

REGULAR MEETING
BOLTON TOWN BOARD

July 5, 2023

Regular Meeting:

Supervisor: Ronald Conover
Councilmember: Robert MacEwan
Councilmember: Brendan Murnane - Absent
Councilmember: Wanda P. Cleavland
Councilmember: Susan Wilson
Director of Planning & Zoning Josh Westfall
Town Clerk: Jodi Petteys
Counsel: Brian Reichenbach

Meeting Call to Order: 6:00PM.

Pledge: Councilmember MacEwan

Minutes:

- Approve the June 6, 2023 Town Board Meeting Minutes.

RESOLUTION #173

Councilmember MacEwan moved, seconded by Councilmember Cleavland to approve the June 6, 2023 Town Board Meeting Minutes. **All in Favor. Motion Carried.**

- Approve the June 13 and June 20, 2023 Special Town Board Meeting Minutes.

RESOLUTION #174

Councilmember Wilson moved, seconded by Councilmember MacEwan to approve June 13 and June 20, 2023 Special Town Board Meeting Minutes. **All in Favor. Motion Carried.**

PUBLIC HEARINGS:

Public hearing on Local Law #5 of 2023 Chapter #126 STREAM CORRIDOR MANAGEMENT REGULATIONS.

- Resolution to close the Public Hearing for Local Law #5 of 2023.

RESOLUTION #175

Councilmember Cleavland moved, seconded by Councilmember MacEwan to close the Public Hearing for Local Law #5 of 2023. **All in Favor. Motion Carried.**

- Resolution designation Bolton Town Board as lead agency under SEQRA.

RESOLUTION #176

Councilmember Wilson moved, seconded by Councilmember Cleavland to declare the Bolton Town Board as Lead Agency under SEQRA & LWRP for the proposed Local Law #5 of 2023. **All in Favor. Motion Carried.**

- Resolution regarding SEQRA & LWRP determinations.

Atty. Reichenbach went through Part II of the Type I SEQRA with the Board and asked the Board the following question:

1. Will the proposed action impact any of the items listed 1 through 18 in Part 2 of the SEQRA Form? No

Atty. Reichenbach stated that based on the Boards responses he believes that it is acceptable for the Board to make a negative declaration on any adverse negative environmental impacts.

Councilmember Wilson asked the Board the following:

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

Upon review of the information recorded on the Type I SEQRA Environmental Assessment Form (EAF); and, considering both the magnitude and importance of each identified potential impact, it is the conclusion of this lead agency that this project will result in no significant adverse impacts on the environment; and, therefore, an Environmental Impact Statement need not be prepared. It has also been determined that the action to be taken is consistent with the Town of Bolton Local Waterfront Revitalization Program policies and standards.

RESOLUTION #177

Councilmember Wilson moved, seconded by Councilmember MacEwan to issue a Negative Declaration for this SEQRA application and a determination that the project is consistent with Town of Bolton Local Waterfront Revitalization Program policies and standards for proposed Local Law #5 of 2023. **All in Favor. Motion Carried.**

- Resolution to adopt Local Law #5 of 2023.

RESOLUTION #178

Councilmember Wilson moved, seconded by Councilmember Cleavland having declared the Town of Bolton as Lead Agency, held a Public Hearing, made a Negative Declaration for the Type I SEQRA Application and a Positive Determination of Consistency for the LWRP Application, I make a motion to adopt Local Law #5, CHAPTER #126 STREAM CORRIDOR MANAGEMENT REGULATIONS as follows:

WHEREAS, the Town Board of the Town of Bolton finds that the Town of Bolton needs to keep pace with the reality of development within the Town and to stay consistent with regulations of the Lake George Park Commission regulating stream corridor management and soil erosion and to protect the waters that run into Lake George; and

WHEREAS, the Town Board directed that a Public Hearing regarding proposed Local Law No. 5 of 2023, adding a new Chapter 126, the Town of Bolton Stream Corridor Management Regulations, be scheduled and notice of the Public Hearing be published as required by law; and

WHEREAS, the Town Board has reviewed the draft Local Law adding a new Chapter 126, the Town of Bolton Stream Corridor Management Regulations and considered any comments provided at the Public Hearing, and finds that it would be appropriate and desirable to adopt Local Law No. 5 of 2023 as set forth below;

NOW, THEREFORE, BE IT ENACTED BY THE BOLTON TOWN BOARD:

Chapter 126

Stream Corridor Management Regulations for the Town of Bolton

§126-1. Purpose and Intent.

The purpose of this chapter is to establish permit requirements and standards for the protection of stream corridors within the Town of Bolton; to protect and safeguard the general health, safety, and welfare of the public residing in or visiting the town by preserving and protecting the quality of the ground and surface waters. This chapter has the following specific objectives:

To preserve the water quality of Lake George and its tributaries.

To protect the riparian and aquatic ecosystems of streams within the Lake George.

To provide for the environmentally sound use of the Lake George and land resources.

Section §126-2. Definitions.

A. Terms used in this Chapter shall have the following meaning:

AGRICULTURAL ACTIVITIES

The activities of an active farm including grazing and watering livestock, irrigating crops, harvesting crops, and using land for growing agricultural products, but shall not include the operation of a dude ranch or similar operation, or the construction of new structures associated with agricultural activities.

COMMISSION

The Lake George Park Commission.

DEPARTMENT

The Department of Environmental Conservation of the State of New York.

DESIGNATED STREAM CORRIDOR

The stream bed and the area extending thirty-five (35) feet from the high-water mark on each side of a stream.

DEVELOPMENT

Any building, construction, expansion, alteration, modification, demolition or other activity, including land clearing, land disturbance, grading, roadway construction or expansion, mining or mineral extraction which materially changes the use or appearance of land or a structure, or the intensity of the use of land, or the creation of a subdivision which may result in such activity, but not including interior renovations to a structure, a change in use of a structure which results in no land disturbance

DEVELOPMENT AREA OR SITE

Any parcel of property or lot or combination of contiguous lots which (a) are in common ownership, or (b) are in diverse ownership where development is to occur in common. For the purposes of this Ordinance contiguous lands shall include those separated by a public highway.

DISTURBED AREA

That part of a development site area where actual land disturbance, vegetation removal, or construction of buildings, structures or utilities will occur or has occurred.

EXISTING DEVELOPMENT

Buildings, structures, impervious areas, landscaped areas, utilities, and accessory structures present on the effective date of this chapter.

HIGH WATER MARK (HWM) OF A STREAM

A line along the banks of a stream that is the approximate seasonal peak water level as indicated by the cut of the bank and the demarcation between terrestrial and aquatic vegetation. For the purpose of determining the high-water mark, ponds of one acre or less within the stream shall be included.

EROSION

The wearing away of the land surface by water, wind, or ice or the detachment and movement of soil or rock fragments by water, wind, ice or gravity.

IMPERVIOUS AREA

All impermeable surfaces that cannot effectively infiltrate rainfall. This includes paved, concrete and gravel surfaces (i.e. parking lots, driveways, roads, runways and sidewalks); building rooftops and miscellaneous impermeable structures such as patios, pools, and sheds.

INFILTRATION

The downward movement of water from the surface to the subsoil. Infiltration rate is typically expressed as inches per hour.

LAND DISTURBANCE OR LAND CLEARING

Grading, digging, cutting, scraping, excavating, removing of soil, placement of fill, paving or otherwise covering, construction, substantial removal of natural or human-made vegetation, replacement of natural vegetation with lawn or other human-made vegetation, demolition or other removal of human-made features, or any activity which bares soil or rock. For the purposes of calculating the square footage affected by any development in order to determine a project's classification, all affected areas of the development site shall be considered in aggregate whether or not the affected areas are contiguous, however the calculation shall not include areas used for (i) approved wastewater treatment systems, (ii) stormwater retrofit projects, or (iii) infiltration devices for new development. Infiltration devices located in areas that would otherwise be impacted by development activity shall be considered in the calculation of land disturbance (eg. porous pavement, infiltration chambers beneath a parking lot).

LANDSCAPED AREA

An area of vegetation which has been actively maintained as a lawn, garden, hedge, or planting bed.

LAWN

Any non-crop land area that is covered by any grass species. Lawn or non-agricultural turf does not mean flower or vegetable gardens, pasture, hayland, trees, shrubs, turf grown on turf farms, or any form of agricultural production.

PEAK FLOW

The maximum instantaneous flow of water from a given condition at a specific location.

PERSON

Any individual, firm, partnership, club, trust, company, association, cooperative, corporation (including a government corporation), municipality, the State or Federal government and any agency thereof.

POROUS PAVEMENT

An open graded paving material which allows water to pass through it.

PROJECT

Any land use or development activity proposed by an applicant which is subject to this Chapter.

PROJECT LIFE

The anticipated or actual time a project will be used, utilized or remain in functional existence.

SILVICULTURE ACTIVITY

The practice of controlling the establishment, composition, constitution, and growth of forests. Silvicultural activities include: site preparation for forest regeneration; reforestation (including subsequent cultural treatment); thinning; prescribed burning; pest and fire control; harvesting operations; surface drainage; harvest related road/trail construction and maintenance; and nursery

operations. Tree removal in preparation for development or other conversion to a non-forestry use is not silviculture.

SITE - (See Development Area)

STORMWATER

Water produced by precipitation including snow melt which does not evaporate, and which flows over a natural or human-made surface or into a natural or human-made channel.

STORMWATER CONCEPT PLAN OR SCP

A report prepared in accordance with Schedule B of this Ordinance or on behalf of a project sponsor which includes analysis of a site's environmental characteristics, potential impacts of the development on water resources and the effectiveness and acceptability of the proposed stormwater management system in order to determine the types of stormwater measures necessary for the proposed development.

STORMWATER CONTROL MEASURES

All those natural and man-made structures, infiltration devices, erosion controls, systems, facilities, agreements, institutional arrangements, and financial provisions to manage stormwater including, but not limited to, any of the following: dry wells, pits of crushed rock, infiltration trenches, retention ponds, detention ponds, blind ditches, swales, pipes, culverts, natural depressions, porous paving, recharge areas, and basins.

STORMWATER CONTROL REPORT OR SCR

A report prepared in accordance with Schedule B of this Ordinance or on behalf of a project sponsor which evaluates the quantity and quality of stormwater runoff resulting from the proposed project. The report shall include a set of drawings and other documents to provide all the necessary information and specifications pertaining to stormwater management and associated pollution control for a particular site. The SCR is intended to implement the SCP.

STORMWATER DESIGN

The written narrative, maps, and diagrams prepared for the purpose of runoff control on a specific development site, based upon survey and analysis of the site.

STORMWATER MANAGEMENT

- A. For quantitative control, a system of vegetative and structural measures that control the increased volume and rate of surface runoff caused by human-made changes to the land; and
- B. For qualitative control, a system of vegetative, structural and other measures that reduce or eliminate pollutants that might otherwise be carried by surface runoff.

STORMWATER MANAGEMENT MAINTENANCE AGREEMENT

An agreement between the project sponsor and some other entity to ensure adequate maintenance and repair of the stormwater management system over the life of the project.

STORMWATER MANAGEMENT PLAN OR PLAN

A local stormwater management plan adopted by a municipality pursuant to this Chapter and Environmental Conservation Law section 43-0112.

STORMWATER RECHARGE AREA

An area of land used for the purpose of infiltrating stormwater.

STORMWATER REGULATORY PROGRAM OR PROGRAM

A local stormwater regulatory control program adopted by a municipality pursuant to 6NYCRR 646-4 and Environmental Conservation Law section 43-0112.

STORMWATER RETROFIT PROJECT

An activity undertaken for the purpose of reducing stormwater runoff volume, velocity, and/or pollutants generated from pre-development conditions, and which is undertaken or approved by the municipality in which the project is located, the county Soil and Water Conservation District, or the Commission.

STORMWATER RUNOFF

Any surface water runoff or runoff in channels which results directly either from a rainstorm or from the melting of snowpack.

STREAM

An AA-special perennial stream designated or mapped by the Department.

STREAM BED

The flow area of a stream at and below the high-water mark of a stream.

SURFACE WATER RUNOFF

water which flows over the land and does not percolate into the soil, and which may run off as a sheet, rill or stream flow.

WATER BODY

any lake, pond, river, stream, intermittent stream or wetland.

WATER TABLE

the upper surface or top of the saturated portion of the soil or bedrock layer, indicating the upper extent of groundwater.

WATERSHED

the total drainage area contributing runoff to a single point.

WETLAND

an area designated as a freshwater wetland by the New York State Adirondack Park Agency.

§126-3. Prohibitions.

- A. No person shall undertake development, land disturbance, or land clearing in a designated stream corridor without first receiving a permit pursuant to this Chapter.
- B. No person shall disturb the stream bed of any stream without first receiving a permit pursuant to this Chapter.

- C. No person shall discharge, throw, or abandon any foul, noxious or deleterious substance into a stream or designated stream corridor.
- D. No person shall fail to conform to any permit issued pursuant to this Chapter.
- E. No person or owner of real property located within the Town of Bolton shall create or maintain a condition on such property, which due to a human disturbance of land or vegetative cover, or soil, results in the erosion of soil into any water body or designated stream corridor. Such condition shall be a violation of this Article with an additional violation for each day the condition continues.

§126-4. Exemptions.

- A. The permit requirements in Chapter §125-13 Permit application review procedures shall not apply to any of the following:
 - (1) Emergency actions necessary to protect the public health, safety, or welfare or to prevent damage to private property for which notice is provided to the Town within 72 hours after the emergency action.
 - (2) Any project that received required approvals prior to the effective date of this Chapter.
 - (3) Projects located entirely outside the Lake George watershed.
 - (4) Maintenance of structures, utility rights-of-way, impervious areas and landscaped areas existing on the effective date of this Chapter, which do not increase the footprint of existing development, do not involve stream crossings, and do not require disturbance to the stream bed.
 - (5) Removal of storm damaged trees that are a hazard to people or buildings.
 - (6) Construction of a fence.
 - (7) Agricultural and silviculture activities exempted by Chapter 125, respectively. Note, though permit requirements are waived, any activity in a stream corridor must comply with all design standards of §126-7 and §126-8, except as noted in §126-6 below.
 - (8) Any activities that conform with the standards of §126-8 to the maximum extent practicable, and for which a permit or authorization has been issued by the Department pursuant to the processes, procedures, and standards set forth shall be exempt from §126-5 (b) above.

§126-5. Provisions Relating to Silviculture Activity.

- A. The permit requirements in §126-3 shall not apply to silviculture activity provided all of the following are met:
 - (1) the project qualifies for exemption from stormwater regulations at §126-6, and the property owner, their agents or assigns, provides a completed notice of intent to harvest timber checklist to the Town a minimum of fifteen (15) days in advance of starting land disturbance or vegetation removal, and posts a copy of the notice of intent to harvest timber checklist in a conspicuous location at the access to the property to be harvested,

- (2) the project complies with the Standards for the Protection of Designated Stream Corridors at 6 126-7 of this Chapter,
 - (3) any stream crossings are authorized by the Department's General Permit for Temporary Bridges/Culverts for Logging Activities. The conditions of the Department's General Permit for Temporary Bridges/Culverts for Logging Activities shall control over standards for Stream Crossings and Stream Bed Disturbances at §126-5,
 - (4) except as necessary for stream crossings, there shall be no wood roads, skid trails, or log landings within designated stream corridors
 - (5) the number of crossings per site shall not exceed one per 1,000 feet of stream
 - (6) the project is in accordance with the New York State Forestry Voluntary Best Management Practices for Water Quality: BMP Field Guide 2018 Edition (nysbmpguidelines.com).
- B. The notice of intent to harvest timber checklist shall be submitted on forms made available by the Town. A notice of intent to harvest timber checklist may cover a period of up to three years.
- C. If the Town determines that the scope of vegetation removal, road construction, excavation, land clearing or land disturbance proposed or undertaken under a permit exemption for silvicultural activity constitutes development or otherwise poses a threat to the natural resources of the Park, it shall give written notice to the property owner that a permit is required pursuant to this Chapter. After such notice, failure by any person to obtain a permit or conform to the permit requirements shall constitute a violation of this Chapter.
- D. No person shall undertake silviculture activity or vegetative removal in a designated stream corridor except in accordance with New York State Forestry Best Management Practices for Water Quality. Whenever the Town determines that timber harvesting or vegetative removal is occurring or has occurred in a manner not in accordance with the New York State Forestry Best Management Practices for Water Quality, it shall give notice to the property owner setting forth a reasonable period of time to undertake specific corrective action. Failure to undertake the specific corrective action prescribed in the notice within the period of time shall constitute a violation of this Article. Each day the property owner fails to undertake the specific corrective action after the period of time shall be a separate violation.

§126-6. Project Classification.

Minor and Major project classifications established in Chapter §125-9 shall apply to any project that requires permit pursuant to this Article. Said permit shall be approved as outlined in Chapter 125.

- A. Minor Project. In a stream corridor involving disturbance of less than 15,000 sq./ft. a project shall be classified as minor.
- B. Major Project. In a Stream Corridor where disturbance is greater than 15,000 sq./ft. a project shall be classified as major.

§126-7. Standards for the Protection of Designated Stream Corridors.

- A. The following standards shall apply to all development, land disturbance, and land clearing within a designated stream corridor:
- (1) within 6 feet of the high-water mark of a stream no vegetation may be removed, except that a contiguous clear-cut opening may be created. The opening shall not exceed 30% of the stream length on a site or a maximum of 75 linear feet, whichever is less.
 - (2) between 6 feet and 35 feet from the highwater mark of a stream no woody vegetation greater than one inch in diameter at 4.5 feet above ground elevation may be removed, except that a contiguous clear-cut opening may be created. The opening shall not exceed 30% of the stream length on a site or a maximum of 75 linear feet, whichever is less.
 - (3) a maximum of 100 square feet of new impervious area or 400 square feet of porous pavement (i.e., porous pavers) may be created on a site.
 - (4) where development exists within a designated stream corridor prior to the effective date of this Chapter, these areas are to be considered in aggregate with any proposed development, land disturbance, and land clearing such that the total development within a designated stream corridor complies with the standards above. If development within a designated stream corridor exists prior to the effective date of this Article and exceeds the standards above, it may be maintained in perpetuity.
- B. Prior to the issuance of a permit pursuant to this Chapter, the Town shall ascertain the probable effect of the project on the water quality of the stream and the Lake and on the natural resources of the Park including the flora and fauna. When it is determined that the proposed activity will endanger the health, safety or welfare of the public or lead to unnecessary, uncontrolled or undue impacts to water quality, to the natural resources of the Park or to the physical or ecological integrity of a designated stream corridor, the permit shall be denied.

§126-8. Standards for Stream Crossings and Stream Bed Disturbances.

- A. The following criteria shall apply to all stream crossings and stream bed disturbances.
- (1) Stream crossing, channelization, or piping is allowed only for utility crossings, logging roads, public roads (including subdivision roads to be accepted), approved private roads, and driveways to access private real property.
 - (2) Separate road and utility crossings shall not be approved when the consolidation of the proposed crossings is feasible.
 - (3) When separate road and utility crossings are necessary, the preferred methodology for utility establishment shall be by directional boring under the stream bed.
 - (4) The number of crossings shall be limited to one per site per stream.
 - (5) When culverts or arches are used, they shall be used so as to maintain the natural course and bed of the stream.

- (6) Culverts and arches must be sized and designed in accordance with standard design practices, including allowing for safe passage for wildlife and floodplain flows.
- (8) All stream crossings shall be designed to safely pass the fifty (50)-year, peak storm event. The Town may require additional design features it determines necessary to prevent a hazard to downstream property and natural resources.
- (9) Stream crossings shall not impound water during the 10-year storm event.
- (10) Stream crossing structures shall be designed to span one and one-fourth (1.25) times the stream bed width.
- (11) Culverts shall be embedded twenty percent (20%) along their entire linear length.
- (12) Any stream bed disturbance shall promote the natural shape, slope, and substrate of a stream.
- (13) Any stream bed disturbance shall be limited to the minimum disturbance necessary.
- (14) Creation of land disturbance and impervious areas for driveways and roads shall be limited to a maximum width of twenty (20) feet and thirty (30) feet, respectively. If this standard conflicts with standards at §126-7 (a) (1-3), this provision shall control.
- (15) Crossings that convey wastewater shall be depicted on a survey map prepared and stamped by a professional surveyor licensed to operate in New York State. The survey map shall be filed with the Office of the County Clerk in the county where the property is located.
- (16) No permit shall be issued pursuant to this Chapter unless the Town Board first determines that the activity is reasonable and necessary, will not endanger the health, safety, or welfare of the public, and will not cause damage to downstream properties or the natural resources of the Lake George.

§126-9. Plan Requirements.

- A. Project plans shall be required to include information the Town Board determines is reasonably necessary to complete its review and generally shall include plan views of proposed and existing buildings and impervious areas, grading plans, temporary erosion and sedimentation controls, limits of clearing, areas of selective cutting, location of trees to be removed, soil tests, slopes, landscape and plantings and buffer areas to be protected. Designated stream corridors shall be depicted on subdivision plats submitted for approval.
- B. Plans may include proposed restoration, plantings, and conservation areas to demonstrate compliance with the standards at §126-7.

§126-10. Administration.

- A. A variance to any standard in this Chapter shall be processed in accordance with the requirements outlined in Chapter 200 of Bolton Town Code, particularly Article X. Variances.
- B. Whenever the permit requirements of this Chapter apply in conjunction with the requirements of the stormwater management regulations at §126-4, a single application form, fee, and permit processing shall be required.

- C. The fee for permits required pursuant to the Chapter shall be those established for major and minor stormwater projects pursuant to Chapter §125 Stormwater and Erosion Control.
- D. In addition to or as an alternative to any penalty provided herein or by law, any person that violates this regulation may be required to restore land to its undisturbed condition.
- G. The Town Zoning Administrator, or their designated agents may enforce all portions of this Chapter with all rights as outlined herein and in Chapter 200 Zoning., Chapter 125 Stormwater and Erosion Control, and Chapter 150 Subdivision.

§126-11. Severability.

The invalidity of any section or provision of this chapter shall not invalidate any other section or provision thereof.

126-12. Interpretation; Conflict.

In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements, adopted for the promotion of public health, morals, safety or the general welfare. It is not intended to interfere with, abrogate or annul other rules, regulations or ordinances, provided that whenever the requirements of this chapter are at variance with the requirements of any other lawfully adopted regulations, rules or ordinances, the most restrictive or those which impose the highest standards shall govern.

§126-13. Effective Date.

This Local Law shall be effective upon filing with the New York State Secretary of State.

AYES : Supervisor Conover, Councilmember Wilson, Councilmember MacEwan, Councilmember Cleveland

NOES :

ABSENT : Councilmember Murnane

PUBLIC HEARING: in regard to Local Law #6 of 2023 ADDING A NOTE TO EACH SCHEDULE OF AREA, BULK AND HEIGHT REGULATION TABLE ATTACHMENT TO SECTION 200-15 OF THE ZONING LAW OF THE TOWN OF BOLTON.

Zandy Gabriels stated he had trouble finding the information on the website.

- Resolution to close the Public Hearing for Local Law #6 of 2023.

RESOLUTION #179

Councilmember Wilson moved, seconded by Councilmember MacEwan, to close the Public Hearing for Local Law #6 of 2023. **All in Favor. Motion Carried**

- Resolution designation Bolton Town Board as lead agency under SEQRA.

RESOLUTION #180

Councilmember Wilson moved, seconded by Councilmember Cleavland to declare the Bolton Town Board as Lead Agency under SEQRA & LWRP for the proposed Local Law #6 of 2023. **All in Favor. Motion Carried.**

- Resolution regarding SEQRA & LWRP determinations.

Atty. Reichenbach went through Part II of the Type I SEQRA with the Board and asked the Board the following question:

1. Will the proposed action impact any of the items listed 1 through 18 in Part 2 of the SEQRA Form”? No

Atty. Reichenbach stated that based on the Boards responses he believes that it is acceptable and appropriate for the Board to make a negative declaration on any adverse negative environmental impacts.

Councilmember Wilson asked the Board the following:

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

Upon review of the information recorded on the SEQRA Environmental Assessment Form (EAF); and, considering both the magnitude and importance of each identified potential impact, it is the conclusion of this lead agency that this project will result in no significant adverse impacts on the environment; and, therefore, an Environmental Impact Statement need not be prepared. It has also been determined that the action to be taken is consistent with the Town of Bolton Local Waterfront Revitalization Program policies and standards.

RESOLUTION #181

Councilmember Wilson moved, seconded by Councilmember MacEwan to issue a Negative Declaration for this SEQRA application and a determination that the project is consistent with Town of Bolton Local Waterfront Revitalization Program policies and standards for proposed Local Law #6 of 2023. **All in Favor. Motion Carried.**

- Resolution to adopt Local Law #6 of 2023.

RESOLUTION #182

Councilmember Wilson moved, seconded by Councilmember Cleavland having declared the Town of Bolton as Lead Agency, held a Public Hearing, made a Negative Declaration for the Type I SEQRA Application and a Positive Determination of Consistency for the LWRP Application, to make a motion to adopt Local Law to adopt Local Law #6 of 2023 as follows:

ADDING A NOTE TO EACH SCHEDULE OF AREA, BULK AND HEIGHT REGULATION TABLE ATTACHMENT TO SECTION 200-15 OF THE ZONING LAW OF THE TOWN OF BOLTON

WHEREAS, the Town Board of the Town of Bolton finds that adding a Note to the area, bulk and height regulation table of each zoning district in the Town of Bolton will ensure that the townhouses are treated as single buildings as opposed to individual units for lot size, setbacks shoreline restrictions maximum lot coverage and maximum building height that such a change will ensure that the Zoning Law is consistently applied; and

WHEREAS, the Town Board directed that a Public Hearing regarding proposed Local Law No. 6 of 2023, adding the Note to the attachment tables of the Zoning Law, be scheduled and notice of the Public Hearing be published as required by law; and

WHEREAS, the Town Board has reviewed the draft Local Law adding the Note to the attachment and tables, considered any comments provided at the Public Hearing, and finds that it would be appropriate and desirable to adopt Local Law No. 6 of 2023 as set forth below;

NOW, THEREFORE, BE IT ENACTED BY THE BOLTON TOWN BOARD:

Section 1. Authority – This Local Law is adopted pursuant to New York Municipal Home Rule Law and New York Town Law.

Section 2. The Zoning Law of the Town of Bolton, Chapter 200, Section 200-15, “Zoning Schedule of Area, Bulk and Height Controls”, is hereby amended to add the following note to each Attachment (4, 5, 6, 7, 8, 9 and 10):

“+ Individual townhouse units shall not be subject to the above Minimum Lot Size, Minimum Setbacks, Minimum Shoreline Restrictions or Percent of Lot Coverage so long as the

overall structure in which the townhouse unit is situated complies with the above area and bulk regulations.”

Section 3. Severability – The invalidity of any clause, sentence, paragraph or provision of this Local Law shall not invalidate any other clause, sentence, paragraph or part hereof.

Section 4. Repealer; Supersession – All Local Laws, Ordinances or Resolutions or parts of Local Laws, Ordinances or Resolutions in conflict with any part of this Local Law are hereby repealed.

Section 5. Effective Date – This Local Law shall take effect upon filing in the office of the New York State Secretary of State.

AYES : Supervisor Conover, Councilmember Cleavland, Councilmember MacEwan & Councilmember Wilson.

NOES :

ABSENT : Councilmember Murnane

PUBLIC HEARING: Approving the Main Pump Station Upgrade Project.

Zandy Gabriels asked for information as to what the upgrade was for. Kathy Suozzo of KLSPE explained the details of the project.

- Resolution to close the Public Hearing for the Main Pump Station Upgrade project.

RESOLUTION #183

Councilmember MacEwan moved, seconded by Councilmember Cleavland to close the Public Hearing for the Main Pump Station Upgrade project. **All in Favor. Motion Carried.**

- Resolution designation Bolton Town Board as lead agency under SEQRA.

RESOLUTION #184

Councilmember Wilson moved, seconded by Councilmember Cleavland to declare the Bolton Town Board as Lead Agency under SEQRA & LWRP for the proposed Main Pump Station Upgrade Project. **All in Favor. Motion Carried.**

- Resolution regarding SEQRA & LWRP determinations.

Atty. Reichenbach went through Part II of the Type I SEQRA with the Board and asked the Board the following question:

1. Will the proposed action impact any of the items listed 1 through 18 in Part 2 of the SEQRA Form? No

Atty. Reichenbach stated that based on the Boards responses he believes that it is acceptable and appropriate for the Board to make a negative declaration on any adverse negative environmental impacts.

Councilmember Wilson asked the Board the following:

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

Upon review of the information recorded on the Type I SEQRA Environmental Assessment Form (EAF); and, considering both the magnitude and importance of each identified potential impact, it is the conclusion of this lead agency that this project will result in no significant adverse impacts on the environment; and, therefore, an Environmental Impact Statement need not be prepared. It has also been determined that the action to be taken is consistent with the Town of Bolton Local Waterfront Revitalization Program policies and standards.

RESOLUTION #185

Councilmember Wilson moved, seconded by Councilmember MacEwan to make Negative Declaration for this SEQRA application and a determination that the project is consistent with Town of Bolton Local Waterfront Revitalization Program policies and standards for proposed Main Pump Station Upgrade Project. **All in Favor. Motion Carried.**

- Resolution authorizing the issuance of up to \$2,828,164 in serial bonds of the Town of Bolton to pay the cost of upgrading the main pump station; AND authorizing the issuance of up to \$2,828,164. in bond anticipation notes of the Town of Bolton for the same purpose; AND authorizing the project pursuant to town law 202-B.

RESOLUTION #186

Councilmember Wilson moved, seconded by Councilmember MacEwan having declared the Town of Bolton as Lead Agency, held a Public Hearing, made a Negative Declaration for the Type I SEQRA Application and a Positive Determination of Consistency for the LWRP Application, to make a motion to authorize the issuance of up to \$2,828,164 in serial bonds of the Town of Bolton to pay the cost of

upgrading the main pump station; AND authorizing the issuance of up to \$2,828,164. in bond anticipation notes of the Town of Bolton for the same purpose; AND authorizing the project pursuant to town law 202-B as follows:

WHEREAS, the Bolton Town Board duly established the Town of Bolton Sewer District (the “District”) in accordance with New York Town Law as a special taxing district; and

WHEREAS, the Main Pump Station is owned and operated by the Town on behalf of the District; and

WHEREAS, the Town Board wishes to authorize the repair and reconstruction of the Main Pump Station in accordance with Town Law Section 202-b; and

WHEREAS, Kathleen Suozzo PE, PLLC, professional engineers, prepared a Comprehensive Evaluation with Appendices concerning the proposed improvements, together with an estimate of the cost of such improvements and the plans were duly filed in the Town Clerk's Office and made available for public inspection; and

WHEREAS, the engineer has accordingly reported and Town Board has determined that the Project is a Type I Action under the State Environmental Quality Review Act (SEQRA) and the Town has sought lead agency status; and

WHEREAS, each involved agency consented to the Town Board acting as lead agency and the Town Board, after taking a hard look at all the environmental effects of the Project, issued a SEQRA negative declaration; and

WHEREAS, the Town Board duly held a Public Hearing on the proposed Main Pump Station replacement as required by N.Y. Town Law Section 202-b;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF BOLTON, WARREN COUNTY, NEW YORK, AS FOLLOWS:

Section 1. The Town Board makes the following determinations as required by N.Y. Town Law Section 202-b:

(A) It is hereby found and determined that it is in the public interest to replace the Main Pump Station as described in the Comprehensive Evaluation at a maximum estimated cost of \$2,828,164.

(B) Kathleen Suozzo PE, PLLC is hereby authorized and directed to prepare definite plans and specifications for the improvements, and to make a careful estimate of the expense and, with the assistance of Town Counsel, to prepare a proposed contract for the execution of the work.

(C) Such project is hereby authorized and the Town Supervisor and Town Clerk are hereby authorized to take all actions necessary to effectuate this portion of the Resolution.

Section 2. The specific object or purpose for which the obligations authorized by this Resolution (the “Bond Resolution”) are to be issued are improvements including the demolition and complete replacement of the existing Main Pump Station with a new underground wet well and packaged aboveground pump station, and any necessary, related, preliminary, and/or incidental improvements (the "Project"), and such specific object or purpose is hereby authorized at a maximum estimated cost of Two Million Eight Hundred Twenty Eight Thousand One Hundred Sixty Four and 00/100 Dollars (\$2,828,164.00).

Section 3. The plan for the financing of such maximum estimated cost is issuance of up to \$2,828,164 in serial bonds and/or bond anticipation notes of the Town, hereby authorized to be issued pursuant to the Local Finance Law.

The proceeds of the bonds or bond anticipation notes may be used to reimburse expenditures paid by the Town from other funds or otherwise on or after the date of adoption of this Bond Resolution. The Town may submit applications for grants and/or low interest loans from various funding sources and, to the extent that any such moneys are received, shall apply such funds to the payment of principal and interest on the bonds or bond anticipation notes. Pursuant to Local Finance Law Section 107.00(d)(9), a down payment from current funds is not required.

Section 4. The Town Board anticipates that the Town may pay certain capital expenditures in connection with the Project prior to the receipt of the proceeds of the Bonds. The Town Board hereby declares its official intent to use Bond proceeds to reimburse the Town for such Project expenditures occurring within sixty (60) days prior to adoption of this Resolution. This Section of the Resolution is adopted solely for the purpose of establishing compliance with the requirements of Section 1.150-2 of the Treasury Regulations and does not bind the Town to make any expenditure, incur any indebtedness or proceed with the acquisition, construction and installation of the Project.

Section 5. It is hereby determined that the period of probable usefulness of the specific object or purpose is forty (40) years, pursuant to Local Finance Law Section 11.00[a](4).

Section 6. The faith and credit of the Town of Bolton, Warren County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as they become

due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such years. There shall annually be levied on all the taxable real property in the Town of Bolton Sewer District a tax sufficient to pay the principal of and interest on such obligations as they become due and payable. This Bond Resolution is not subject to permissive referendum pursuant to Local Finance Law Section 35.00[b][1](2).

Section 7. For the purpose of paying the cost of the Project, there are hereby authorized to be issued serial bonds of the Town up to a maximum amount of \$2,828,164 the maximum maturity of which shall not exceed the forty (40) year period of probable usefulness set forth above and which shall mature on or before such date as measured from the date of the bonds or from the date of the first bond anticipation note issued in anticipation of the sale of such bonds, whichever date is earlier. The bonds may be issued in the form of a statutory installment bond.

Section 8. There are hereby authorized to be issued bond anticipation notes for the specific object or purpose in an amount up to but not exceeding the \$2,828,164 maximum amount of serial bonds authorized to be issued, in anticipation of the issuance and sale of the serial bonds authorized, including renewals of such bond anticipation notes.

Section 9. Any bond anticipation notes shall be payable from the proceeds derived from the sale of the bonds or otherwise redeemed in the manner provided by Section 23.00 of the Local Finance Law. The faith and credit of the Town are hereby irrevocably pledged for the payment of the bond anticipation notes and the interest on them.

Section 10. There are no bond anticipation notes outstanding which have been previously issued in anticipation of the sale of these bonds. Neither are the bond anticipation notes hereby authorized renewal notes. These bond anticipation notes will be issued in anticipation of bonds for an assessable improvement. These notes shall mature at such time as the Town may determine and may be renewed from time to time, provided that in no event shall such notes or renewals extend more than one (1) year beyond the original date of issue except as permitted in the Local Finance Law.

Section 11. Subject to the terms and conditions of this Resolution and of the Local Finance Law, and pursuant to the provisions of Sections 30.00, 50.00 and 56.00 to 60.00, inclusive, of the Local Finance Law, the power to authorize bond anticipation notes in anticipation of the issuance of the serial bonds authorized by this Resolution and the renewal of these notes, and the power to prescribe the terms, form and contents of the serial bonds and bond anticipation notes and the power to sell and deliver the serial bonds and bond anticipation notes issued in anticipation of the issuance of the bonds is hereby delegated to the Town Supervisor, the Chief Fiscal Officer of the Town. The Town Supervisor is hereby authorized to sign any serial bonds and bond anticipation notes issued in anticipation of the issuance of

the serial bonds and bond anticipation notes issued pursuant to this Resolution by manual or facsimile signature, and the Town Clerk is hereby authorized to affix or impress or imprint a facsimile of the seal of the Town to any of the serial bonds or bond anticipation notes and to attest such seal by manual or facsimile signature. If executed by facsimile signature, such obligation shall be authenticated by the manual countersignature of the Town Supervisor or a designated fiscal agent. The Town Supervisor, as Chief Fiscal Officer of the Town, is authorized to execute and deliver any documents and to take such other action as may be necessary and proper to carry out the intent of the provisions of this Resolution.

Section 12. The exact date of issuance of the bonds and/or notes and the exact date upon which they shall become due and payable shall be fixed and determined by the Chief Fiscal Officer, provided, however, that the maturity of the notes or renewals shall not exceed one (1) year from the date of issue except as permitted by the Local Finance Law.

Section 13. The Chief Fiscal Officer shall prepare the bonds and/or notes and sell them at public or private sale and in accordance with the provisions of the Local Finance Law including, but not limited to, the provisions of Section 169.00, if applicable, and at such sale shall determine the interest rate to be borne by such bonds and/or notes, and whether fixed or variable. The Town Board authorizes the Chief Fiscal Officer to establish substantially level annual debt service or a declining annual balance for the repayment of such Bonds if the Chief Fiscal Officer believes it is in the best interests of the Town. The Town Board authorizes the Chief Fiscal Officer to issue such serial bonds in the form of a statutory installment bond.

Section 14. If issued, the bonds and/or notes shall be in registered form and shall bear interest at the determined rate.

Section 15. The Chief Fiscal Officer shall deliver the bonds and/or notes to the purchaser only against a certified check or other immediately available funds. The proceeds of the sale of the bonds and/or notes shall be deposited and/or invested as required by Section 165.00 of the Local Finance Law, and the power to invest the proceeds of sale is hereby delegated to the Chief Fiscal Officer and the power to invest in any instruments described in Section 165.00 is expressly granted.

Section 16. To the extent that it is permitted to do so under the Internal Revenue Code of 1986, as amended (the "Code"), the Town hereby designates the bonds and/or notes as "qualified tax-exempt obligations" under Section 265(b)(3) of the Code. The Town hereby covenants that, to the extent permitted under the Code in effect as of the date of issuance of any bonds and/or notes, it will (i) take all actions on its part necessary to cause interest on the bonds and/or notes to be excluded from gross income for purposes of Federal income taxes and (ii) refrain from taking any action which would cause interest on the bonds and/or notes to be included in gross income for purposes of Federal income taxes.

Section 17. The Town of Bolton is a town within the Adirondack Park. However, State lands subject to taxation within the boundaries of both the Town and the District are assessed at less than thirty percent (30%) of the total taxable assessed valuation of the Town and District, respectively, so permission of the State Comptroller to issue the bonds and/or notes is not required under Local Finance Law Section 104.10(3).

Section 18. Miller, Mannix, Schachner & Hafner, LLC, Glens Falls, New York, is hereby designated bond counsel.

Section 19. The validity of these serial bonds and bond anticipation notes may be contested only if:

(A) These obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(B) The provisions of law which should be complied with at the date of publication of this Resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or

(C) Such obligations are authorized in violation of the provisions of the State Constitution.

Section 20. This Resolution or a summary thereof shall be published in *The Post Star*, which has been designated as the official newspaper of the Town, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 21. This Resolution shall take effect immediately.

Section 22. The question of the adoption of this Resolution was duly put to a vote on roll call which resulted as follows:

AYES: Supervisor Conover, Councilmember Cleavland, Councilmember MacEwan & Councilmember Wilson

NAYS:

ABSENT: Councilmember Murnane

Public in Attendance:

Correspondence:

- Santore’s World Famous Fireworks, LLC.
- NYS Department of Agriculture & Markets Municipal Shelter Inspection Report.
- Bolton Pickleball Club regarding formation of the club.
- NYS Department of Taxation and Finance Certificate of the Final State Equalization Rate for 2023 Assessment roll.
- Cornell Cooperative Extension Annual Golf Tournament invitation.
- Warren County Soil & Water 2022 Annual Report.

Committee Reports:

Councilmember Rob MacEwan

Highway:

N/A

Justice Court:

- During the month of June 2023 Justice Edward G. White collected \$ 3,475.00 in funds (check to Town of Bolton # 565), and Justice Joe Connally collected \$ 4,987.00 in funds (check to Town of Bolton # 541). Total monies forwarded to the Town of Bolton amounted to \$8,462.00. Itemized lists are available upon request by contacting the Court.

Transfer Station:

- Total for the month \$ 7,402.
- Clean up Cards \$ 5,000.

EMS:

Calls: 32 (8 mutual aid) of which only 16 were billable.

Gross Charges Billed in May:	\$ 32,063.60
Gross Charges Billed YTD:	\$ 133,437.60
Payments Received in May:	\$ 16,606.46
Payments Received YTD:	\$ 50,659.79

In 2022 we had billed \$110,755.00 and received payments of \$49,710.05 through May.

Payroll Expenses thru May were \$187,797.41 versus \$165,748.82 in 2022

Overtime pay continues to be a major component of our payroll expenses. In order to minimize overtime it would be ideal if we could hire at least one more Advanced Life Support medic but due to competition for staffing from area EMS agencies we have been unable to recruit an additional Paramedic. Several agencies are offering employee benefits beyond what we currently provide; i.e. non-deductible health insurance (ours is \$2,500), paid vacation, a 401(k), education allowance, dental and vision insurance, weekend pay differential.

Councilmember Brendan Murnane (Absent)

Library:

N/A

Assessor:

N/A

Wastewater:

- Total Flow for the month 5,433,949 gallons for a daily average of 181,000 gallons.
- Casella hauled 24,000 gallons of sludge.
- We have had several alarms due to heavy rain and power issues.
- We have assisted the water dept. with issues at the plant and distribution system.
- We maintained the grounds around the plant and pump stations.
- On 6/15 we had our yearly DEC inspection at the plant, and we received a satisfactory. There were no issues and were very happy with how the plant was running.
- On 6/20 we had new security cameras installed.
- We inspected all the manholes around town and cleaned several lines with sewer jet.
- We have had several meetings to discuss upcoming grants and projects at the plant and collection system.

Water:

- The total distribution flow for the month of June was 6,072,685 gallons averaging 202,423 gallons a day.
- The required sampling was completed according to the SDWIS, including total coliform and raw alkalinity.
- 6/1 Installed new hydrant, curb stop, and isolation valve at 60 Valley woods Road.
- Helped Wastewater take out flights for clarifier for later replacement.

- Mowed and weed whacked Prv's, and Plant multiple times.
- 6/9 KLC Property Management took down pine tree next to wet well building that posed a potential hazard.
- Matt Kahlor washed, spackled and painted upstairs in water plant.
- Pumped out sludge from decant tank and opened up lagoons to be used and rotated weekly.
- DOH completed a Sanitary Survey of the plant and distribution.
- Battled several NTU issues with filter 1 which were part of a faulty turbidimeter head. New head ordered and installed, issues resolved.
- Aqua Logics performed yearly calibration.
- Siewert conducted yearly PM's.
- Cleaned out all materials and weeds from the back of the plant.
- Old Saratoga Associates copper sulfated the pond.
- Sold several Neptune radial meters to replace non-working meters.
- Received several calls about broken meters and billing.
- Answered Dig Safe requests as required during the month.

Councilmember Susan Wilson

Planning / Zoning:

- The Planning Office for the month of May collected fees in the amount of \$2,077.50 for various items including Certificates of Compliance, Variances, Short Term Rental Permits, Site Plan Reviews, Stormwater Permits and After the Fact Fees.
- Director of Planning & Zoning Josh Westfall has been busy with grant applications.

Councilmember Wanda Cleavland

Police:

- Patrol Shifts: 32
- Total Reportable Activity: 337
- Property / Activity Checks: 237
- The police department's work on the Lexipol Policy and Procedure Manual is continuing.
- Our work is continuing with the Town of Bolton Code Enforcement Officer on areas of mutual concern.
- In light of recent incidents of attacks on electrical/utility infrastructure in several states, directed patrols of critical utility sites in the town are continuing.
- The MED Project NY medication disposal kiosk has been utilized frequently. We request that our participation in this program be shared with friends, family, and members of our surrounding communities.

- The police department has conducted (40) Bolton Central School checks during June 2023. We continue to collaborate with school administrators and surrounding law enforcement partners to ensure a safe environment for staff and students. We have also conducted two (2) safe-stop patrols during June to ensure that vehicles stop for the flashing red lights of our buses. We are happy to report that no violations have been observed or reported to the police department during June. We have also provided an officer for a community oriented presence at numerous sports events, school functions, and graduations. Thank you, Sergeant Webster! We have also instituted a student arrival and dismissal detail in conjunction with SRO/Sergeant Webster to engage with students, staff, and parents.
- We have formalized the police department's body worn camera written policy and are moving forward to establish a date for deployment of the bodycams.
- In our efforts to expand our community's accessibility to the police department we are continuing our presence at our Stewart's Shop, Rogers/Veteran's Park, and we engaged in numerous foot patrols in the business district during the month of June. We have also provided assistance, and presence, at the Bolton Landing Farmers Market.
- The police department has continued its work with the New York State Department of Transportation regarding several traffic safety initiatives. An application for the placement of radar traffic speed signs in the area of Chic's Marina and Veterans Park has been completed. The presence of speed notification devices has shown to be a highly effective method for speed control.
- We have placed a radar traffic speed sign in the area of Camp Walden on Trout Lake Rd. It has been reported that speeds in the area have been reduced since it was placed. It is expected that the sign will remain in the area until the completion of the 2023 camp season which is projected to be the third week of August. We have also conducted several security tours of Camp Walden in conjunction with members of the Warren County Sheriff's Office. We have enjoyed working with Camp Walden's owner Mark Bernstein to assist with the safety and security of staff and attendees.

Town Clerk:

- Total local share remitted: \$15,851.22
- Total non-local revenues: \$609.28
- Total state, county & local revenues remitted: \$16,460.00

Supervisors Report:

- Deposits: \$342,641.09
- Disbursements: \$580,874.07
- 4th of July celebration and event at Rogers Park well attended, great event. Much thanks to all involved in making this celebration such a big success.
- Potter Hill Road shoulder work and striping complete, looks great.
- Next paving work will be on sections of New Vermont Road (small delay in paving while our highway crews make ready these areas).

- Sales tax receipts rebounded in May, first payment in June up year over year.
- NYS DEC annual review of our Sewer Plant was once again satisfactory and NYS DOH review of our Water System was also satisfactory with no critical violations (DOH has some recommendations on the Sanitary survey). The only concern for Sewer was that we have a second licensed Sewer Plant Operator as soon as possible.
- Work scheduled for the Horicon PRV Station will take place the week of July 17th. Major upgrade of valves and bypass systems.
- Received response from NYS DOT regarding request for speed reduction on North Bolton Road (road has been reposted).

New Business:

- Resolution to declare the following equipment as surplus and authorize the Wastewater Superintendent to place them on the GovDeals auction site for sale:
 1. Chlorine gas scale.
 2. Misc. valves and fittings for water main repairs.
 3. Water meter work bench for testing meter after repairs.
 4. 5.5 hp trash pump.
 5. 5 hp trash pump just motor.
 6. Stihl ts 350 Super demo saw.
 7. Xl 98 d Homelite demo saw on cart.
 8. 813 hp Honda valve exerciser on wheels.
 9. 8 Foot Fisher snowplow minute mount 2. 3 Plug.

Supervisor Conover stated that he is very pleased with the cleanup, and the auction site is a great way to put surplus items up for sale.

RESOLUTION #187

Councilmember Cleavland moved, seconded by Councilmember MacEwan to declare the following equipment as surplus and authorize the Wastewater Superintendent to place them on the GovDeals auction site for sale:

1. Chlorine gas scale.
2. Misc. valves and fittings for water main repairs.
3. Water meter work bench for testing meter after repairs.
4. 5.5 hp trash pump.
5. 5 hp trash pump just motor.
6. Stihl ts 350 Super demo saw.

7. Xl 98 d Homelite demo saw on cart.
8. 813 hp Honda valve exerciser on wheels.
9. 8 Foot Fisher snowplow minute mount 2. 3 Plug. **All in Favor. Motion Carried.**

- Resolution authorizing the Supervisor to enter into any agreement with NYSDOT in relation to the siting of an entry sign, north of the hamlet.

Supervisor Conover stated that former Supervisor Rehm had brought this to his attention. The Town has a sign coming into town from the south end, but not from the north. He went out with Warren County DPW Superintendent Kevin Hajos and identified property in which to locate a sign and they are talking with NYS DOT to move forward.

RESOLUTION #188

Councilmember MacEwan moved, seconded by Councilmember Wilson to authorizing the Supervisor to enter into any agreement with NYSDOT in relation to the siting of an entry sign, north of the hamlet. **All in Favor. Motion Carried.**

- Resolution by the Town of Bolton Town Board reaffirming the Town of Bolton Comprehensive Plan adopted in 2003, the Bolton Landing Hamlet Sustainability Plan adopted in 2009, and the Trails Master Plan adopted in 2013.

Director of Planning and Zoning Josh Westfall explained that this was required for certain grant applications.

RESOLUTION #189

Councilmember Cleavland moved, seconded by Councilmember MacEwan reaffirming the Town of Bolton Comprehensive Plan adopted in 2003, the Bolton Landing Hamlet Sustainability Plan adopted in 2009, and the Trails Master Plan adopted in 2013. **All in Favor. Motion Carried.**

- Resolution authorizing the Planning and Zoning Office to submit an application to NYS Office of Parks, Recreation, and Historic Preservation (OPRHP) for EPF funding from the Park Program in the 2023 CFA program for sports courts at Veterans Memorial Park, and for the Supervisor to enter into any grant agreements related to said funding.
 - Resolution designation Bolton Town Board as lead agency under SEQRA.

RESOLUTION #190

Councilmember Cleavland moved, seconded by Councilmember MacEwan to declare the Bolton Town Board as Lead Agency under SEQRA & LWRP. **All in Favor. Motion Carried.**

- Resolution regarding SEQRA & LWRP determinations.

Atty. Reichenbach asked the Board the following questions:

- A. 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
- B. Will the proposed action:
 - 1. Create a material conflict with an adopted land use plan or zoning regulations? No
 - 2. Result in a change in the use or intensity of use of the land? No
 - 3. Impair the character or quality of the existing community? No
 - 4. Have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)? No
 - 5. Result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking, or walkway? No
 - 6. Cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities? No
 - 7. Impact existing:
 - a. Public/private water supplies? No
 - b. Public/private wastewater treatment utilities? No
 - 8. Impair the character or quality of important historic, archaeological, architectural, or aesthetic resources? No
 - 9. Result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora, and fauna)? No
 - 10. Result in an increase in the potential for erosion, flooding, or drainage problems? No
 - 11. Create a hazard to environmental resources or human health? No
- C. Do the Board Members agree that this project will result in no adverse impacts on the environment; and therefore, an Environment Impact Statement need not be prepared? Yes

Councilmember Wilson asked the following questions:

LWRP

Do any of the Board Members have concerns with any of the items listed in Part C., 1 through 3 of the Local Waterfront Revitalization Program Assessment 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 #191

Councilmember Wilson moved, seconded by Councilmember MacEwan to make a negative declaration for this SEQRA application and a determination that the project is consistent with Town of Bolton Local Waterfront Revitalization Program policies and standards for submittal of an application to NYS Office of Parks, Recreation, and Historic Preservation (OPRHP) for EPF funding from the Park Program in the 2023 CFA program for sports courts at Veterans Memorial Park.

- Resolution to authorize submission of application to NYS Office of Parks, Recreation, and Historic Preservation (OPRHP) for EPF funding for sports courts at Veterans Memorial Park.

RESOLUTION #192

Councilmember Wilson moved, seconded by Councilmember MacEwan having declared the Town of Bolton as Lead Agency, made a Negative Declaration for the SEQRA Application and a Positive Determination of Consistency for the LWRP Application, I make a motion to authorizing the Planning and Zoning Office to submit an application to NYS Office of Parks, Recreation and Historic Preservation (OPRHP) for EPF Funding from the Parks Program in the 2023 CFA Program for sports courts at Veterans Memorial and for the Supervisor to enter into any grant agreements related to said funding as follows:

WHEREAS, the Town of Bolton is applying to New York State for a grant in the amount of \$950,000 for continued improvements at Veterans Memorial Park, specifically for the construction of Sport Courts and other associated works (the Project) in the Town of Bolton through the NYS Office of Parks Recreation and Historic Preservation (OPRHP) EPF Parks Funding in the 2023 CFA funding round; and

WHEREAS, the Project will implement a major component of the Veterans Memorial Park Master Plan and consists of the following program elements: Construction of pickleball and tennis courts originally identified as Phase I. As per the referenced Park Master Plan, the new courts will be situated adjacent to NY 9N; and

WHEREAS, the grant application requires the applicant municipality to obtain the endorsement of the governing body of the municipality in which the Project will be located;

AND LET IT BE RESOLVED, that after thorough review, the Town of Bolton Town Board has determined that the siting of these sport courts will have no adverse environmental impact and as such this work shall be considered a Type II action, and consistent with the Town’s LWRP and Veterans Park Master Plan, and.

NOW, LET IT BE FURTHER RESOLVED, that the Bolton Town Board hereby does approve and endorse the submittal of the application for a grant under NYS OPRHP – Parks Program funded by NYS EPF monies. Program for a project known as Veterans Memorial Park Sports Courts Improvements, located within this community, and agrees to provide the minimum required fifty percent (50%) match up to \$475,000. **All in Favor. Motion Carried.**

- Resolution authorizing the Planning and Zoning Office to submit an application to NYS Office of Parks, Recreation, and Historic Preservation (OPRHP) for EPF funding from the Park Program in the 2023 CFA program for sports courts at the Bolton Recreation Park, and for the Supervisor to enter into any grant agreements related to said funding.
 - Resolution designation Bolton Town Board as lead agency under SEQRA.

RESOLUTION #193

Councilmember Cleavland moved, seconded by Councilmember MacEwan to declare the Bolton Town Board as Lead Agency under SEQRA & LWRP. **All in Favor. Motion Carried.**

- Resolution regarding SEQRA & LWRP determinations.

Atty. Reichenbach asked the Board the following questions:

- A. 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
- B. Will the proposed action:
 - 1. Create a material conflict with an adopted land use plan or zoning regulations? No
 - 2. Result in a change in the use or intensity of use of the land? No

3. Impair the character or quality of the existing community? No
4. Have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)? No
5. Result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking, or walkway? No
6. Cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities? No
7. Impact existing:
 - c. Public/private water supplies? No
 - d. Public/private wastewater treatment utilities? No
8. Impair the character or quality of important historic, archaeological, architectural, or aesthetic resources? No
9. Result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora, and fauna)? No
10. Result in an increase in the potential for erosion, flooding, or drainage problems? No
11. Create a hazard to environmental resources or human health? No

C. Do the Board Members agree that this project will result in no adverse impacts on the environment; and therefore, an Environment Impact Statement need not be prepared? Yes

Councilmember Wilson asked the following questions:

LWRP

Do any of the Board Members have concerns with any of the items listed in Part C., 1 through 3 of the Local Waterfront Revitalization Program Assessment 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 #194

Councilmember Wilson moved, seconded by Councilmember Cleavland to make a negative declaration for this SEQRA application and a determination that the project is consistent with Town of Bolton Local Waterfront Revitalization Program policies and standards for submittal of an application to NYS Office of Parks, Recreation, and Historic Preservation (OPRHP) for EPF funding from the Park Program in the 2023 CFA program for sports courts at the Bolton Recreation Park. **All in Favor. Motion Carried.**

- Resolution to authorize submission of application to NYS Office of Parks, Recreation, and Historic Preservation (OPRHP) for EPF funding for sports courts at the Bolton Recreation Park.

RESOLUTION #195

Councilmember Wilson moved, seconded by Councilmember MacEwan having declared the Bolton Local Board of Health as Lead Agency, held a public hearing, made a Negative Declaration for the SEQRA Application and a positive determination of consistency for the LWRP application, I make a to submit an application to NYS Office of Parks, Recreation, and Historic Preservation (OPRHP) for EPF funding from the Park Program in the 2023 CFA program for sports courts at the Bolton Recreation Park, and for the Supervisor to enter into any grant agreements related to said funding as follows:

WHEREAS, the Town of Bolton is applying to New York State for a grant in the amount of \$750,000 for improvements at Bolton Recreation Park, specifically for the construction of Sport Courts and other associated works (the Project) in the Town of Bolton through the NYS Office of Parks Recreation and Historic Preservation (OPRHP) EPF Parks Funding in the 2023 CFA funding round; and

WHEREAS, the Project will meet the documented demand for Sports Courts in Bolton as evidenced by public support and the latest SCORP and consists of the following program elements: Construction of pickleball courts and other associated site work. The new courts will be situated adjacent to NY 9N; and

WHEREAS, the grant application requires the applicant municipality to obtain the endorsement of the governing body of the municipality in which the Project will be located; and

AND LET IT BE RESOLVED, that after thorough review, the Town of Bolton Town Board has determined that the siting of these sport courts will have no adverse environmental impact and as such this work shall be considered a Type II action, and consistent with the Town’s LWRP and other planning documents, and.

NOW, LET IT BE FURTHER RESOLVED, that the Bolton Town Board hereby approves and endorses the submittal of the application for a grant under NYS OPRHP – Parks Program

funded by NYS EPF monies for the project known as Veterans Memorial Park Sports Courts Improvements, located within this community, and agrees to provide the minimum required fifty percent (50%) match up to \$387,500. **All in Favor. Motion Carried**

- Resolution authorizing the Planning and Zoning Office to submit an application to NYS Department of Environmental Conservation (DEC) for WQIP funding in the 2023 CFA program for upgrades to the Edgecomb Pond Dam, and for the Supervisor to enter into any grant agreements related to said funding.
 - Resolution designation Bolton Town Board as lead agency under SEQRA.

RESOLUTION #196

Councilmember Cleavland moved, seconded by Councilmember MacEwan to declare the Bolton Town Board as Lead Agency under SEQRA & LWRP. **All in Favor. Motion Carried.**

- Resolution regarding SEQRA & LWRP determinations.

Atty. Reichenbach asked the Board the following questions:

- A. 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
- B. Will the proposed action:
 - 1. Create a material conflict with an adopted land use plan or zoning regulations? No
 - 2. Result in a change in the use or intensity of use of the land? No
 - 3. Impair the character or quality of the existing community? No
 - 4. Have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)? No
 - 5. Result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking, or walkway? No
 - 6. Cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities? No
 - 7. Impact existing:
 - e. Public/private water supplies? No
 - f. Public/private wastewater treatment utilities? No
 - 8. Impair the character or quality of important historic, archaeological, architectural, or aesthetic resources? No
 - 9. Result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora, and fauna)? No
 - 10. Result in an increase in the potential for erosion, flooding, or drainage problems? No

11. Create a hazard to environmental resources or human health? No

C. Do the Board Members agree that this project will result in no adverse impacts on the environment; and therefore, an Environment Impact Statement need not be prepared? Yes

Councilmember Wilson asked the following questions:

LWRP

Do any of the Board Members have concerns with any of the items listed in Part C., 1 through 3 of the Local Waterfront Revitalization Program Assessment 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 #197

Councilmember Wilson moved, seconded by Councilmember Cleavland to make a negative declaration for this SEQRA application and a determination that the project is consistent with Town of Bolton Local Waterfront Revitalization Program policies and standards to submit an application to NYS Department of Environmental Conservation (DEC) for WQIP funding in the 2023 CFA program for upgrades to the Edgecomb Pond Dam. Resolution to authorize submission of application to NYS Department of Environmental Conservation (DEC) for WQIP funding in the 2023 CFA program for upgrades to the Edgecomb Pond Dam. **All in Favor. Motion Carried.**

- Resolution to authorize submission of application to NYS Department of Environmental Conservation (DEC) for WQIP funding in the 2023 CFA program for upgrades to the Edgecomb Pond Dam.

RESOLUTION #198

Councilmember Wilson moved, seconded by Councilmember MacEwan having declared the Bolton Local Board of Health as Lead Agency, held a public hearing, made a Negative Declaration for the SEQRA Application and a positive determination of consistency for the LWRP application, I make a motion to authorize submission of application to NYS Department of Environmental Conservation (DEC) for WQIP funding in the 2023 CFA program for upgrades to the Edgecomb Pond Dam and for the Supervisor to enter into any grant agreements related to said funding as follows:

WHEREAS, the Town of Bolton is applying to New York State for Grant for the upgrades to the Edgecomb Pond Dam (the Project) in the Town of Bolton through the NYS Department of Environmental Conservation – Water Quality Improvement Program (WQIP) 2023 CFA funding round; and

WHEREAS, the WQIP Program grant request will not exceed the maximum request of \$5,000,000 and requires a match contribution of twenty-five percent (25%) of the grant award.

WHEREAS, the grant application requires the applicant municipality to obtain the endorsement of the governing body of the municipality in which the Project will be located; and

WHEREAS, the Town of Bolton Town Board has authorized the preparation of an engineering report to outline the options and costs associated with the improvements; and

WHEREAS, the Town Board has prepared Part 1 of the Short Environmental Assessment Form (SEAF) in accordance with State Environmental Quality Review Act (SEQRA); and

WHEREAS, the Town Board has identified no other Involved or Interested Agency and therefore desires to be Lead Agency for the purpose of the SEQRA review for the project.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board declares itself as Lead Agency for the Project; and

BE IT FURTHER RESOLVED, that after thorough review, the Town Board has determined that the upgrade actions shall be classified as an Unlisted Action for SEQR, and is consistent with the Town’s LWRP and other planning documents, and

BE IT FURTHER RESOLVED, that the Town Board has compared the proposed action with the Criteria for Determining Significance in 6 NYCRR 617.7 and has not identified any significant adverse impacts that may result due to the project; and

BE IT FURTHER RESOLVED, that the Town Board determines the Action to result in a Negative Declaration and adopts a Notice of Determination of Non-Significance; and

BE IT FURTHER RESOLVED, that the Town Board authorizes the Town Clerk to file the Negative Declaration in accordance with the applicable provisions of State law; and

BE FURTHER RESOLVED, that the Town Board hereby approves and endorses the submittal of the application for a grant under NYS DEC- WQIP and authorizes the Supervisor to enter into any such agreements with DEC or other NYS Agencies; and

BE IT FURTHER RESOLVED, the Town of Bolton is committed to providing the required match of at least twenty-five percent (25%) of the grant award, towards eligible project costs to upgrade Edgecomb Pond Dam; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately. **All in Favor. Motion Carried.**

- Resolution authorizing the Planning and Zoning Office to submit an application to NYS Department of Environmental Conservation (DEC) for WQIP funding in the 2023 CFA program for the dredging of certain areas within Lake George at Finkle Brook, and for the Supervisor to enter into any grant agreements related to said funding.
 - Resolution designation Bolton Town Board as lead agency under SEQRA.

RESOLUTION #199

Councilmember Cleavland moved, seconded by Councilmember MacEwan to declare the Bolton Town Board as Lead Agency under SEQRA & LWRP. **All in Favor. Motion Carried.**

- Resolution regarding SEQRA & LWRP determinations.

Atty. Reichenbach asked the Board the following questions:

- A. 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
- B. Will the proposed action:
 - 1. Create a material conflict with an adopted land use plan or zoning regulations? No
 - 2. Result in a change in the use or intensity of use of the land? No
 - 3. Impair the character or quality of the existing community? No
 - 4. Have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)? No

5. Result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking, or walkway? No
6. Cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities? No
7. Impact existing:
 - g. Public/private water supplies? No
 - h. Public/private wastewater treatment utilities? No
8. Impair the character or quality of important historic, archaeological, architectural, or aesthetic resources? No
9. Result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora, and fauna)? No
10. Result in an increase in the potential for erosion, flooding, or drainage problems? No
11. Create a hazard to environmental resources or human health? No

C. Do the Board Members agree that this project will result in no adverse impacts on the environment; and therefore, an Environment Impact Statement need not be prepared? Yes

Councilmember Wilson asked the following questions:

LWRP

Do any of the Board Members have concerns with any of the items listed in Part C., 1 through 3 of the Local Waterfront Revitalization Program Assessment 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 #199

Councilmember Wilson moved, seconded by Councilmember Cleavland to make a negative declaration for this SEQRA application and a determination that the project is consistent with Town of Bolton Local

Waterfront Revitalization Program policies and standards to submit an application to NYS Department of Environmental Conservation (DEC) for WQIP funding in the 2023 CFA program for the dredging of certain areas within Lake George at Finkle Brook. **All in Favor. Motion Carried.**

- Resolution to authorize submission of application to NYS Department of Environmental Conservation (DEC) for WQIP funding in the 2023 CFA program for the dredging of certain areas within Lake George at Finkle Brook and for the Supervisor to enter into any grant agreements related to said funding.

RESOLUTION #200

Councilmember Wilson moved, seconded by Councilmember MacEwan having declared the Bolton Local Board of Health as Lead Agency, held a public hearing, made a Negative Declaration for the SEQRA Application and a positive determination of consistency for the LWRP application, I make a motion authorizing the Planning and Zoning Office to submit an application to NYS Department of Environmental Conservation (DEC) for WQIP funding in the 2023 CFA program for the dredging of certain areas within Lake George at Finkle Brook, and for the Supervisor to enter into any grant agreements related to said funding as follows:

WHEREAS, the Town of Bolton is applying to New York State for Grant for the dredging of certain areas within Lake George at Finkle Brook (the Project) in the Town of Bolton through the NYS Department of Environmental Conservation – Water Quality Improvement Program (WQIP) 2023 CFA funding round; and

WHEREAS, the WQIP Program grant request will not exceed the maximum request of \$1,000,000 and requires a match contribution of twenty-five percent (25%) of the grant award.

WHEREAS, the grant application requires the applicant municipality to obtain the endorsement of the governing body of the municipality in which the Project will be located; and

WHEREAS, the Town of Bolton Town Board has authorized the preparation of an engineering estimates to outline the options and costs associated with the improvements; and

WHEREAS, the Town Board has prepared Part 1 of the Short Environmental Assessment Form (SEAF) in accordance with State Environmental Quality Review Act (SEQRA); and

WHEREAS, the Town Board has identified no other Involved or Interested Agency and therefore desires to be Lead Agency for the purpose of the SEQRA review for the project.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board declares itself as Lead Agency for the Project; and

BE IT FURTHER RESOLVED, that after thorough review, the Town Board has determined that the upgrade actions shall be classified as an Unlisted Action for SEQR, and is consistent with the Town's LWRP and other planning documents, and

BE IT FURTHER RESOLVED, that the Town Board has compared the proposed action with the Criteria for Determining Significance in 6 NYCRR 617.7 and has not identified any significant adverse impacts that may result due to the project; and

BE IT FURTHER RESOLVED, that the Town Board determines the Action to result in a Negative Declaration and adopts a Notice of Determination of Non-Significance; and

BE IT FURTHER RESOLVED, that the Town Board authorizes the Town Clerk to file the Negative Declaration in accordance with the applicable provisions of State law; and

BE FURTHER RESOLVED, that the Town Board hereby approves and endorses the submittal of the application for a grant under NYS DEC- WQIP and authorizes the Supervisor to enter into any such agreements with DEC or other NYS Agencies; and

BE IT FURTHER RESOLVED, the Town of Bolton is committed to providing the required match of at least twenty-five percent (25%) of the grant award, towards eligible project costs to cause dredging in Lake George at Finkle Brook; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately. **All in Favor. Motion Carried.**

- Resolution authorizing the Planning and Zoning Office to submit an application to NYS Department of Environmental Conservation (DEC) for WQIP funding in the 2023 CFA program for upgrades to the Main Pump Station, and for the Supervisor to enter into any grant agreements related to said funding.
 - Resolution designation Bolton Town Board as lead agency under SEQRA.

RESOLUTION #201

Councilmember Cleavland moved, seconded by Councilmember MacEwan to declare the Bolton Town Board as Lead Agency under SEQRA & LWRP. **All in Favor. Motion Carried.**

- Resolution regarding LWRP determinations.

Atty. Reichenbach asked the Board the following questions:

- A. 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
- B. Will the proposed action:

1. Create a material conflict with an adopted land use plan or zoning regulations? No
2. Result in a change in the use or intensity of use of the land? No
3. Impair the character or quality of the existing community? No
4. Have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)? No
5. Result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking, or walkway? No
6. Cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities? No
7. Impact existing:
 - i. Public/private water supplies? No
 - j. Public/private wastewater treatment utilities? No
8. Impair the character or quality of important historic, archaeological, architectural, or aesthetic resources? No
9. Result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora, and fauna)? No
10. Result in an increase in the potential for erosion, flooding, or drainage problems? No
11. Create a hazard to environmental resources or human health? No

C. Do the Board Members agree that this project will result in no adverse impacts on the environment; and therefore, an Environment Impact Statement need not be prepared? Yes

Councilmember Wilson asked the following questions:

LWRP

Do any of the Board Members have concerns with any of the items listed in Part C., 1 through 3 of the Local Waterfront Revitalization Program Assessment 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 #202

Councilmember Wilson moved, seconded by Councilmember Cleavland to make a negative declaration for this SEQRA application and a determination that the project is consistent with Town of Bolton Local Waterfront Revitalization Program policies and standards to submit an application to NYS Department of Environmental Conservation (DEC) for WQIP funding in the 2023 CFA program for upgrades to the Main Pump Station. **All in Favor. Motion Carried.**

- Resolution regarding submission an application to NYS Department of Environmental Conservation (DEC) for WQIP funding in the 2023 CFA program for upgrades to the Main Pump Station, and for the Supervisor to enter into any grant agreements related to said funding.

RESOLUTION #203

Councilmember Wilson moved, seconded by Councilmember MacEwan having declared the Town of Bolton as Lead Agency, made a Negative Declaration for the SEQRA Application and a Positive Determination of Consistency for the LWRP Application, I make a motion authorizing the Planning and Zoning Office to submit an application to NYS Department of Environmental Conservation (DEC) for WQIP funding in the 2023 CFA program for upgrades to the Main Pump Station, and for the Supervisor to enter into any grant agreements related to said funding. **All in Favor. Motion Carried.**

- Resolution authorizing the Planning and Zoning Office to submit an application to NYS Department of Environmental Conservation (DEC) – Environmental Facilities Corporation (EFC) for an Engineering Planning Grant in the 2023 CFA for assessing the feasibility of the extension of wastewater infrastructure and service, and for the Supervisor to enter into any grant agreements related to said funding.
 - Resolution designation Bolton Town Board as lead agency under SEQRA.

RESOLUTION #204

Councilmember Cleavland moved, seconded by Councilmember MacEwan to declare the Bolton Town Board as Lead Agency under SEQRA & LWRP. **All in Favor. Motion Carried.**

- Resolution regarding SEQRA & LWRP determinations.

Atty. Reichenbach asked the Board the following questions:

- A. 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
- B. Will the proposed action:
 - 1. Create a material conflict with an adopted land use plan or zoning regulations? No
 - 2. Result in a change in the use or intensity of use of the land? No
 - 3. Impair the character or quality of the existing community? No
 - 4. Have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)? No
 - 5. Result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking, or walkway? No
 - 6. Cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities? No
 - 7. Impact existing:
 - k. Public/private water supplies? No
 - l. Public/private wastewater treatment utilities? No
 - 8. Impair the character or quality of important historic, archaeological, architectural, or aesthetic resources? No
 - 9. Result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora, and fauna)? No
 - 10. Result in an increase in the potential for erosion, flooding, or drainage problems? No
 - 11. Create a hazard to environmental resources or human health? No
- C. Do the Board Members agree that this project will result in no adverse impacts on the environment; and therefore, an Environment Impact Statement need not be prepared? Yes

Councilmember Wilson asked the following questions:

LWRP

Do any of the Board Members have concerns with any of the items listed in Part C., 1 through 3 of the Local Waterfront Revitalization Program Assessment 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 #205

Councilmember Wilson moved, seconded by Councilmember Cleavland to make a negative declaration for this SEQRA application and a determination that the project is consistent with the Town’s LWRP to submit an application to NYS Department of Environmental Conservation (DEC) – Environmental Facilities Corporation (EFC) for an Engineering Planning Grant in the 2023 CFA for assessing the feasibility of the extension of wastewater infrastructure and service. **All in Favor. Motion Carried.**

- Resolution to authorize submission of application to NYS Department of Environmental Conservation (DEC) Environmental Facilities Corporation (EFC) for an Engineering Planning Grant in the 2023 CFA for assessing the feasibility of the extension of wastewater infrastructure and service.

RESOLUTION #206

Councilmember Wilson moved, seconded by Councilmember MacEwan having declared the Bolton Local Board of Health as Lead Agency, held a public hearing, made a Negative Declaration for the SEQRA Application and a positive determination of consistency for the LWRP application, I make a motion authorizing the Planning and Zoning Office to submit an application to NYS Department of Environmental Conservation (DEC) – Environmental Facilities Corporation (EFC) for an Engineering Planning Grant in the 2023 CFA for assessing the feasibility of the extension of wastewater infrastructure and service, and for the Supervisor to enter into any grant agreements related to said funding as follows:

WHEREAS, the Town of Bolton is applying to New York State – EFC for Grant for the assessment of sewer district expansion (the Project) in the Town of Bolton though Department of Environmental Conservation - Environmental Facilities Corporation 2023 CFA funding round; and

WHEREAS, the WQIP Program grant request will not exceed the maximum request of \$100,000 and requires a match contribution of twenty-five percent (20%) of the grant award.

WHEREAS, the grant application requires the applicant municipality to obtain the endorsement of the governing body of the municipality in which the Project will be located; and

WHEREAS, the Town of Bolton Town Board will authorize the preparation of an engineering report to outline the options and costs associated with the improvements; and

WHEREAS, the Town Board has prepared Part 1 of the Short Environmental Assessment Form (SEAF) in accordance with State Environmental Quality Review Act (SEQRA); and

WHEREAS, the Town Board has identified no other Involved or Interested Agency and therefore desires to be Lead Agency for the purpose of the SEQRA review for the project.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board declares itself as Lead Agency for the Project; and

BE IT FURTHER RESOLVED, that after thorough review, the Town Board has determined that the upgrade actions shall be classified as a Type II Action for SEQRA, and is consistent with the Town's LWRP and other planning documents, and

BE IT FURTHER RESOLVED, that the Town Board has compared the proposed action with the Criteria for Determining Significance in 6 NYCRR 617.7 and has not identified any significant adverse impacts that may result due to the project; and

BE IT FURTHER RESOLVED, that the Town Board determines the Action to result in a Negative Declaration and adopts a Notice of Determination of Non-Significance; and

BE IT FURTHER RESOLVED, that the Town Board authorizes the Town Clerk to file the Negative Declaration in accordance with the applicable provisions of State law; and

BE FURTHER RESOLVED, that the Town Board hereby approves and endorses the submittal of the application for a grant under NYS DEC- EFC and authorizes the Supervisor to enter into any such agreements with DEC or other NYS Agencies; and

BE IT FURTHER RESOLVED, the Town of Bolton is committed to providing the required match of at least twenty percent (20%) of the grant award, towards eligible project costs to cause the preparation of the engineering report; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately. **All in Favor. Motion Carried.**

- Resolution authorizing the Planning and Zoning Office to submit an application to the WIIA program for upgrades to the Main Pump Station, and for the Supervisor to enter into any grant agreements related to said funding.

RESOLUTION #207

Councilmember Wilson moved, seconded by Councilmember MacEwan having declared the Town of Bolton as Lead Agency, held a Public Hearing, made a Negative Declaration for the SEQRA Application and a Positive Determination of Consistency authorizing the Planning and Zoning Office to submit an application to NYS DEC for WIIA funding program for upgrades to the Main Pump Station, and for the Supervisor to enter into any grant agreements related to said funding. **All in Favor. Motion Carried.**

- Resolution authorizing the Town to enter into an agreement with Solar Simplified through the NYS Community Solar Program for reduced rates for town facilities through solar credit allowances.

Director of Planning & Zoning Josh Westfall explained that this would grant the Town solar discounts on Town buildings. This is a non-binding agreement, and the Town can opt out at any time. He explained the credits would be on our National Grid bills.

RESOLUTION #208

Councilmember Cleavland moved, seconded by Councilmember Wilson authorizing the Town to enter into an agreement with Solar Simplified through the NYS Community Solar Program for reduced rates for town facilities through solar credit allowances. **All in Favor. Motion Carried.**

- Resolution to appoint Andrew Peck to an Alternate position on the Planning Board with term to expire 12/31/2025.

RESOLUTION #209

Councilmember Wilson moved, seconded by Councilmember MacEwan authorizing the to appoint Andrew Peck to an Alternate position on the Planning Board with term to expire 12/31/2025. **All in Favor. Motion Carried.**

Public in Attendance:

Zandy Gabriels asked about the following:

- Edgecomb Pond Dam safety and what the issues are. Supervisor Conover stated that the LaBerge Group was doing a complete evaluation of the Dam and annual inspection analysis as required by the state. He stated that they want to be in line for any State funding should it be necessary to make improvements. This is the first time there has been an opportunity to receive any funding from the State for dam repairs.
- LaBerge Report on the dam and 2 major storm events in the past couple of years that have not breached the dam. He wondered why science wasn't meeting with the empirical conditions.
- He discussed the original criteria for the dam and stated that the dam was put there with DEC approvals and the inspection reports were all approved by DEC and now suddenly a new

decision by a commissioner of DEC is requiring towns to make these upgrades that they do not have funding for.

RESOLUTION #210

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

TRANSFERS FOR JULY 2023

To	From	Amount
<u>GENERAL:</u>		
7110.2 Parks EQ	7110.4 Parks CE	\$5,015.00
7140.2 Play/Recreation EQ	7140.1 Play/Recreation PS	\$333.00
<u>HIGHWAY:</u>		
5130.4 Machinery CE	5130.2 Machinery EQ	\$10,000.00
<u>WATER:</u>		
8310.2 Administration EQ	8330.4 Purification CE	\$7,220.00

ADDITIONAL TRANSFERS:

\$10,000.00 to be transferred to Water District from General Fund. The transfer will be set up as a Due To / Due From in anticipation of upcoming Quarterly Billing.

RESOLUTION #211

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

Pay the Bills:

Abstract 6A

General	924-964	4,378.15
Sewer	198-206	2,894.86
Water	182-183	1,131.89
St Lights	25-28	359.71

Abstract 7

General	820-923 965-974	83,895.51
Highway	182-208	79,635.17
Sewer	177-197 207	28,944.26
Water	164-181 184-188	78,329.05
B&G Building Project	7	29,735.96
Tourism	29-30	650.00
Vets Park	5	6,660.77

Adjourn:

RESOLUTION #212

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

Motion Carried.

Meeting Adjourned: 7:09

Minutes respectfully submitted by:

Jodi Petteys
Town Clerk

Katie Persons
Minute Taker