

REGULAR MEETING  
BOLTON TOWN BOARD

December 3, 2019

Regular Meeting:

Supervisor: Ronald Conover  
Councilman: Robert MacEwan (Absent)  
Councilman: Tim Coon  
Councilmember: Wanda P. Cleavland  
Councilmember: Susan Wilson  
Town Clerk: Jodi Connally (Absent)  
Counsel: Michael Muller

Meeting Call to Order: 6:00 PM.

Pledge: Councilmember Coon

Please stand for a moment of silence for Sandy Pratt and Corinne Proudfoot.

Minutes:

- Approve the November 6, 2019 regular Town Board Meeting Minutes.

**RESOLUTION #227**

Councilmember Cleavland moved, seconded by Councilmember Wilson to approve the minutes of the regular Town Board Meeting held November 6, 2019. **All in Favor. Motion Carried.**

Public Hearings:

Public Hearing regarding outdoor amplification permit represented by Megan Baker for live amplified outdoor music Saturday, August 22, 2020, 6-10pm at 4928 Lake Shore Drive, Rogers Park Gazebo.

- Resolution regarding outdoor amplification permit represented by Megan Baker for live amplified outdoor music Saturday, August 22, 2020, 6-10pm at 4928 Lake Shore Drive, Rogers Park Gazebo.

**RESOLUTION #228**

Councilmember Wilson moved, seconded by Councilmember Cleavland to approve the outdoor amplification permit represented by Megan Baker for live amplified outdoor music Saturday, August 22, 2020, 6-10pm at 4928 Lake Shore Drive, Rogers Park Gazebo. **All in Favor. Motion Carried.**

### **Public Hearing:**

PUBLIC HEARING for the purpose of giving consideration to the AMENDMENT OF ORDINANCE # 28, entitled MECHANICALLY PROPELLED VESSELS. REGULATING THE SPEED OF MOTORBOATS IN THE TOWN OF BOLTON.

Supervisor Conover closed the Public Hearing.

### **RESOLUTION #229**

Councilmember Wilson moved, seconded by Councilmember Coon to table the proposed amendment of Ordinance #28 until the January 2020 meeting to prepare appropriate documents.

**All in Favor. Motion Carried.**

### **Public in Attendance:**

Earl Mikoloski, Captain of the Bolton EMS gave a presentation as to why they seek such a large sum in funds as follows:

- The town appropriation combined with income received from billing of services does not completely cover their operating budget.
- This is one of the reasons they seek additional funding.
- The town has been very accommodating over the years in supporting their operations.
- The budget for the payroll is the biggest expense.
- 10 years ago, they had about 28 volunteers, today they have 10 volunteer members.
- They supply service 24 hours a day 365 days a year, which means they need to have outside help to cover these hours.
- They also need to have certified employees to work these shifts.
- Their payroll is driving the cost, their payroll budget for 2020 is just under \$330,000.
- They asked the town for \$250,000 and they hope to make up the difference through billings for services as well as contributions.
- The residents of the Town of Bolton have been very generous through the years.
- Presently they have only 1 volunteer paramedic who commits to two 12 hour shifts a week, which saves them \$25,000 a year.
- Just 1 more basic volunteer with one shift per week would save them \$10,000 a year.
- Unfortunately, they do not, and they are forced to look outside for paid personnel.
- Many of them work for multiple agencies.
- They have other expenses beyond the payroll.
- They now have to pay for the medications they need to replace where they used to be able to get them from the hospital for free.
- One of the ways they are cutting costs is to only replace their ambulances every 10 years.
- Unfortunately, this is not always cost effective due to repair costs.
- They were very fortunate this year to have a family from town replace an ambulance.

- They also have to operate under a medical director, which is usually a doctor from Glens Falls Hospital, which they have just been informed they will have to pay for moving forward.
- They provide the Town Board and anyone else that would like to see, their expenses and budget for the year.

Councilmember Wilson said that they do not have a tax district to draw from. Tony Hall asked what the EMS annual budget was. Mr. Mikoloski replied that it was \$430,000 for 2020 of which \$330,000 is the payroll.

Zandy Gabriels said the issue of EMS was a hot topic throughout the county. He thinks the town is remiss in only providing them \$250,000 for this year's budget, and he believes they should cover the basic payroll. This is a tourist community and you can't deal without EMS services. He believes the Board should go back and up the budget for the payroll. Supervisor Conover said that \$250,000 was the request from the EMS and the Board has never reduced the amount they have asked for.

Zandy Gabriels inquired what the status of the potential dredging of the Finkle Brook Delta was.

#### Code Enforcement:

#### Correspondence:

- Walter Lender of LGA congratulations regarding election results.
- Assemblyman Daniel Stec congratulations regarding election.
- Harold & Carol Shippey thank you to Highway Department for work on East Schroon River Road.
- NYS Department of Public Service regarding winter outreach campaign.
- NYS DEC notice of availability of urban forestry fund grants.
- New York Municipal Insurance Reciprocal Annual Report.
- ARCC, thank you card
- Mayor Blais, Village of Lake George regarding the Student Connection.
- AARCH MATTERS Year in Review.
- LGA Newsletter.
- Adk. Council Newsletter.
- Living the New Forest Future Annual Report.

#### Committee Reports:

**Councilmember Rob MacEwan (absent)**

**Councilmember Tim Coon**

#### Assessor:

- The office is continually updating sales, addresses, and bank codes as they are received.

- The office is continually working on the valuation project for 2020 along with the updating of new construction and demolition.

#### Water:

- Total flow to distribution for the month of November 2019 is 10,746,837 gallons.
- Monthly total coli-form tests were taken according to the sampling schedule.
- Quarterly Disinfection by product testing was conducted according to sampling schedule.
- Conducted all general maintenance at the water plant, p.r.v. stations, and hydrants.
- Responded to several UFPO's .
- Installed several new Neptune radio read heads to customers who require upgrades.
- Due to a high rainfall event in the early part of the month we had to make a modification to the treatment process. This modification allowed us to better control the quality of water leaving the plant.
- New York rural water was here on 11/13/19 to do system wide leak detection. This leak detection found a leak on a hydrant valve in the south end of town. We had Ellsworth excavating here to replace the valve and hydrant. Upon fixing the leak we then found another leak on the main valve which was adjacent to the hydrant valve. We fixed the leak on the main valve by replacing a section of old main and the valve.

#### Sewer:

- Total flow for the month 6,768,033 gallons for a daily average of 226,000 gallons.
- Casella hauled 40,000 of sludge.
- Justin passed his sewer license and now is a certified grade 2 wastewater operator.
- We assisted Dylan with water break at red gate cottages and valve replacement.
- We attended several training classes through the county.
- We have had several alarms due to high rain totals and we have had several sewer plugs in town.
- On 11/24 we had an upper bed pipe break in the road at the plant we had Kingsley excavating repair the line.
- We conducted sampling twice this month on the bio reactor. The results are very good. Reducing nitrates from 40-80%. Matt attended a meeting at Lake Champlain sea grant, and they are very interested in the process and the technology.
- We have been assisting Dylan at the water plant and helping read water meters and also working weekends to help him out.
- We installed the snow blower on tractor to get ready for the winter.
- We turned all the heat on at the stations and got everything ready for winter.

## **Councilmember Susan Wilson**

### Planning / Zoning:

- Mike, Rich, Mitzi and I met with Jim Martin to review the zoning code update.
- We also meet regularly each month to discuss projects, issues or concerns or to meet with residents.
- Mitzi Nittmann, Town Code Enforcement Officer, retired last Friday after working for over 15 years with the Town. I have never met anyone who has a greater attention to detail than Mitzi. Mitzi – we wish you all the best in retirement and may the years ahead bring you joy, relaxation and lots of fish.

Kudos to Michelle Huck who turned the town into a winter wonderland for the holidays. Michelle even got into a bucket loader to put the star on the top of the Christmas tree.

## **Councilmember Wanda Cleavland**

### Police:

- 36 patrol shifts, 329 reportable activities and 301 property checks.
- 11/15 P.O. Lail hosted the BCS Kindergarten class at the Police Department for annual Community Day.
- 11/23 Chief Neumann and P.O. Spahn provided traffic control and assistance for the annual BCS Turkey Trot.

Councilmember Cleavland said she wanted to thank George Mumblow for the great job he did rebuilding the steps and putting side rails up on the Senior Center.

### Supervisor's Report:

- Deposits: \$ 1,705,627.46
- Disbursements: \$ 1,296,732.42
- Sales Tax: Sales tax receipts for Warren County through October were up 2.9%
- Water main repair completed.
- Winter storm response by Town Departments was excellent, three live edge plows doing an excellent job.
- The Christmas decorations around town look marvelous. A big thank you to Michelle Huck, George Mumblow and the Parks Department.

### New Business:

- Resolution to enter into agreement with homeowners of 5 Anchorage Drive to temporarily remove a portion of the fence along Rogers Park Road.

Supervisor Conover stated this was just a temporary removal so the homeowner could do some repairs to their home.

### **RESOLUTION #230**

Councilmember Coon moved, seconded by Councilmember Wilson to enter into agreement with homeowners of 5 Anchorage Drive to temporarily remove a portion of the fence along Rogers Park Road. **All in Favor. Motion Carried.**

- Resolution authorizing the Bolton Free Library to use the Rogers Park and the Pier from 6pm to 10pm by the Bolton Free Library on August 21, 2020 for a fundraising event.

### **RESOLUTION #231**

Councilmember Cleavland moved, seconded by Councilmember Coon to authorize the Bolton Free Library to use the Rogers Park and the Pier from 6pm to 10pm by the Bolton Free Library on August 21, 2020 for a fundraising event. **All in Favor. Motion Carried.**

- Resolution to authorize the Bolton Chamber of Commerce the use of Rogers Park for the 4th Annual Bolton Live Music Festival Saturday, September 19, 2020 from noon to 9:00pm.

### **RESOLUTION #232**

Councilmember Coon moved, seconded by Councilmember Cleavland to authorize the Bolton Chamber of Commerce the use of Rogers Park for the 4th Annual Bolton Live Music Festival Saturday, September 19, 2020 from noon to 9:00pm. **All in Favor. Motion Carried.**

- Resolution authorizing Town Counsel to represent the Town of Bolton in reference to the Chomiak case.

Atty. Muller explained that this was not a big thing, and it had to do with a lawsuit regarding a death certificate that needed to be changed.

### **RESOLUTION #233**

Councilmember Cleavland moved, seconded by Councilmember Wilson to authorize Town Counsel to represent the Town of Bolton in reference to the Chomiak case. **All in Favor. Motion Carried.**

- Resolution authorizing the Supervisor to enter into a contract with New York Municipal Insurance Reciprocal (NYMIR) for property and casualty insurance for 2020 at a premium amount not to exceed \$79,129.79.

### **RESOLUTION #234**

Councilmember Wilson moved, seconded by Councilmember Cleavland to authorize the Supervisor to enter into a contract with New York Municipal Insurance Reciprocal (NYMIR) for property and casualty insurance for 2020 at a premium amount not to exceed \$79,129.79**All in**

**Favor. Motion Carried.**

- Resolution authorizing the Supervisor to accept change order #9 for the continuation of the zoning update with the LA Group in an amount not to exceed \$10,000.

**RESOLUTION #235**

Councilmember Coon moved, seconded by Councilmember Wilson to authorize the Supervisor to accept change order #9 for the continuation of the zoning update with the LA Group in an amount not to exceed \$10,000. **All in Favor. Motion Carried.**

- Resolution to authorize the Supervisor to enter into a service contract with Mountain Medical for drug testing services for 2020.

**RESOLUTION #236**

Councilmember Cleavland moved, seconded by Councilmember Coon to authorize the Supervisor to enter into a service contract with Mountain Medical for drug testing services for 2020. **All in Favor. Motion Carried.**

- Resolution designating Town of Bolton as lead agency under SEQRA.

**RESOLUTION #237**

Councilmember Coon moved, seconded by Councilmember Wilson to declare the Bolton Town Board as Lead Agency under SEQRA for Veterans Park Master Plan Grant #1000923. **All in Favor. Motion Carried.**

- Resolution regarding SEQRA & LWRP Determinations for Veterans Park Master Plan Grant #1000923.

Councilmember Wilson asked the Board the following questions:

Do any of the Board Members have concerns with any of the items listed in Part C., 1 through 3 of the LWRP Waterfront Assessment Form? No

1. Do any of the Board Members have concerns with any of the items listed 1 through 20 in Part 1, on the SEQRA Form as submitted by the applicant? No
2. Will the proposed action impact any of the items listed 1 through 11 in Part 2 of the SEQRA Form? No

Based upon the materials submitted and accepted as part of the record, our findings are as follows:

- A. The Applicant's SEQRA & LWRP submissions, and our analysis of the issues presented, demonstrates that there are no significant environmental impacts or concerns and it is hereby determined that the action to be taken is consistent with the Town of Bolton Local Waterfront Revitalization Program policies and standards.

- B. The applicant has provided clear and complete responses to issues recited in the SEQRA questionnaire and based upon all information reviewed by this lead agency in its SEQRA analysis, including a thorough “hard look” and consideration of the applicant’s entire submission, and upon all board and public comments received, it is appropriate in the opinion of this lead agency to make a finding that the proposed action will result in no adverse environmental impacts and that any identified adverse environmental impacts will not be significant, or where identified, are sufficiently mitigated by virtue of the conditions imposed in granting approval.

**RESOLUTION #238**

Councilmember Wilson moved, seconded by Councilmember Coon to make a negative declaration with regard to SEQRA & LWRP for the Veterans Park Master Plan Grant #1000923. **All in Favor. Motion Carried.**

- Resolution to close out Veterans Park Master Plan Grant #1000923.

Councilmember Wilson stated that it is hereby resolved that by virtue of the completion of the Veterans Memorial Park project it is appropriate to “close out” the Veterans Park Master Plan Grant #1000923 upon a further finding that the project, as completed meets the requirements and goals of the Local Waterfront Revitalization Program and is consistent as well with the requirements and concerns relative to the State Environmental Quality Review Act.

**RESOLUTION #239**

Councilmember Wilson moved, seconded by Councilmember Cleavland having declared the Bolton Town Board as Lead Agency, and having made a Negative Declaration for the SEQRA Application and a positive Determination of Consistency for the LWRP Application, make a motion to close out Veterans Park Master Plan Grant #1000923.

- Resolution authorizing the purchase of a John Deere 135G FT4 Excavator with a trade in of 2017 John Deere 210GF Excavator from Nortrax, Inc. at a cost not to exceed \$28,862.00.

**RESOLUTION #240**

Councilmember Coon moved, seconded by Councilmember Cleavland to authorize the purchase of a John Deere 135G FT4 Excavator with a trade in of 2017 John Deere 210GF Excavator from Nortrax, Inc. at a cost not to exceed \$28,862.00. **All in Favor. Motion Carried.**

- Resolution to reappoint Andrew Roden to the Board of Assessment Review for a term beginning October 1, 2019 with a term expiration date of September 30, 2024.

**RESOLUTION #241**

Councilmember Cleavland moved, seconded by Councilmember Coon to reappoint Andrew



Roden to the Board of Assessment Review for a term beginning October 1, 2019 with a term expiration date of September 30, 2024. **All in Favor. Motion Carried.**

- Resolution to authorize a \$3,000 contribution to the Student Connection Program administered by the Village of Lake George for 2020.

Supervisor Conover stated that there was a lot of good being done by this program.

**RESOLUTION #242**

Councilmember Wilson moved, seconded by Councilmember Cleavland to authorize a \$3,000 contribution to the Student Connection Program administered by the Village of Lake George for 2020. **All in Favor. Motion Carried.**

- Resolution Granting the State of New York Authority to Perform the Adjustment for the Owner and Agreeing to Maintain Facilities Adjusted Via State-let Contract:

WHEREAS, the New York State Department of Transportation proposes pavement resurfacing and repairs of Route 9N during Pavement Corrective Maintenance 20A in the Town of Bolton located in Warren County, PIN 1810.66, and

WHEREAS, the State will include as part of the construction, reconstruction, or improvement of the above mentioned project the relocation and adjustment to water mains and appurtenances, pursuant to Article II, Section 10, Subdivision 24, of the NY State Highway Law, as shown on the contract plans relating to the project and meeting the requirements of the owner, and

WHEREAS, the service life of the adjusted utilities has not been extended, and

WHEREAS, the State will provide for the reconstruction of the above-mentioned work, as shown on the contract plans relating to the above mentioned project.

NOW, THEREFORE,

BE IT RESOLVED: That the Town of Bolton approves of the relocation of and adjustment to their water mains and appurtenances and the above mentioned work performed on the project and shown on the contract plans relating to the project and that the Town of Bolton will (own and) maintain or cause to be maintained the adjusted facilities performed as above stated and as shown on the contract plans.

BE IT FURTHER RESOLVED that Ronald F. Conover, Supervisor of the Town of Bolton has the authority to sign, with the concurrence of the board any and all documentation that may become necessary as a result of this project as it relates to the Town of Bolton, and

BE IT FURTHER RESOLVED: That the clerk of the Town of Bolton is hereby directed to transmit five (5) certified copies of the foregoing resolution to the New York State Department of Transportation.

Supervisor Conover explained that this was for the paving project on 9N.

**RESOLUTION #243**

Councilmember Coon moved, seconded by Councilmember Cleavland to Grant the State of New York Authority to Perform the Adjustment for the Owner and Agreeing to Maintain Facilities Adjusted Via State-let Contract:

WHEREAS, the New York State Department of Transportation proposes pavement resurfacing and repairs of Route 9N during Pavement Corrective Maintenance 20A in the Town of Bolton located in Warren County, PIN 1810.66, and

WHEREAS, the State will include as part of the construction, reconstruction, or improvement of the above mentioned project the relocation and adjustment to water mains and appurtenances, pursuant to Article II, Section 10, Subdivision 24, of the NY State Highway Law, as shown on the contract plans relating to the project and meeting the requirements of the owner, and

WHEREAS, the service life of the adjusted utilities has not been extended, and

WHEREAS, the State will provide for the reconstruction of the above-mentioned work, as shown on the contract plans relating to the above mentioned project.

NOW, THEREFORE,

BE IT RESOLVED: That the Town of Bolton approves of the relocation of and adjustment to their water mains and appurtenances and the above mentioned work performed on the project and shown on the contract plans relating to the project and that the Town of Bolton will (own and) maintain or cause to be maintained the adjusted facilities performed as above stated and as shown on the contract plans.

BE IT FURTHER RESOLVED that Ronald F. Conover, Supervisor of the Town of Bolton has the authority to sign, with the concurrence of the board any and all documentation that may become necessary as a result of this project as it relates to the Town of Bolton, and

BE IT FURTHER RESOLVED: That the clerk of the Town of Bolton is hereby directed to transmit five (5) certified copies of the foregoing resolution to the New York State Department of Transportation. **All in Favor. Motion Carried.**

Public in Attendance:

Zandy Gabriels inquired about the recent emergency alert that was sent out for the boil water advisory and the contingency account balance.

Supervisor Conover asked for an explanation on the recent boil water advisory. Kate Persons explained that due to the after-hour change by NYS DOH in the area effected for the boil water advisory, the alert had to be resent out remotely. The remote capabilities, at that time, only allowed for the entire water district to be notified, which is why the notification detailed that the only customers affected were south of the Algonquin and to check the Town of Bolton website for updates. Once the boil water was lifted, a new notice was sent to the affected customers and the website was updated.

**RESOLUTION #244**

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

TRANSFERS FOR DECEMBER 2019:

To	From	Amount
<u>GENERAL:</u>		
1110.1 Justices PS	1110.2 Justices EQ	\$1,938.00
1355.1 Assessor PS	1355.2 Assessor EQ	\$605.00
1355.4 Assessor CE	1990.4 Contingency	\$11,000.00
1440.4 Professional Services	1620.2 Buildings/Grounds EQ	\$4,760.00
3120.4 Police/Constable CE	3120.1 Police/Constable PS	\$4,409.00
5132.4 Garage CE	5182.4 Street Lighting CE	\$1,622.00
8010.1 Zoning/Planning PS	1990.4 Contingency	\$3,821.00
8160.1 Refuse/Garbage PS	1990.4 Contingency	\$5,219.00
8160.4 Refuse/Garbage	1990.4 Contingency	\$9,700.00
8664.1 Codes Enforcement PS	8510.1 Comm Beautification PS	\$2,182.00
<u>HIGHWAY:</u>		
5110.2 Repairs/Storm Damage	5130.1 Machinery PS	\$5,740.00
5110.4 General Repairs CE	5110.1 General Repairs PS	\$11,861.00
5112.2 Permanent Imp EQ	Fund Balance	\$14,706.00
5130.4 Machinery CE	Fund Balance	\$16,023.00
5142.4 Snow Removal CE	1440.4 Professional Services	\$4,936.00
<u>WATER:</u>		
8330.4 Purification CE	8330.2 Purification EQ	\$1,437.00
8340.4 Trans/Distr CE	Fund Balance	\$17,401.00
<u>SEWER:</u>		
8110.1 Administration PS	Fund Balance	\$8,500.00
8110.4 Administration CE	9060.8 Medical Ins (Town Share)	\$2,234.00
8120.4 Sanitary Sewers CE	Fund Balance	\$4,704.00
8130.4 Treatment/Disposal CE	Fund Balance	\$9,852.00

ADDITIONAL TRANSFERS FOR NOVEMBER 2019

\$200,000. To be transferred to Highway District from General Fund

To	From	Amount
<u>GENERAL:</u>		
7450.4 Museum CE	1620.2 Buildings/Grounds EQ	\$14,000.00
 <u>SEWER:</u>		
8110.1 Administration PS	1950.4 Judgments/Claims	\$727.00
8110.2 Administration EQ	1950.4 Judgments/Claims	\$746.00
8130.4 Treatment/Disposal CE	1950.4 Judgments/Claims	\$225.00

**RESOLUTION #245**

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

Pay the Bills:

Abstract 11A	Voucher	
General	1719-1756	123,510.66
Highway	474	50,655.00
Sewer	395-403	11,786.84
Water	327-329	10,708.02
St Lights	40-41	65.07
 Abstract 12		
General	1630-1718 1757-1799	\$65,891.34
Highway	460-473 475-494	58,014.51
Sewer	375-394 404-413	17,236.03
Water	308-326 330-337	24,350.99
Sewer Improve	40-41	2,885.00
Water Improve	7	7,385.00
Tourism	50	4,000.00
Roger's Park Phase 5	4	402.51
Roger's Park Phase 4	5	8,727.28
St Lights	42	553.29

Motion to Adjourn

**RESOLUTION #246**

Councilmember Cleavland moved, seconded by Councilmember Wilson adjourn. **All in Favor.**  
**Motion Carried.**

Adjourn: 6:49pm

Minutes respectfully submitted by:

Jodi Connally  
Town Clerk

Katie Persons  
Minute Taker