

REGULAR MEETING
BOLTON TOWN BOARD

July 2, 2019

Regular Meeting:

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

Meeting Call to Order: 6:00 PM.

Pledge: Councilmember Cleavland

Minutes:

- Approve the June 4, 2019 Regular Town Board Meeting Minutes.

RESOLUTION #139

Councilmember Coon moved, seconded by Councilmember Cleavland to approve the Minutes of the regular Town Board Meeting held June 4, 2019. **All in Favor. Motion Carried.**

Public Hearings:

Public Hearing regarding outdoor amplification permit represented by Edward Corcoran Jr. for live outdoor music August 3, 2019, noon to midnight at 260 South Trout Lake Road-The Great Magua.

- Resolution regarding outdoor amplification permit represented by Edward Corcoran Jr. for live outdoor music August 3, 2019, noon to midnight at 260 South Trout Lake Road-The Great Magua.

Councilmember Wilson said she was a neighbor and Mr. Corcoran Jr. does this event every year and he does it well and she sees no reason not to grant it.

RESOLUTION #140

Councilmember Wilson moved, seconded by Councilmember MacEwan to approve outdoor sound amplification permit by Edward Corcoran Jr. for live outdoor music August 3, 2019, noon to midnight at 260 South Trout Lake Road-The Great Magua. **All in Favor. Motion Carried.**

Public in Attendance:

Ron Shelli presented the following:

- He has been a resident since 1983 and he has never had any problems with the Bolton Water Commission.
- His Doctor advised him, for health reasons, to spend the winters away, so he has spent the last 4 winters in Florida.
- In 2016 while he was basking in the sun in Florida his water meter read 25,000 gallons of usage.
- In 2017 he used 18,000 gallons for 2 months while in Florida.
- Last year it was 8,000 gallons.
- He sent an email to the Town Clerk asking what was going on.
- Town Clerk, Jodi Connally told him he may have a leak.
- He is unable to shut the system completely off while he is away because he is required to have a sprinkler system due to his house being 3 stories high.
- He does shut off the toilets and sinks.
- At Jodi's request he hired a plumber who said that the shut off valves were working fine and that there were no leaks.
- On May 24th the Town Clerk, Jodi Connally asked him to have a meeting with Jeff Dickinson from the Water Department.
- He met with Jeff Dickinson who told him that his sprinkler system must have gone off and put 25,000 gallons of water in his home, and then 18,000 again the following year.
- He told Mr. Dickinson that his swimming pool holds 28,000 gallons of water and he can't imagine that coming into his home and not destroying it.
- Mr. Dickinson told him that the burden of proof was on him and said he needed to hire the Albany Fire Protection Company and have them come in certify that no water leaked.
- He did this and they certified that nothing had leaked in his home.
- He called Spectrum security and they said that no one had been in his home while he was away.
- He talked to Supervisor Conover and he told him he would give them a \$190 credit toward a new water meter, but he would need to install it.
- He called his friends at the NYS Public Service Commission, who told him not to do it, because if he still had problems, the town would blame the installer.
- He paid \$502.90 to have the Albany Fire Protection Company to certify that his system did not leak. Supervisor Conover said the town would not pay for this because they did not get any benefit. Neither did he, but Jeff Dickinson required it. Now he is out \$502.90 plus the \$150.00.
- Since he complained his meter this year has been 0.
- His conclusion is that whomever read the meter the past years did it erroneously.

Councilmember Cleavland stated she did not see a 25,000 read on the bill. Mr. Shelli explained that in the period of 10/20/15 to 2/1/16 was 13,000 gallons and the period from 2/1/16 – 5/9/16 was 12,000 gallons for a total of 25,000 gallons in the period they were away. In 2017 from

10/26/16 – 1/18/17 was 7,000 gallons and 1/18/17 – 4/18/17 was 11,000 gallons for a total of 18,000 gallons. Councilmember Cleavland said he was talking about 2 billing periods at a time. Mr. Shelli replied yes and the third one was from 10/11/17 – 2/2/18 and 2/2/18 – 4/12/18 a total of 8,000 gallons were used. Last year with the same alleged faulty meter, it read 0.0 usage, but yet 3 years ago he used 25,000 gallons while he was basking in the sun in Florida. The meter is fine, and the sprinkler system is fine. No one entered his house while he was gone, and the plumber said there were no leaks.

Councilmember Cleavland asked if the sprinkler system had an issue back in 2007 of 70,000 gallons. Mr. Shelli replied that the house was knocked down and rebuilt in 2010. There was no sprinkler system prior to this in the home. Councilmember Cleavland replied that it must have been a leak. Mr. Shelli said he was unaware of any.

Supervisor Conover asked if the water was turned off at the curb stop this winter. Mr. Shelli stated he did not know. Supervisor Conover stated his information showed that it was, which would account for the 0.0 read. Mr. Shelli said that it was a 0.0 read prior to this last read.

Councilmember Wilson asked if Mr. Shelli is looking for a new meter. Mr. Shelli said no, the meter is fine. Councilmember Wilson said that meters are impartial, they can't deliver 10,000 gallons one period and then 0.0 the next. In 6 months it was 0.0 and nobody had shut off any valves. He never asked the Bolton Water Commission to come in and shut off any valves. He said that he has a sprinkler system and if they turned off of his valves at the curb and a fire occurred, he would be in trouble with the insurance company as he has certified to them that he has a working sprinkler system. There is no way it is true that someone came and turned off the water valve.

Supervisor Conover said that the offer was a \$190.00 credit toward the installation of a new water meter, and he believes that Mr. Shelli now wants a credit to the bill not toward a new meter. Mr. Shelli said he wanted the Town of Bolton Water Department to install the new meter. He was advised by NYS Public Service Commission that he should not have his own plumber install the unit. Supervisor Conover stated that the \$190.00 would have been credit for a new meter head. The reason he had extended the \$190.00 credit was because initially Mr. Shelli felt that the meter was faulty. He said they would install an electronic head and credit Mr. Shelli that amount. Now Mr. Shelli is saying there is nothing wrong with the meter and it is fine as it is. He is not suggesting that Mr. Shelli be forced to change it, it was a gesture on the part of the Water Company to resolve the situation, but if he feels that the meter is operating correctly, then he is not sure what the dispute would be.

Mr. Shelli said the other issue is the \$502 that he had to spend, which he is offering to split the total of the \$692.80 that he feels is owed to him. Councilmember MacEwan asked if it was a suggestion from Mr. Dickinson to have Albany Fire Protection Company to certify that his system did not leak. He said that the Water Department did not mandate this. Councilmember Wilson said she spoke to Mr. Dickinson and he had indicated that it was a suggestion. Supervisor Conover stated the Water Department had no jurisdiction on the other side of the meter. The Town's jurisdiction goes from the supply line to the shut off and of course they expect the meter to operate correctly. Anything beyond the meter is internal plumbing. A faulty

meter turns more slowly or not at all, which would have worked to Mr. Shelli's advantage. Mr. Shelli stated that in this case it did not work to his advantage. Supervisor Conover said that a water meter does not have a mind of its own and it would not move if no water is being utilized inside the facility. Mr. Shelli could test that himself. This is the property owner's responsibility. Mr. Shelli said the amount of water he is being billed for would have destroyed his house if it was a leak.

Supervisor Conover said the other problem they have is that Mr. Shelli came in and made a partial payment to the clerk's office which should not have been accepted. Atty. Muller stated that it is beyond policy to accept a partial payment on water/sewer and tax bills. It must be paid in full.

Supervisor Conover explained that it was up to the Board to decide if they wanted to bring this appeal to the floor for a motion.

Code Enforcement:

Correspondence:

- Santore's World Famous Fireworks – notification of display dates of June 20 & 22 near the Sagamore, and July 5 at Camp Walden.
- Susan Strange regarding Brookside Parkway and Trout Lake Road.
- Invitation to the 19th Annual King's Garden Party.
- F. Bruce Merges regarding donation to EMS.
- U.S. Army Corp. of Engineers regarding permit application by John Kruse.
- Charter Communications regarding upcoming changes.
- National Grid notice of termination at 3940 Lake Shore Drive.
- 27th Annual NYS ReLeaf Conference.
- Invitation to Adirondack & Lake Placid Garden Clubs.
- Potentia Management Group certificate as a Green Compliance Certified Business.
- Invitation to Adirondack Lakes Alliance 5th Annual Symposium.
- Assessor's Office end of 2019 Roll Year Report.
- Village of Lake George regarding the Student Connection.
- NYS DOT denying requested crosswalk on Route 9N.
- LGLC to schedule land monitoring on parcels 155-1-30, 177.00-1-6 & 177.00-1-15.2.
- Joe Tyrrell regarding church parking lot needs.
- RPI report for Veteran's & Roger's Beaches.
- NYSDOT regarding speed limit on Rainbow Beach road.

Committee Reports:

Councilmember Robert MacEwan

Justice Court:

During the month of June 2019, Justice Edward G. White took in \$4,412.00 and Justice Edward Stewart took in \$5,046.00. Total monies forwarded to the Town of Bolton amounted to \$9,458.00. Itemized lists are available in the Court should anyone desire to look them over.

Transfer Station:

- Total for the month is \$9,695.00
- Spring cleanup cards \$5,278.00
- Building needs repairs.

EMS:

Recreation Department:

Highway:

- Graded and raked dirt roads.
- Swept streets.
- Cut brush South Trout Lake Road and Lamb Hill Road.
- Ditch work Lamb Hill Road.
- Repair several washouts from heavy rain.
- Haul Item #4.
- Send trucks to other towns for paving.
- Replace culverts Trout Falls and Padanarum Road.

Councilmember Tim Coon

Assessor:

- The Final Assessment Roll was filed with the Town Clerk on July 1st. The process begins again for the 2020 Assessment Roll, updating sales, addresses, tax map changes, building permits, and photos.

Water:

Sewer:

- Total flow for the month 7,895,598 gallons for a daily average of 263,000 gallons
- Casella hauled 16,000 gallons of sludge
- We have had all of the yearly service on all the pumps and generators and compressors done. Everything is working good and only had a few things to repair.
- The village of Lake George has televised the whole town trying to help us find out where our problem spots are. We have found a few problems and will be addressing them. They have been up here 3 times helping.

- We have cleaned several lines with our sewer jet due to partial plugs found when we televised the lines. All of the lines are in good shape and cleaned out.
- We have conducted 2 sets of sampling this month on bio reactor. The results have been very impressive and removing most of the nitrates coming through it.
- The highway mowed around all of our upper and lower beds.
- We have had several alarms due to high water at the plant and power failures and the stations and at the plant.
- We have been working with Kathy and Mark Suozzo reviewing the scope of work we are doing at the plant and stations with the grant that we received.
- We have been maintaining the grounds around the stations and plant.

Councilmember Susan Wilson

Planning / Zoning:

- The Planning Office for the month of December collected fees in the amount of \$304.85 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.

Bolton Septic Inspection Program (B-SIP):

- The training for those interested in becoming Certified Septic Inspectors was held last Thursday, June 27th. The training was co-sponsored by the Fund for Lake George and the Lake George Association. The NY Onsite Wastewater Treatment Training Network provided classroom training during the morning session and the afternoon session was a hands on inspection of the septic system at the Community Center. 57 people signed up to attend the program. Approximately half of those were interested in becoming certified inspectors; but to my pleasant surprise the remaining half attended because they were interested in the program. We had representation from the Lake George Park Commission, the Adirondack Park Agency, the Warren County Board of Supervisors, the Warren County DPW, Saratoga and Washington Counties and the Towns of Hague and Queensbury. This tells me that septic inspections may be a trending topic in the area which is certainly a good thing for the health of our communities and Lake George.
- This program took a tremendous amount of work to pull this together and she would like thank Mitzi Stogdill and the Planning Office, along with the Clerk's Office, the Supervisor's Office, Buildings and Grounds. She stated that they could not have held this program without all of the support and help from the staff.

Councilmember Wanda Cleavland

Police:

- 31 patrol shifts, 337 reportable activities and 266 property checks.

Library:

- Trivia Night will be held July 8 & 22 at 6:30pm.
- The annual book sale will be held July 26th – 28th.

Supervisor's Report:

- Deposits: \$103,360.02
- Disbursements: \$410,847.29
- A Big thank you to Barry Kincaid for donating and delivering mulch to the Community Center.
- Warren County Sales tax receipts for May were up 5.1%; year to date +1%.
- Big thank you to the Wolgin family for the generous donation of an ambulance to the Bolton EMS.
- Farmers market off to an excellent start, very well attended.
- Preparing bids for temporary water main work scheduled for early Fall.
- Bolton Septic Inspection Program training session very well attended and feedback very positive, big thanks to all involved in making this happen. I had a chance to sit in for parts of the morning session and thought it was very well done.
- Report on water quality for Rogers and Veterans Parks from DFWI for June were very good.
- Infiltration and inflow testing of our Sanitary Sewer collection System continues.
- Nitrate testing results for the Bolton Wood Chip Bioreactor Project continues to be excellent.
- They will continue to look for water leaks that have not come to the surface or been identified.

New Business

- Resolution authorizing the Supervisor to sign a MOA with the Village of Lake George relating to the Lake George Watershed Priority Action Plan for salt reduction #C1000532.

RESOLUTION #141

Councilmember MacEwan moved, seconded by Councilmember Coon to authorize the Supervisor to sign a MOA with the Village of Lake George relating to the Lake George Watershed Priority Action Plan for salt reduction #C1000532 as follows:

WHEREAS, the Town of Bolton believes that the environmental health and overall quality of life in the Lake George Watershed area is critical to the social and economic well being for the Town of Bolton, Warren County and the region in general and has partnered with

local municipalities (Parties), including the Village of Lake George (Village), in completing certain water quality assessment and management activities for Lake George, and

WHEREAS, the Village has been awarded grant funds by the New York Department of State for a Project referred to as the Lake George Watershed Management Priority Action Plan Implementation – Village of Lake George – Grant #C1000532, and

WHEREAS, the Village intends to use the grant funds to reimburse the Village and the Parties' actually paid Project costs, with the Parties to provide for and achieve matching funds or qualified matching services, goods or equipment under the grant, and

WHEREAS, a proposed Memorandum of Agreement Relating to Lake George Watershed Priority Action Plan Implementation Village of Lake George C1000532 between the Village, Town and Parties providing for the acceptance of grant funds and payment of expenses is presented at this meeting,

NOW, THEREFORE, BE IT

RESOLVED, that the Bolton Town Board hereby authorizes the Memorandum of Agreement Relating to Lake George Watershed Priority Action Plan Implementation Village of Lake George C1000532 between the Village, Town of Bolton and other local municipalities (Parties) providing for the acceptance of grant funds and payment of expenses in the interest of advancing the important work of protecting the preservation of water quality of Lake George substantially in the form presented at this meeting, and

BE IT FURTHER,

RESOLVED, that the Town Board further authorizes and directs the Town Supervisor to sign the MOA and further authorizes and directs the Town Supervisor, Town Counsel and/or Town Budget Officer to take such other and further action necessary to effectuate the terms of this Resolution.

All in Favor. Motion Carried.

- Resolution to authorize the submittal of a New York State Department of State Local Waterfront Revitalization Program Grant Application.

RESOLUTION #142

Councilmember Wilson moved, seconded by Councilmember Coon to authorize the submittal of a New York State Department of State Local Waterfront Revitalization Program Grant Application as follows:

WHEREAS, the Bolton Town Board wishes to implement projects that will protect the water quality of Lake George; and

WHEREAS, the Bolton Town Board seeks to coordinate efforts to reduce impacts from stormwater runoff and prevent the contamination of Lake George from wastewater systems with

the Village of Lake George, towns of Queensbury, Lake George, Ticonderoga, and Warren County; and

WHEREAS, Round IX of the New York State Consolidated Funding Application (CFA) is accepting applications through July 26, 2019; and

WHEREAS, the New York State Department of State (NYSDOS) has announced the availability of funds through the Environmental Protection Fund – Local Waterfront Revitalization Program (EPF-LWRP) to implement priorities identified in approved Local Waterfront Revitalization Programs or Local Waterfront Revitalization Program Components; and

WHEREAS, applicants must provide evidence that a local match of twenty-five percent (25%) of the total project cost for the EPF-LWRP application will be available; and

WHEREAS, the Warren County Department of Planning & Community Development has agreed to apply on behalf of the Village of Lake George, towns of Queensbury, Lake George, Bolton, Ticonderoga, and Warren County; and

WHEREAS, the Lake George Village Board wishes to authorize the submission of an application for EPF-LWRP funds.

NOW, THEREFORE, BE IT

RESOLVED, that the Bolton Town Board further authorizes and directs submission of Warren County's application for Environmental Protection Fund – Local Waterfront Revitalization Program (EPF-LWRP) grant funds through the New York State Department of State (NYSDOS), with such application due by July 26, 2019; and

BE IT FURTHER,

RESOLVED, that should the project be awarded funds by NYSDOS, the Town Board pledges to work in cooperation with the partnering communities to provide the required twenty-five percent (25%) local match share of the total project cost; and

BE IT FURTHER,

RESOLVED, that the Town Board authorizes and directs the Town Supervisor and Warren County staff to sign any necessary documents in connection with the submission, including all applications, certifications and forms and further authorizes and directs the Town Supervisor and Warren County staff to take such other and further action as may be necessary to effectuate the terms of this resolution.

All in Favor. Motion Carried.

- Resolution to approve and endorse the application for a grant for \$487,500 under the

NYSDOS Local Waterfront Revitalization Program for a project known as Veterans Memorial Park Improvements: Phase 1 Active Recreation Complex with a total project cost of \$650,000.

Supervisor Conover congratulated the master planning committee and Councilmember Wilson for putting this on deck so they could seek these funds. Even if they receive these funds this project would not take place until 2021.

RESOLUTION #143

Councilmember MacEwan moved, seconded by Councilmember Coon to approve and endorse the application for a grant for \$487,500 under the NYSDOS Local Waterfront Revitalization Program for a project known as Veterans Memorial Park Improvements: Phase 1 Active Recreation Complex with a total project cost of \$650,000 as follows:

WHEREAS, the Town of Bolton is applying to New York State for a grant under the NYSDOS Local Waterfront Revitalization Program under the CFA 2019 funding round for the **Veterans Memorial Park Improvements: Phase 1 Active Recreation Complex** on Town-owned lands in the Village of Bolton Landing;

WHEREAS, the Town of Bolton owns Veterans Memorial Park, a 3.96-acre parcel on State Route 9N/Lake Shore Drive which is bordered by Lake George. The Town intends to complete the final site design and engineering work for the 0.55-acre active recreation complex detailed in the Veterans Memorial Park Master Plan. Design elements to consider include basketball courts, pickleball courts, tennis courts, landscaping, site access, parking, walkways, lighting, surface materials, furnishings, fences and gates, and signage;

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

WHEREAS, if awarded, the Town of Bolton will contribute the required 25% grant cash match of \$162,500;

NOW, THEREFORE, be it resolved that the Bolton Town Board hereby does approve and endorse the application for a grant for \$487,500 under the NYSDOS Local Waterfront Revitalization Program for a project known as **Veterans Memorial Park Improvements: Phase 1 Active Recreation Complex** with a total project cost of \$650,000.

All in Favor. Motion Carried.

- Resolution to approve and endorse the preparation and submission of an application to New York State for a grant under the NYSDOS Local Waterfront Revitalization Program in the CFA 2019 funding round for the **Veterans Memorial Park Improvements: Phase 1 Active Recreation Complex** by the LAGroup for an hourly fee not to exceed \$2,500.

RESOLUTION #144

Councilmember Wilson moved, seconded by Councilmember Cleavland to approve and endorse the preparation and submission of an application to New York State for a grant under the NYSDOS Local Waterfront Revitalization Program in the CFA 2019 funding round for the **Veterans Memorial Park Improvements: Phase 1 Active Recreation Complex** by the LA Group for an hourly fee not to exceed \$2,500. **All in Favor. Motion Carried.**

- Resolution to approve change order #8 for the zoning code revisions with the LA Group in an amount not to exceed \$10,000.

Councilmember Wilson stated that this was for the continuing of zoning update which is reflected in the time they spend every month going over the new code.

RESOLUTION #145

Councilmember Wilson moved, seconded by Councilmember Cleavland to approve change order #8 for the zoning code revisions with the LA Group in an amount not to exceed \$10,000. **All in Favor. Motion Carried.**

Public in Attendance:

RESOLUTION #146

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

TRANSFERS FOR JULY 2019

To	From	Amount
<u>GENERAL:</u>		
1440.4 Professional Svcs CE	1220.2 Supervisor EQ	\$300.00
<u>WATER:</u>		
8340.4 Trans/Distribution CE	8330.4 Purification CE	\$12,057.00

RESOLUTION #147

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

Pay the Bills:

Voucher	Amount
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Abstract 6A

General	914-952	6,357.92
Sewer	194-202	3,531.56
Water	177-179	1,659.42
St Lights	20-22	864.74

Abstract 7

General	838-913 953-1010	\$185,801.72
Highway	273-308	35,225.20
Sewer	188-193 203-218	8,593.85
Water	164-176 180-193	20,805.65
Sewer Improve	19-21	5,740.00
St Lights	20-22	344.04
Tourism	14-36	54,123.06
Water Improve	1	2,160.00
Vet's Park	4	1,388.36

RESOLUTION #148

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

No Action Taken: 6:47pm

Minutes respectfully submitted by:

Jodi Connally
Town Clerk

Katie Persons
Minute Taker

