

REGULAR MEETING
BOLTON TOWN BOARD

August 1, 2023

Regular Meeting:

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

Meeting Call to Order: 6:00PM.

Pledge: Councilmember Murnane

Minutes:

- Approve the July 5, 2023 Town Board Meeting Minutes.

RESOLUTION #213

Councilmember Cleavland moved, seconded by Councilmember Wilson to approve the July 5, 2023 Town Board Meeting Minutes. **All in Favor. Motion Carried.**

Convene as the Town of Bolton Board of Health.

RESOLUTION #214

Councilmember Wilson moved, seconded by Councilmember Cleavland convene as the Town of Bolton Board of Health. **All in Favor. Motion Carried.**

PUBLIC HEARINGS:

S23-09 Richard Bork: 42 Northwest Lane. SBL: 125.00-1-2, seeks the following variances per Ordinance 36 of Bolton Town Code:

- 1) Horizontal setback from septic tank to well. Required: 50', Existing: 25', Proposed: 24', Relief requested: 26'.

- 2) Setback from pump station to well. Required: 50', Existing 25', Proposed: 20', Relief requested: 30'.
- 3) Setback to force main to well. Required: 50', Existing: 25', Proposed 23', Relief requested: 27'.

Zandy Gabriels inquired when the change was made from a required 100' to 50' for setbacks from the well. Director of Planning and Zoning Josh Westfall explained that it was a required 100' from the leach field and 50' from the tank.

- Resolution to close the Public Hearing for S23-09.

RESOLUTION #215

Councilmember Cleavland moved, seconded by Councilmember Murnane, to close the Public Hearing for S23-09. **All in Favor. Motion Carried.**

Bob Holmes, PE from RU Holmes Engineers, PLLC presented the following:

- They are seeking 3 variances which predominantly deal with tank setbacks to the existing well.
- They would like to utilize the same locations of the existing well and pump station with new tanks.
- They start encroaching on a steep slope to the stream if they try to be in a more compliant area.
- He detailed the plans and explained that this is the best area to place the system.

Councilmember Wilson inquired about the type of system they would be using. Mr. Holmes stated that this is a complete replacement of the existing onsite system. They are proposing a PuraFlow leaching system which needs to be placed in the existing location of the current leach field because it is the flattest area on the site. They will replace it with new fill and construct the PuraFlow system. They do have the 3' vertical separation from the stone pad underneath the PuraFlow to meet the LGPC regulations.

Supervisor Conover inquired about an emergency shutoff. Mr. Holmes stated that it included an emergency shutoff of the water supply with an alarm.

Councilmember Wilson inquired about C33 sand. Mr. Holmes stated that they would like to stick with what they have proposed.

Councilmember Cleavland asked if there were any neighboring wells. Mr. Holmes replied that there were none within the required setbacks.

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

RESOLUTION #216

Councilmember Wilson moved, seconded by Councilmember Murnane to declare the Bolton Town Board as Lead Agency under SEQRA & LWRP for the proposed septic variance S23-09, Richard Bork. **All in Favor. Motion Carried.**

- Resolution regarding SEQRA & LWRP determinations.

Councilmember Wilson 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

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 #217

Councilmember Wilson moved, seconded by Councilmember Murnane, to issue a Negative Declaration with regard to SEQRA & LWRP for proposed septic variances S23-09; Richard Bork at 42 Northwest Lane. SBL: 125.00-1-2. **All in Favor. Motion Carried.**

- Resolution regarding septic variance S23-09.

RESOLUTION #218

Councilmember Wilson moved, seconded by Councilmember Cleavland, having declared the Bolton Local Board of Health as Lead Agency, held a Public Hearing and made a negative declaration for the SEQRA Application and a positive determination of consistency for the LWRP application and having the application approved by Town Engineer KSPE Civil Engineering, and recommended by the Town of Bolton Planning and Zoning Office, I make a motion to approve this Variance Application for the installation of a PuraFlow wastewater treatment system for S23-09; Richard Bork at 42 Northwest Lane. SBL: 125.00-1-2 with the following conditions:

1. Annual Manufacturer’s Inspections shall be conducted, and copies of all reports shall be submitted to the Town of Bolton Planning Office.
2. No garbage grinders, hot tubs or spas shall be installed in the structure.
3. All fixtures shall be in compliance with all New York State plumbing fixture requirements.

All in Favor. Motion Carried

Supervisor Conover thanked the applicants for upgrading their system.

Reconvene as Bolton Town Board

RESOLUTION #219

Councilmember Cleavland moved, seconded by Councilmember Wilson, to reconvene as the Bolton Town Board. **All in Favor. Motion Carried**

Sound Permit

Application for a sound amplification permit for Edward Corcoran – The Great Magua on August 5th, 2023, from noon until midnight. Event location 260 South Trout Lake Rd Bolton Landing, NY 12814.

RESOLUTION #220

Councilmember Cleavland moved, seconded by Councilmember Murnane, to close the Public Hearing. **All in Favor. Motion Carried.**

Councilmember Wilson stated she is a neighbor to this event which has been going on for 20 years now and they follow it to the letter.

RESOLUTION #221

Councilmember Wilson moved, seconded by Councilmember Murnane to approve outdoor sound amplification permit by Edward Corcoran – The Great Magua on August 5th, 2023, from noon until midnight. Event location 260 South Trout Lake Rd., Bolton Landing, NY 12814. **All in Favor. Motion Carried.**

Sound Permit

Application for a sound amplification permit for Peter Van Dyck for a wedding event on September 9th, 2023, from 4PM-11PM. Event location 2 Clay Island with a rain backup location of 56 Edgecomb Pond Rd Bolton Landing, NY 12814.

RESOLUTION #222

Councilmember Cleavland moved, seconded by Councilmember Murnane to close the Public Hearing. **All in Favor. Motion Carried.**

RESOLUTION #223

Councilmember Wilson moved, seconded by Councilmember Murnane to approve outdoor sound amplification permit by Peter Van Dyck for a wedding event on September 9th, 2023, from 4PM-11PM. Event location 2 Clay Island with a rain backup location of 56 Edgecomb Pond Rd., Bolton Landing, NY 12814. **All in Favor. Motion Carried.**

Public in Attendance:

Dan Daniger of 73 Coolidge Hill Rd. requested that the Board hold Public Hearings to revise, amend and update Ordinance #47 pertaining to Short Term Rentals. He is hoping the Board recognizes other towns that have taken steps to modify and revise their STR's in order to make them fair for both the residents and the STR owners and that they consider doing this in Bolton. He is dealing with all sorts of issues in his neighborhood and would like to see some considerations made for the year round homeowners.

Supervisor Conover stated that they now have a Planning Committee to update the Town's Comprehensive Plan. They are looking at different things in town and he believes that is one of the things that will be on their radar.

Zandy Gabriels asked how the upgrade to the water billing computer program was going. Supervisor Conover stated the town was in the process of transitioning and it should be up and running for the next billing quarter.

Correspondence:

- ADK Park Local Government Review Board renewal notice.
- NYS Agricultural & Markets Municipal Shelter Inspection Report.
- Champlain Watershed Improvement Coalition of New York.
- Association of Towns regarding annual dues.
- Rebecca Terry regarding upcoming wedding.
- NYS DOT regarding Bridge Cleaning.
- Hillview Free Library regarding a Marker Dedication Ceremony.
- Santore's World Famous Fireworks.

Committee Reports:

Councilmember Rob MacEwan (*Read by Councilmember Cleavland*)

Highway:

N/A

Justice Court:

- During the month of July 2023 Justice Edward G. White collected \$ 4,456.00 in funds (check to Town of Bolton # 566), and Justice Joe Connally collected \$ 4,967.00 in funds (check to Town of Bolton # 542). Total monies forwarded to the Town of Bolton amounted to \$9,423.00. Itemized lists are available upon request by contacting the Court.

Transfer Station:

- Total for the month: \$10,604.00
- Spring cleanup cards: \$4,750.00

EMS:

Calls: 39 (including 6 mutual aid) of which only 21 were billable.

Gross Charges Billed in June:	\$ 43,471.60
Gross Charges Billed YTD:	\$ 176,909.20

Payments Received in June:	\$ 16,168.93
Payments Received YTD:	\$ 66,828.72

- In 2022 we had billed \$142,450.40 and received payments of \$67,902.25 through June.
- Payroll Expenses through June were \$236,368.61 versus \$194,034.08.82 in 2022.
- CDPHP, our health insurance company, advised they have filed a request with New York State for a 10.5% rate increase in 2024 due to rising health care costs.

Councilmember Brendan Murnane

Library:

N/A

Assessor:

N/A

Wastewater:

- Total flow for the month 7,881,492 gallons for a daily average of 254,000 gallons.
- Casella hauled 90,000 gallons of sludge.
- We have had multiple alarms due to heavy rain events and issues with pumps and filters.
- We have been working with KSPE on surveying the locations of manholes around town. This is the I&I grant that we currently have.
- We have maintained the grounds around the plant and pump stations.
- We have assisted the water dept. with issues at the plant and distribution system. We also assisted with the completion of the new valves at Horicon PRV pit.
- The highway mowed around the sand beds and at the plant.
- We borrowed the highways skid steer to rake all the sand beds.

- Dan has completed the Confined Space Training through Warren County.

Water:

- The total distribution flow for the month of July was 6,915,126 gallons averaging 223,069 gallons a day.
- The required sampling was completed according to the SDWIS, including total coliform and raw alkalinity.
- Successfully completed quarterly meter reads.
- 7/17-7/20 Replaced Horicon PRV pressure valves and gate valves. They were original 1929 valves.
- 7/20 Repaired water break in Northbrook Village.
- Mowed at plant and PRV's several times.
- Conducted general maintenance and clean up on 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 \$2,730.00 for various items including Certificates of Compliance, Variances, Short Term Rental Permits, Site Plan Reviews, Stormwater Permits and After the Fact Fees.
- Planning and Zoning have submitted applications to State Parks related to Court Sport improvements at Veterans and the Recreation Park.
- The Edgecomb Pond Dam Grant has been submitted.
- Planning and Zoning, working with Bolton PD has submitted a grant to New York State DCJS for Live Scan equipment for Bolton Police Department.
- Planning and Zoning is working with Kathy Suozzo's Office on the Submittal of WQIP and WIIA grants as NYS gave an extra two weeks due to flooding downstate.
- Planning and Zoning met with WC Soil and Water related to logging requirements and best practices.
- LGPC has begun septic inspections. Planning and Zoning have met with several inspectors as they gather information.
- Planning and Zoning has suspended one (1) STR due to a failed septic system. The property owner is addressing the failure now.
- The Bolton Comprehensive Plan Committee will hold their second meeting tomorrow evening (8/2).

- Warren County has indicated they will be able to assist in mapping related to the Town Comprehensive Plan and provide a Build-Out analysis.
- Joshua Westfall will be on the Warren County Comprehensive Plan Committee.
- NYS has relayed that the replacement of the meeting room doors will be funded as part of Covid relief. We are still waiting on approval for PPE.
- All FEMA RFIs have been submitted for the FEMA Storm Emergency work. From here FEMA will review and advise if there is anything further needed.
- Planning and Zoning has been reviewing STRs and issued 20 incompliance/violation letters for unregistered STRS.
 - Several STRS have registered with the Planning and Zoning Office.
- Planning and Zoning received complaints related to, investigated, or noted and are addressing 25 violations for septic, zoning issues, noise complaints, garbage complaints, etc.
- Planning and Zoning Office has created a mailer for the Clerk's Office to include with water bills to further the Warren County Lead Inventory.
- Planning and Zoning conducted a site visit for the DPW garage project. They hope to begin foundation work on 8/15.

Councilmember Wanda Cleavland

Police:

- Patrol Shifts: 31
- Total Reportable Activity: 409
- Property / Activity Checks: 292
- 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 we have instituted directed patrols of critical utility sites in the town.
- 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.
- 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 July. 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 maintained a strong daily presence and will continue until the closing ceremonies on August 16, 2023. We have enjoyed working with Camp Walden's owner Mark Bernstein to assist with the safety and security of staff and attendees.
- We are working in conjunction with Zoning and Planning Director Josh Westfall to submit a grant application to the New York State Department of Criminal Justice Services for Live Scan Arrest processing and submission technology. Thank you, Director Westfall, for your technical assistance and grant submission expertise.

Town Clerk:

- Total local share remitted: \$34,418.75
- Total non-local revenues: \$337.27
- Total state, county & local revenues remitted: \$34,081.48

Supervisors Report:

- Deposits: \$ 123,208.70
- Disbursements: \$ 598,943.98
- Horicon PRV work is largely completed; The system is operating very well. This is a major upgrade for the water distribution system. Many thanks to all involved.
- New Building and Grounds building project is underway.

New Business:

- Resolution to include the mailing of the Warren County Water Service Line Material survey with the quarterly water/sewer billing.

RESOLUTION #224

Councilmember Cleavland moved, seconded by Councilmember Murnane to include the mailing of the Warren County Water Service Line Material survey with the quarterly water/sewer billing. **All in Favor. Motion Carried.**

- Resolution authorizing the Lake George Triathlon Festival to use the Bolton roadways September 2nd and 3rd.

RESOLUTION #225

Councilmember Wilson moved, seconded by Councilmember Murnane to authorize the Lake George Triathlon Festival to use the Bolton roadways September 2nd and 3rd. **All in Favor. Motion Carried.**

- Resolution authorizing the Supervisor to enter into an agreement in the amount of \$300 with the Adirondack Park Local Government Review Board for September 2023 through September 2024.

RESOLUTION #226

Councilmember Murnane moved, seconded by Councilmember Cleavland authorizing the Supervisor to enter into an agreement in the amount of \$300 with the Adirondack Park Local Government Review Board for September 2023 through September 2024. **All in Favor. Motion Carried.**

- Resolution to declare the following equipment as surplus and authorize the Highway Superintendent to advertise a notice for bids on GovDeals auction site:
 1. Husqvarna 272 XP with 20” Bar.
 2. Husqvarna 257 with 16” Bar.
 3. Husqvarna 359 with 20” Bar.
 4. Husqvarna 334T Top Handle with 14” Bar.
 5. Stihl BG85C Hand Blower.
 6. (2) Husqvarna 145 BT Backpack Blowers.

RESOLUTION #227

Councilmember Cleavland moved, seconded by Councilmember Murnane to declare the following equipment as surplus and authorize the Highway Superintendent to advertise a notice for bids on GovDeals auction site:

7. Husqvarna 272 XP with 20” Bar.
8. Husqvarna 257 with 16” Bar.
9. Husqvarna 359 with 20” Bar.
10. Husqvarna 334T Top Handle with 14” Bar.
11. Stihl BG85C Hand Blower.
12. (2) Husqvarna 145 BT Backpack Blowers. **All in Favor. Motion Carried.**

- Resolution authorizing payment of \$60 per hour to the Director of Planning and Zoning for attending Town of Bolton Zoning Board, Planning Board and Town Board mandatory meetings outside daily workday hours effective August 1, 2023.

RESOLUTION #228

Councilmember Cleavland moved, seconded by Councilmember Wilson to authorize the payment of \$60 per hour to the Director of Planning and Zoning for attending Town of Bolton Zoning Board, Planning Board and Town Board mandatory meetings outside daily workday hours effective August 1, 2023. **All in Favor. Motion Carried.**

- Resolution authorizing the inscribing of additional names on the Veterans Memorial Wall as have met the criteria set forth in resolution #64 of the year 2000.

RESOLUTION #229

Councilmember Wilson moved, seconded by Councilmember Murnane to authorize the inscribing of additional names on the Veterans Memorial Wall as have met the criteria set forth in resolution #64 of the year 2000. **All in Favor. Motion Carried.**

Public in Attendance:

Zandy Gabriels spoke on the following:

- Inquired about highway equipment for sale.
- Water and wastewater processing differences.
- Grants and the need to pursue them.

RESOLUTION #230

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

TRANSFERS FOR AUGUST 2023

To	From	Amount
<u>GENERAL:</u>		
1620.2 Buildings/Grounds EQ	1620.4 Buildings/Grounds CE	\$2,763.00
7450.4 Museum CE	7150.4 Conservation Park CE	\$6,000.00
8810.4 Cemeteries CE	1990.4 Contingency	\$9,170.00

Vets Park

6

5,254.98

Adjourn:

RESOLUTION #232

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

Motion Carried.

Meeting Adjourned: 6:50

Minutes respectfully submitted by:

Jodi Petteys
Town Clerk

Katie Persons
Minute Taker