fire Prevention and Building Code.. He said that would mean that where the Bolton Zoning Code is specific, that is what would be relied on and where the local ordinances are specific, that is what would be relied on, but in the absence of specifics in the Bolton Zoning Code or local ordinances, the Town of Bolton should rely on the NYS Uniform Fire Prevention and Building Code, so there is uniformity within the Town of Bolton in its interpretations

RESOLUTION #223

Councilman Saris moved, seconded by Councilman MacEwan, to schedule a public hearing to proposed amendments to the Town of Bolton Code Chapters 125, 150 and 200.

TO be ADDED to Chapter 125-5D Stormwater and Erosion Control (Stormwater and Erosion Control Regulations:

TO be ADDED to Chapter 150-3C Subdivision of Land (Town of Bolton Land Subdivision Regulations)

TO be ADDED to Chapter 200-8C Zoning (Town of Bolton Zoning Ordinance)

The general applications of the New York State Uniform Fire Prevention and Building Code and the Energy Conservation Construction Code are to be read in conformity with the provisions of this Chapter unless local law, town code or town ordinance in effect specifically authorizes or provides a stricter requirement or specification. The hearing will be held December 4, 2007 at 7:00 p.m. All Favorable. Motion Carried.

Consider Zoning Policy proposed by Atty. Mike Muller on 10/18/07 that all submissions must be date/time stamped by Zoning Office before distribution to others

Counsel said it is not an amendment to the code, but a policy, which the Zoning and Planning Office tell him they are already following. He said that the issue is that there are different versions going out from applicants and what the Town Engineer is getting and reviewing may be entirely different from what the Zoning Office has been given, so when there is an item on an agenda, the information the board is reviewing may be different than that reviewed by the Town Engineer. He said that enacting this policy would ensure everyone is reviewing the same plans. Councilman Andersen said that this was an issue already brought up and he thought it was policy for a number of years now. Counsel said the matter was addressed in a nobler manner in the past, but he would like to have it as a TB policy. Councilman Andersen asked if that would include the letters that are submitted five minutes before a meeting starts and Counsel said no, all letters have a right to be read into the record and he is speaking of the applicants' submissions.

RESOLUTION #224

Councilman Saris moved, seconded by Councilman Andersen, to make it a TB policy that all applicant submissions to the Zoning Administrator and the Zoning and Planning Office must be time and date stamped before distribution to others. All distribution to others is to be done by the Zoning Administrator and the Zoning and Planning Office. All favorable. Motion carried.

Councilman Saris said that he thinks the new policy is a great idea and he likes it because they have set down some specific requirements for someone to be eligible under this policy. Counsel said that he thinks it has to be specific. Councilman Saris said that it is going to force the Town to be consistent, which is most important and he thinks the \$150 civil penalty is very appropriate because it is a motivation that if they take a shortcut of convenience for themselves and inconvenience the Zoning office, it will cost them \$150 to take that shortcut. It will head off problems in the future. He added that he thinks it is a great idea. There may be ideas for future refinement.

RESOLUTION#225

Councilman Saris moved, seconded by Councilman MacEwan to adopt the **Simplified Code Violation Disposition Policy** and under that policy to allow Jeff Streif and James Liebler to apply for a Certificate of Compliance and pay a civil penalty of \$150. This is authorized under Alternative Remedy. The Zoning Administrator, Code Enforcement Office and Counsel with meet and discuss with the Supervisor. All Favorable. Motion Carried.

In the matter of APA, Warren County and Finkle Brook wall restoration. Counsel said that the Town of Bolton is fine on this matter. Supervisor Gabriels asked if the Town of Bolton has brought this to the attention to the APA. Counsel said yes

Approve Water Dept. expenditure of \$8,200 for replacement 20 HP motor and installation of that motor for raw water intake pump
Supervisor Gabriels said that he authorized this today. Councilman Andersen said that this matter was discussed at length at the last budget meeting at which all TB members were present, but this just puts it in the public forum.

RESOLUTION #226

Councilman Andersen moved, seconded by Councilman MacEwan, to approve the Water Dept. expenditure of \$8,200 for replacement of a 20 HP motor and installation of that motor for the raw water intake pump. All favorable. Motion carried.

Discuss issue of rip rapping of NYS owned Rush Island – with private funds and labor – distribution to NYS Officials and AATV?

Supervisor Gabriels gave an overview of the issue. Councilman Andersen said that if Supervisor Gabriels is looking for the TB members to endorse that private funds and labor have the authority to riprap that island. He has no problem with that and if private people want to preserve something like that, it is part of the history of Bolton and there are places named after that, then he thinks the TB should endorse those private people and their private funds to be allowed to do that. Councilman Saris said that the private

people would be doing a public service, because in its present state, Rush Island has become quite a navigational hazard. Supervisor Gabriels said that one of the reasons the NYSDEC Officials are reluctant to give permission is because they (NYSDEC Officials) want it to go to a Unit Management Plan, which their estimate time to complete this Unit Management Plan is 2 ½ -5 years. Councilman Andersen asked how long the Town of Bolton has been waiting for it to go to a Unit Management Plan and Supervisor Gabriels said 37 years.

RESOLUTION #227

Councilman Andersen moved, seconded by Councilman Saris, for the Town of Bolton TB to endorse private individuals with private funds and labor have the authority to rip rap NYS owned Rush Island. All favorable. Motion carried.

Authorize ELAN to prepare grant application to LWRP for matching funds for Rogers Park Pier – contract is \$3,500 – Authorize Supervisor to sign the grant application. Councilman Andersen said that he thinks all TB members agree that they want more docking and more items to take place in Rogers Park, which would be better done with a dock facility/retaining wall. He said that the numbers discussed that night were significant and as soon as the Town of Bolton applies and gets matching funds, it is certainly worth the effort to get a grant to do that.

RESOLUTION #228

Councilman Andersen moved, seconded by Councilman Maranville, to authorize Supervisor Gabriels to sign the completed grant application to LWRP for matching funds for Rogers Park Pier to be prepared by ELAN at the contract cost of \$3,500.00. All favorable. Motion carried.

Determine correct and consistent spelling of Padanaram/Padanarum Road
Supervisor Gabriels said that the spelling “Padanarum” is reflected on the current signs and is the spelling also used on all of the tax maps.

RESOLUTION #229

Councilman MacEwan moved, seconded by Councilman Andersen, to proclaim the correct and consistent spelling of the road as “Padanarum”. All favorable. Motion carried.

Discuss new sidewalks from Sagamore Road north to U.S. Post Office (300 linear feet)
Item is pending.

Other Business:

Councilman Saris said that Town Counsel sent a letter to the Lake George Park Commission (LGPC) on behalf of the Bolton TB that the LGPC has basically been overstepping the Town of Bolton’s authority on the administration in stormwater regulations. He said that basically there has been no response from the LGPC to the Bolton TB’s letter and he can tell the TB members that because of his own personal involvement in this matter, because part of this came up because of his application before

January 1, 2008 and to appoint Art Baker and Craig Hannon to the BLDC board with terms commencing immediately. All favorable. Motion carried.

Mitch Monroe wishes to be paid for two (2) weeks (80 hours) unused vacation time – he has accumulated the time

RESOLUTION #221

Councilman Saris moved, seconded by Councilman Andersen, to pay Mitch Monroe for two (2) weeks (80 hours) of unused vacation time. All favorable. Motion carried.

Councilman Andersen said that there is a need for a better policy on unused time and it needs to be evaluated a little differently. He said that he doesn't begrudge it to the people, because they did work it and they are entitled to it, so he doesn't mean it in that respect, but the Town of Bolton keeps seeming to pay all these people for time and at some point it may be better to consider if another employee may be needed in that department. Councilman Andersen continued by saying that at some point that really has to be looked at and reevaluated because sometimes taking your vacation is a lot better for your performance on the job. He added that the TB needs to look out for these people in that sometimes requiring that they take their vacation, and not use it in any other way, might benefit the whole department. Councilman Andersen said that he has no problem paying it, as it has always been done and until it is reviewed and maybe a new written policy done, he doesn't want to change that, but he thinks it needs to be looked at in the future for a number of reasons.

Mitzi Nittmann wishes to be paid for 30.5 hours of unused vacation time – her anniversary date was November 1, 2007 – non-union policy is usually use it or lose it

Councilman Andersen said that he thinks the TB does it for other employees and to single Mitzi Nittmann out, union or not, wouldn't be fair because she has it coming and she is entitled to it. Councilman Saris said that it is important to recognize that union or not, part of this problem happens because the Town of Bolton has responsible people in positions where they know if they took all their time it would be a big inconvenience to the public. He said that in those employees' spirit of public service, they don't want to cripple the department they are in and it is important to take that into consideration that part of the TB's issues are when you have departments that don't have an overabundance of staffing, it could really be hard for a conscientious person to take their time off. Councilman Saris added that often times the Town of Bolton puts its employees in an awkward position, because as a town, they can't stop doing business.

RESOLUTION #222

Councilman Andersen moved, seconded by Councilman MacEwan, to pay Mitzi Nittmann for 30.5 hours of unused vacation time. All favorable. Motion carried.

Consider Zoning Amendment proposed by Atty. Mike Muller on 10/18/07 – NYS Uniform Fire Prevention and Building Code and the Energy Conservation Construction Code read in conformity with Bolton Zoning Code.

the LGPC in the amendment of his marina permit, that the LGPC hasn't agreed with Town Counsel's letter or given him (Saris) any indication that they are not interested in his stormwater information anymore. He added that it is not really an issue for him, because he is complying with what they are requesting of him, but it is an indication that they still have a disagreement with no settlement. He said that he thinks it is a real disservice to the Bolton Planning Board who puts a lot of work into the administration of the stormwater regulations. Councilman Saris said that he doesn't know what the next step is, but he suggests the TB not just leave it be, but that the TB take the next step whether that be another letter written from the TB requesting a meeting with the LGPC to discuss this, as he thinks this is a serious issue. Supervisor Gabriels said that you have to do more than write a letter and he thinks the TB needs to demand a meeting with the LGPC. All TB members agreed. Councilman Saris said that he'd like to invite Bolton PB Chairman H. Koster and Zoning Administrator Pam Kenyon to the meeting. Counsel said that he would like to invite all Bolton PB members, because the Bolton PB is really put through the process by trying to understand stormwater. He added that the present Bolton PB is really fine-tuned into what to look for, what to ask and what they can rely upon and they are a damn good board. Councilman Saris said that for his experience, the Bolton PB, Zoning Administrator and Town Engineer all reviewed his application and it was in compliance with all of them, but the LGPC doesn't have an engineer on staff, but an "expert" for stormwater and on one of the issues their expert doesn't agree with the Town of Bolton's Engineer, so the LGPC takes control over it, which is really problematic as a TB, PB and Zoning Office who go forth with the expertise of the Town Engineer then finds that they are somehow in disagreement with somebody who doesn't even have the credentials as the guy the Town of Bolton is relying on. Supervisor Gabriels said that it is also important that the supervisor to absolutely defend the right of municipal home rule in any instance where they are being encroached upon by any agency, otherwise, if you don't defend it, you're going to lose it. Counsel gave the example of Wayne Smith's dealings with the LGPC as an example. He said that Mike White of the LGPC characterized it that the LGPC was trying to help Wayne Smith by making recommendations on how to make his application and place look better for approval by the LGPC, then Wayne Smith came before the Bolton PB and said he was being held hostage by the LGPC because the LGPC wouldn't even look at his application until he made the recommended changes. Councilman Saris said that what the LGPC did with him is in writing and it is not a suggestion, it is a list of what they need him to do their way and if he didn't do what the LGPC suggested, it stated the LCPC would consider the application incomplete and after 60 days he (Saris) would start the process over again. Councilman Saris said that it wasn't a suggestion on how to make the project better and when he sent in his application to the LGPC, he sent the LGPC his certificate of compliance with the stormwater from the Town of Bolton, so the LGPC knew it was done and over within the Town of Bolton and it had been checked and found to be okay. Counsel said that it is important to note that the Bolton, Lake George Town, Lake George Village and Queensbury did not opt out of home rule prerogative, so those four municipalities have authority on stormwater and Bolton is the best at stormwater of those municipalities. Supervisor Gabriels said that he would like this TB to request a meeting with the LGPC, the LGPC expert and additional Town of Bolton staff and board members to clear this up.

RESOLUTION #230

Councilman Andersen moved, seconded by Councilman Maranville, to authorize Supervisor Gabriels to cordially invite and request the presence of the LGPC (including Mike White, the LGPC Board of Directors and the LGPC expert) to a meeting at the Bolton Town Hall on or about November 26, 2007 with the Bolton TB, Town Counsel, appropriate Town of Bolton staff and Bolton Zoning and Planning Board members to discuss the matter of stormwater authority. All favorable. Motion carried.

RESOLUTION #231

Councilman Saris moved, seconded by Councilman MacEwan, to approve the November 2007 transfers below

FROM	TO	Amount
General Fund:		
16204 Buildings & Grounds	16202 Bldgs & Grounds Equip.	\$ 285.00
19104 Insurance	16704 Central Printing	639.00
19104 Insurance	19504 Water& Sewer	141.00
31201 Police Personal	31204 Police Contractual	2,000.00
19104 Insurance	45604 Health Center	5,000.00
51324 Garage	50102 Supt. Of Hwys Equip	207.00
14304 Handbook	51822 Street Lights	20,000.00
71101 Parks Personal	71104 Parks Cont.	3,600.00
71101 Parks Personal	71504 Conservation Park	472.00
80304 Research	Zoning Ordinance	2,200.00
General Fund to Hwy 5031 Transfers	Highway Fund Budget increase Road Repairs 51104	\$50,000.00

Highway Fund:

Increase Revenues

2300 Transportation Services	\$9,391.00
2401 Interest	<u>8,979.00</u>
	\$24,394.00
51204 Bridges	\$1,000.00
51301 Mechanic PR	7,000.00
51304 Machinery	<u>16,394.00</u>
	\$24,394.00

Water

83102 Administration Equip.	83104 Administration Cont.	\$2652.00
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Sewer

Transfer from General Fund	\$10,000.00
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All favorable. Motion carried.

Comments from Public in Attendance:

There were no comments from public in attendance at this time.

Approve payment of Town bills:

RESOLUTION #232

Councilman MacEwan moved, seconded by Councilman Maranville to pay the Town bills. All favorable. Motion carried.

RESOLUTION#233

Councilman Maranville moved, seconded by Councilman Saris, to adjourn the regular meeting and enter executive session at 10:20 pm to discuss a contract issue. All Favorable. Motion carried.

Councilman Maranville moved seconded by Councilman Saris to adjourn executive session and reconvene the regular meeting and adjourn at 11:00 pm. All Favorable. Motion carried.

Minutes transcribed by:
Jennifer Torebka
Recording Secretary
11/07/2007

Respectfully submitted by:
Kathleen Simmes
Town Clerk

Summary of Town of Bolton		Fiscal Year: 2008	Fiscal Year: 2008	Fiscal Year: 2008	Fiscal Year: 2008
CODE	FUND	Appropriations and Provisions for Other Uses	Less Estimates Revenues	Less Unexpended Balance	Amount to be Raised by Taxes
A	General Fund	\$2,320,483	\$2,114,025	\$206,458	\$0
DA	Highway Fund	\$1,473,786	\$314,152	\$393,693	\$765,941
TIOAL Gen. Fund & HIGHWAY Fund					\$765,941
F	Fire District	\$442,850	\$0	\$0	\$442,850
L	Light District	\$35,000	\$300	\$0	\$34,700
SS	Sewer District	\$323,274	\$323,274	\$0	\$0
SW	Water District	\$385,425	\$385,425	\$0	\$0
TOTAL:		\$4,980,818	\$3,137,176	\$600,151	\$1,243,491