

REGULAR MEETING  
BOLTON TOWN BOARD

June 4, 2019

Regular Meeting:

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

Meeting Call to Order: 6:00 PM.

Pledge: Councilmember Cleavland

Minutes:

- Approve the May 7, 2019 Regular Town Board Meeting Minutes.

**RESOLUTION #121**

Councilmember Cleavland moved, seconded by Councilmember Wilson to approve the Minutes of the regular Town Board Meeting held May 7, 2019. **All in Favor. Motion Carried.**

**BID OPENING:**

LOT #1: John Deere 155C Mower with 48" deck: 25 H.P., Model#155CA,  
Serial # Gx155CA024832.

No Action Taken

LOT #2: Dayton 295 Amp Welder.

No Bid

**Public Hearings:**

**Convene as Bolton Board of Health**

**RESOLUTION #122**

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

## Septic Variance

40 Treasure Point Associates, LLC (Andrew and Harry DePan) – Parcel ID# 186.15-1-18.  
Property Location: 40 Treasure Point Road. Represented by Tom Hutchins. In accordance with Section 3.030 of the Town of Bolton Sanitary Sewage Disposal Ordinance a 4' separation is required between the bottom of the leach field and seasonal high water table. 2.5' is proposed.

Tom Hutchins of Hutchins Engineering presented the following:

- This property has been in the family for many years.
- Presently they have a metal septic tank that has completely failed.
- It needs to be replaced before there is any reasonable water use in the facility.
- They have proposed an enhanced treatment system with a treatment unit followed by a small pump station and an absorption field.
- They maintain all of the horizontal setbacks.
- They are asking for relief from the 4' separation to the groundwater to 2.5'.
- Their justification is that they are using an enhanced treatment unit.
- This meets the DOH requirement of at least 2'.
- If they use another system, it will require many more setbacks.

Supervisor Conover asked if this was a pretreatment system. Mr. Hutchins replied it was, DOH terms it as an enhanced treatment unit. Supervisor Conover stated that Town Engineer, Tom Nace had sent a sign off letter on the project.

- Resolution establishing Town of Bolton as Lead Agency.

### **RESOLUTION #123**

Councilmember Wilson moved, seconded by Councilmember Cleavland to declare the Bolton Town Board as Lead Agency under SEQRA for proposed 2.5' separation between the bottom of the leach field and seasonal high water table at Parcel ID# 186.15-1-18. Property Location: 40 Treasure Point Road. **All in Favor. Motion Carried.**

- Resolution regarding SEQRA & LWRP Determinations.

Councilmember Wilson asked the Board the following questions;

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

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

3. Do the Board Members agree that this project will result in no adverse impacts on the environment; and, therefore an environmental impact statement need not be prepared? Yes.

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 #124**

Councilmember Wilson moved, seconded by Councilmember Cleavland to make a negative declaration with regard to SEQRA & LWRP for proposed 2.5' separation between the bottom of the leach field and seasonal high water table at Parcel ID# 186.15-1-18. Property Location: 40 Treasure Point Road. **All in Favor. Motion Carried.**

- Resolution to allow a 2.5' separation between the bottom of the leach field and seasonal high water table at Parcel ID# 186.15-1-18. Property Location: 40 Treasure Point Road

#### **RESOLUTION #125**

Councilmember Wilson moved, seconded by Councilmember Cleavland having declared the Town of Bolton Local Board of Health as Lead Agency; and having held a public hearing and made a Negative Declaration for the SEQRA Application and a positive determination of consistency for the LWRP Application; I make a motion to approve this application for a septic variance on Parcel ID #186.15-1-18 as presented and approved by Town Engineer, Tom Nace. **All in Favor. Motion Carried.**

Reconvene as Bolton Town Board

#### **RESOLUTION #126**

Councilmember Cleavland moved, seconded by Councilmember Wilson to reconvene as the Town Board.

Public Hearing regarding outdoor amplification permit represented by Brendan Murnane-Bolton Landing Brewing Co. for live outdoor music Sundays – June 9, 16, 23, & 30 (12 noon-3pm), Wednesdays - July 10, 17, 24, & 31 (6pm-9pm), Fridays – June 7 & 21, July 19, & 26, August 2, 16, 23, & 30, (6pm-9pm), Saturday – August 10 (12noon-3pm), July 4<sup>th</sup> **WEEK** Tuesday-2<sup>nd</sup> thru Saturday-6<sup>th</sup> (6pm-9pm) **July 4<sup>th</sup>** (12noon-3pm & 6pm-9pm), Monday - September 16 (12noon-3pm) 2019 at 4933 Lake Shore Drive premises known as the Bolton Brewing Company.

- Resolution regarding outdoor amplification permit represented by Brendan Murnane-Bolton Landing Brewing Co. for live outdoor music Sundays – June 9, 16, 23, & 30 (12 noon-3pm), Wednesdays - July 10, 17, 24, & 31 (6pm-9pm), Fridays – June 7 & 21, July 19, & 26 August 2, 16, 23, & 30, (6pm-9pm), Saturday – August 10 (12noon-3pm), July 4<sup>th</sup> **WEEK** Tuesday-2<sup>nd</sup> thru Saturday-6<sup>th</sup> (6pm-9pm) **July 4<sup>th</sup>** (12noon-3pm & 6pm-9pm), Monday - September 16 (12noon-3pm) 2019 at 4933 Lake Shore Drive premises known as the Bolton Brewing Company.

Councilmember Cleavland stated she believed that 4<sup>th</sup> of July was a long stretch. Councilmember Wilson explained that they have been trying to scale the outdoor music down to 2 nights per week. Mr. Murnane stated he had talked to the Zoning Administrator and has agreed to move some of those dates inside so it will not be a problem. Councilmember Wilson asked him to notify the Planning Office as to which 2 nights he will be having music outside. Mr. Murnane agreed. Supervisor Conover said he has received some phone calls from the neighbors complaining about the noise level. Mr. Murnane stated he is trying to rectify this.

### **RESOLUTION #127**

Councilmember Cleavland moved, seconded by Councilmember Wilson to approve outdoor sound amplification permit by Brendan Murnane-Bolton Landing Brewing Co. for live outdoor music Sundays – June 9, 16, 23, & 30 (12 noon-3pm), Wednesdays - July 10, 17, 24, & 31 (6pm-9pm), Fridays – June 7 & 21, July 19, & 26 August 2, 16, 23, & 30, (6pm-9pm), Saturday – August 10 (12noon-3pm), July 4<sup>th</sup> **WEEK** 2 days of outside music, with the dates to be reported to the Planning Office. Monday - September 16 (12noon-3pm) 2019 at 4933 Lake Shore Drive premises known as the Bolton Brewing Company. **All others in Favor. Motion Carried.**

Public Hearing regarding outdoor amplification permit represented by David Shulman-Upstate Dough LLC for ambient outdoor music June-October 2019 daily (12 noon-10pm) at 4957 Lake Shore Drive premises known as Beyond the Sea.

- Resolution regarding outdoor amplification permit represented David Shulman-Upstate Dough LLC for ambient outdoor music June-October 2019 daily (12 noon-10pm) at 4957 Lake Shore Drive premises known as Beyond the Sea.

### **RESOLUTION #128**

Councilmember Wilson moved, seconded by Councilmember Cleavland to approve outdoor sound amplification permit by David Shulman-Upstate Dough LLC for ambient outdoor music June-October 2019 daily (12 noon-10pm) at 4957 Lake Shore Drive premises known as Beyond the Sea. **All others in Favor. Motion Carried.**

Public Hearing regarding outdoor amplification permit represented by Catherine Foy-Cate's Italian Garden for daily ambient outdoor music June – October 31, (11am-10pm) and live outdoor music weekends – Fridays & Saturdays, June – Labor Day (2-8:30pm), 2019 at 4952 Lake Shore Drive premises known as Cate's Italian Garden.

- Resolution regarding outdoor amplification permit represented by Catherine Foy-Cate's Italian Garden for daily ambient outdoor music June – October 31, (11am-10pm) and live outdoor music weekends – Fridays & Saturdays, June – Labor Day (2-8:30pm), 2019 at 4952 Lake Shore Drive premises known as Cate's Italian Garden.

Councilmember Wilson stated her only concern was the length of time of the live music. Councilmember Cleavland stated they have limited all the others to 5 hours.

### **RESOLUTION #129**

Councilmember Wilson moved, seconded by Councilmember Cleavland to approve outdoor sound amplification permit by Catherine Foy-Cate's Italian Garden for daily ambient outdoor music June – October 31, (11am-10pm) and live outdoor music weekends – Fridays & Saturdays, June – Labor Day (2-8:30pm). Music on Fridays and Saturdays is limited to 5 hours of their choice which they are to notify the Planning Office of these hours, at 4952 Lake Shore Drive premises known as Cate's Italian Garden. **All in Favor. Motion Carried.**

Public in Attendance:

Code Enforcement:

Correspondence:

- Association of Towns 2019 New York State Town Priorities.
- NYS Agriculture and Markets Municipal Shelter Inspection Report.
- Mark McNulty, Hire Divers regarding information on recovery diving.
- Sally Pepper, regarding Town of Bolton Septic Inspection.
- AARC Matters Summer 2019 Newsletter.

- Blessed Sacrament Church schedule of dates when parking lot monitors are required.
- Ryan Moore, County Administrator regarding capital improvements.
- Adirondack Garden Club regarding Plastic: The trash that won't go away.
- Santore's World Famous Fireworks regarding fireworks on 6/7/2019 & 7/4/2019.
- Thank you card from the Bolton Free Library.
- LGLC Summer Solstice Soiree June 20, 2019.
- YMCA annual meeting June 18, 2019.
- Fund for LG annual meeting July 6, 2019.
- Elan City regarding radar speed signs.
- Fort Ticonderoga 19<sup>th</sup> Annual King's Garden Party Invitation.

### **Committee Reports:**

#### **Councilmember Robert MacEwan**

#### **Councilmember Tim Coon**

#### **Councilmember Susan Wilson**

#### **Planning / Zoning:**

- The Planning Office for the month of December collected fees in the amount of \$662.95 for various items including Certificates of Compliance, Septic Permits, Variances, Site Plan Reviews, Stormwater Permits, After the Fact Fees and Engineering Fees.
- Pam, Mitzi, Mike and I continue to meet with Jim Martin to review the zoning code update.
- We also meet regularly each month to discuss projects, issues or concerns or to meet with residents.

#### **Veterans Park Advisory Committee:**

- They completed their task in May and later in the meeting we will be voting on the committee's recommendation for Phase 1 of the project.
- Nothing is more important than community members ideas and input while developing projects for the future of Bolton and I want to express the town's appreciation to the members of the committee who worked on this plan: Joy Barcome, Cheryl Bolton, Rebecca Cooper, Tony Hall, Hal Heusner, Michelle Huck, Brendan Murnane, Paul Terpening, Carol Sheridan, Kirk VanAuken and Matt Wells.

#### **Councilmember Wanda Cleavland**

#### **Police:**

- 52 patrol shifts, 550 reportable activities and 478 property checks.
- 4/26 P.O. Spahn represented Bolton PD at annual Blue Friday event honoring fallen Law Enforcement Officers at Saratoga.
- On 5/15 Traffic lights were changed from flash to full cycle for the season.

- 5/22 P.O. Spahn assisted with B.C.S. lockdown drill along with NYSP and Warren County Sheriff Department.
- Memorial Day Parade detail consisted of P.O. Lail and P.O. Spahn.
- All Bolton PD members completed annual firearms qualification at Warren Co. Sheriff's Range during May.

### **Supervisor's Report:**

- Deposits: \$1,071,322.91
- Disbursements: \$497,590.72
- Art show at the Bolton Museum (Landscapes Lost and Found) is spectacular, the opening event was very well attended, and I highly recommend it to residents and visitors. Big congratulations to Museum Board and Staff.
- Temporary Bridge repair on Horicon was made and additional temporary improvements will be made by Warren County. Water Department will be investigating the old line to determine the best next step.
- Memorial Day Parade was exceptional, great weather, big turnout, much thanks to the organizing committee and Veterans.
- Paving a short stretch of the entryway into Rogers completed by the County paving crew, other paving projects are either underway or soon to be underway. One additional project (Lake View Terrace) will be bid and advanced for late summer or fall work.
- Warren County Sales tax slightly behind last year.
- Marki proposal - *Atty. Muller stated that the Marki's attorney has indicated that they are prepared to remove the structures that were jurisdictional and built without a certificate of compliance. If the Town Board finds this favorable, he will share the stipulation with the Marki's counsel so that they can agree to the language and submit it to the court. The Marki's will not be required to remove any structures that are under 100 sq. ft.*

### **RESOLUTION #130**

Councilmember Wilson moved, seconded by Councilmember Cleavland to approve the Marki stipulation agreement presented by Attorney Muller. **All in Favor. Motion Carried.**

### **New Business**

- Resolution to reappoint Christine A. Hayes as Bolton Assessor for a 6-year term from October 1, 2019 to September 30, 2025.

Councilmember Wilson stated she does a wonderful job.

### **RESOLUTION #131**

Councilmember Cleavland moved, seconded by Councilmember Wilson to reappoint Christine A. Hayes as Bolton Assessor for a 6-year term from October 1, 2019 to September 30, 2025. **All in Favor. Motion Carried.**

- Resolution authorizing Supervisor to execute professional service contract with the LA Group for Phase 5 improvements at Rogers Park in an amount not to exceed \$112,250 including reimbursables.

Supervisor Conover stated that this was an all inclusive contract.

### **RESOLUTION #132**

Councilmember Wilson moved, seconded by Councilmember Cleavland to authorize the Supervisor to execute professional service contract with the LA Group for Phase 5 improvements at Rogers Park in an amount not to exceed \$112,250 including reimbursables. **All in Favor. Motion Carried.**

- Resolution authorizing the Supervisor to enter into professional service contract with the LA Group for preparation and submittal of CFA Grant application for Veterans Park Phase 1 in an amount not exceed \$3,500.

Supervisor Conover said this was phase 1 of the master plan for the park. This would be under the LWRP program which means the community would only pay 25% of the project.

### **RESOLUTION #133**

Councilmember Wilson moved, seconded by Councilmember Cleavland to authorize Supervisor to enter into professional service contract with the LA Group for preparation and submittal of CFA Grant application for Veterans Park Phase 1 in an amount not exceed \$3,500. **All in Favor. Motion Carried.**

- Resolution authorizing Supervisor to enter into professional service contract with the LA Group for preparation and submittal of Smart Growth Plan to develop a Master Plan for the BLDC in an amount not to exceed \$2,800.

Supervisor Conover stated that this would provide funding to the BLDC. The application has to be submitted by the community but the grant itself would be administered by the BLDC. They would enter into a MUO with them.

### **RESOLUTION #134**

Councilmember Cleavland moved, seconded by Councilmember Wilson to support the Smart Growth Grant and to authorize the Supervisor to enter into professional service contract with the LA Group for preparation and submittal of a NYSDEC Adirondack Smart Growth Grant to develop a Master Plan for Norowal Marina for the BLDC in an amount not to exceed \$2,800. **All in Favor. Motion Carried.**



- Resolution authorizing the Supervisor to enter into a professional service agreement with the Village of Lake George for the use of vacuum truck, camera and personnel to check manholes and sewer lines.

Supervisor Conover explained that they had done smoke testing on the sewer lines which resulted in finding some places of stormwater infiltration to the system. They are now proposing to camera all of the lines to find any and all infiltration of stormwater to the lines. This information will help determine where the priorities are that need to be addressed.

### **RESOLUTION #135**

Councilmember Cleavland moved, seconded by Councilmember Wilson to authorize the Supervisor to enter into a professional service agreement with the Village of Lake George for the use of vacuum truck, camera and personnel to check manholes and sewer lines. **All in Favor. Motion Carried.**

Public in Attendance:

Doug Wholley on behalf of the Dague family:

- He is here to say he did not back out of the job.
- Ground water is to high he can't keep up with it.
- He suggested alternatives such as severing and capping the pipe to the neighboring property and have the tank pumped again tomorrow.

Supervisor Conover stated that the extension was to June 4<sup>th</sup>. Today was the first time that they were informed that the June 4<sup>th</sup> date could not be met via correspondence to the attorney. Mr. Wholley stated no one had reached out to him. He said he will do what he can, the ground water was like a river and there is no way to keep up with it. He said he could try to put the tank closer to the house. He did not know that the extension was to June 4<sup>th</sup>. He will dig tomorrow and cap the line. The Dague's will have to be proactive and pump the tank. Supervisor Conover stated the location of the tank was proposed by the engineer. Councilmember Wilson said she does not feel comfortable making changes to the system designed by the engineer. Mr. Wholley stated he would talk to the engineer to see if he can place the tank in another area. Supervisor Conover said Mr. Wholley is proposing to sever the pipe and cap it and make this strictly a holding tank for the sludge. He will have the tank pumped tomorrow and dig a hole. Councilmember Wilson asked when it had been pumped last. Mr. Wholley stated 2 or 3 weeks ago. Supervisor Conover said that he believed that the idea of what he is suggesting for tomorrow is a good one.

Mr. Wholley suggested that they do a survey to see where the lines are.

Atty. Muller asked if they were going to remove the leach field that they were going to cap off. Mr. Wholley said that he could pump it out and fill it in with clean fill if that is what they require. Councilmember Wilson asked if that had to be approved by the property owner. Atty. Muller said the leach field was not on Mrs. Coon's property. He said when they cut it off, they would now have a holding tank without the benefit of alarms. Mr. Wholley said this was correct, and they would need to be proactive. Atty. Muller asked who would be bringing the receipts to the town. Melanie Coon stated she would bring the receipts to the town.

Supervisor Conover said that keeping any effluent from coming to the surface from a faulty leach field is very important and must be addressed immediately. Mr. Wholley said he would eliminate it tomorrow. Supervisor Conover said he would recommend that the Board give it until tomorrow and send out the Planning Office personnel while this is happening to make sure the outflow from the exit baffle is properly capped and the tank is pumped. Then he will communicate to the Board exactly when they will be moving forward with the plan and if necessary either from an enforcement point of view he will call a special board meeting.

Atty. Muller asked Mr. Wholley if he understood that this was a plan that Mr. Hutchins designed and was approved by the Local Board of Health, which means it is within the limits of what Mr. Hutchins says will work. He can't redesign it on the spot because he has a better idea. He must talk to the engineer and the Zoning Administrator if he wanted to make any changes.

Atty. Muller asked how often Mr. Wholley would be checking the water level to see when he can put the new system in. Mr. Wholley stated that he could dig down and put in a 6" pipe like a test well so they can physically measure the water level. Atty. Muller asked if he could do this every week. Mr. Wholley said he could. Atty. Muller explained that they had already gone past 2 deadlines. He and the Board are responding to the requirements of law and the expectations of the neighbors, so they need to know that this system is going in as soon as the groundwater permits.

Melanie Persons stated that her mother and her family are not trying to evade or follow through with a deadline. They are trying to move forward with the plan that had been set in place. Things happen and this family is trying their best to make this happen.

Zandy Gabriels spoke on the following:

- He reads the minutes of the BLDC and they have made no mention of seeking grant money for another master plan.
- He would like to know about the transfer from fund balance to water was coming from. *Supervisor Conover replied that he believes that it is the Water District Fund Balance. He said if by any remote chance this was incorrect, he would let him know.*

### **RESOLUTION #136**

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

#### TRANSFERS FOR JUNE 2019

To	From	Amount
<u>WATER:</u> 8340.4 Trans/Distribution CE	Fund Balance	\$86,000.00

**RESOLUTION #137**

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

**Pay the Bills:**

Voucher Amount

Abstract 5A

General	766-803	4,301.60
Sewer	169-178	3,361.87
Water	150-152	1,402.30
St Lights	17-18	44.23

Abstract 6

General	692-765 804-837	\$63,676.98
Highway	238-272	32,060.35
Sewer	153-168 179-187	7,244.43
Water	135-149 153-163	94,774.06
Sewer Improve	16-18	5,610.00
St Lights	19	390.20
Tourism	8-13	4,596.00
Roger's Park	1	230.02
Vet's Park	3	1,500.00

Adjourn

**RESOLUTION #138**

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

No Action Taken: 6:59pm

Minutes respectfully submitted by:

Jodi Connally  
Town Clerk

Katie Persons  
Minute Taker