

REGULAR MEETING
BOLTON TOWN BOARD

June 2, 2020

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: 11:00AM.

Pledge: Councilmember Wilson

Please pause for a moment of silence for Mary Baer, Sylvester Florio, George Carruthers.

Minutes:

- Approve the May 5, 2020 Town Board Meeting Minutes.

RESOLUTION #101

Councilmember Coon moved, seconded by Councilmember Wilson to approve the May 5, 2020 Town Board Meeting Minutes. **All in Favor. Motion Carried.**

Public Hearing:

Public Hearing regarding outdoor amplification permit by Rick Gage for live amplified outdoor music Saturday June 13, 2020 from 2:00pm – 8:00pm; located at 26 Sawmill Lane, Bolton Landing.

- Resolution regarding outdoor amplification permit represented by Rick Gage for live amplified outdoor music Saturday June 13, 2020 from 2:00pm – 8:00pm; located at 26 Sawmill Lane, Bolton Landing.

RESOLUTION #102

Councilmember Wilson moved, seconded by Councilmember Cleavland to approve the outdoor amplification permit represented by Rick Gage for live amplified outdoor music Saturday June 13, 2020 from 2:00pm – 8:00pm; located at 26 Sawmill Lane, Bolton Landing. **All in Favor. Motion Carried.**

Public Hearing regarding outdoor amplification permit by Catherine Mularz for live amplified outdoor music Saturday October 10, 2020 from 2:00pm – 8:00pm; located at Capri Village 3926 Lakeshore Drive.

- Resolution regarding outdoor amplification permit represented by Catherine Mularz for live amplified outdoor music Saturday October 10, 2020 from 2:00pm – 8:00pm; located at Capri Village 3926 Lakeshore Drive.

RESOLUTION #103

Councilmember Coon moved, seconded by Councilmember Wilson to approve outdoor amplification permit represented by Catherine Mularz for live amplified outdoor music Saturday October 10, 2020 from 2:00pm – 8:00pm; located at Capri Village 3926 Lakeshore Drive. **All in Favor. Motion Carried.**

- Resolution to waive the 30 day advanced notice for liquor license application for SPC 22 LLC, Sagamore Press Club, located at 4983 Lake Shore Drive.

RESOLUTION #104

Councilmember Wilson moved, seconded by Councilmember Cleavland to approve waiving the 30 day advanced notice for liquor license application for SPC 22 LLC, Sagamore Press Club, located at 4983 Lake Shore Drive. **All in Favor. Motion Carried.**

Correspondence:

- McCarthy & Conlon, LLP regarding Asian Clam Elimination project.
- LGLC Summer newsletter availability at lglc.org/news
- Warren County Health Services regarding lead poisoning prevention program.
- Alexander Novick, LGLC requesting to schedule easement monitoring on parcels 155-1-30, 177.00-1-6 and 177.00-1-15.2.
- Greg Papush, Wright Insurance regarding closure notice.
- Charter Communications notice of upcoming changes.
- Miriam Mastrianni request to cancel 2020 Bolton property re-assessment.
- Brett Moulton regarding animal control position.
- NY Rural Water Association 30-year recognition of Town of Bolton participation.
- FR Smiths SPEDES renewal notification.

Committee Reports:

Councilmember Rob MacEwan

Court:

- During the month of May 2020, Justice Edward G. White took in \$2,599.00 and Justice Joe Connally took in \$1,654.00. Total monies forwarded to the Town of Bolton amounted to \$4,253.00. Itemized lists are available in the Court should anyone desire to look them over.

Highway

- Graded and raked all dirt roads.
- Swept streets.
- Hauled away brush pile from Transfer Station.
- Chipped up brush from sides of all roads.
- Filled in washouts on Padanarum Road.
- Hauled Mulch for Parks Dept.
- Raked sewer beds and mowed around them.
- Replaced 60' x 3' culvert on Riding-Hy Road.

Supervisor Conover stated that they may have to forgo much of the paving this year unless they could get it in the chips program due to the budget situation. He stated that the work they are doing in Padanarum is 75% FEMA reimbursed.

Councilmember Tim Coon

Wastewater:

- Total flow for the month 4,463,294 gallons for a daily average of 149,000 gallons.
- Casella hauled 32,000 gallons of sludge.
- Kinsley excavation repaired our sludge valve in clarifier.
- Conducted Bio reactor sampling twice this month. The results have been very good. We are removing over 50% of the nitrates.
- We had our Eq tank auto control valve repaired. This is a crucial part of the system. It is working well now.
- We had the highway rake and mow around the upper and lower beds.
- Justin assisted parks department with spreading the mulch around town.
- We cleaned all the tanks and lines around the plant with sewer jet. We also cleaned a few lines around town.
- We installed 3 flow meters around town. The equipment was provided by Kathy Suozzo. They are using the equipment for another project. They are allowing us to borrow them until the other job starts.
- We had our yearly maintenance done on the 2 compressors at the plant.
- We have been maintaining the grounds around the stations and plant.

Supervisor Conover said that hopefully the flow meters would show them where the infiltration was coming from.

Councilmember Susan Wilson

There is a concern for the response rate to the 2020 census from the residents of the Town of Bolton. She said they will have to find ways to pursue getting a better response from the residents. Supervisor Conover stated this is very important for the town and there is telephone numbers and websites that residents can call to complete the census. Councilmember Coon stated that it only takes 5 minutes. Councilmember Wilson said she believes Bolton has the lowest response rate in the county.

TOWN CLERK’S REPORT – MAY 2020

We continued to work with a limited staff due to Covid 19 restrictions.
Water/ sewer rents collected in the amount of \$112,621.95.
Created billing for transfer station C & D, brush, freon, etc. as contact was prohibited at the Transfer station.
Began selling transfer station tickets at the Clerk’s outside window on May 21, revenue received in the amount of \$1540.00
Transfer station also began selling punch cards on that date, revenue received in the amount of \$2351.00
The spring cleanup cards were issued to the landfill staff for our residents, via the Clerk’s office. 469 issued to date.
\$2150.00 in Park tickets sold over the Memorial Day Weekend.
Settlement of 2020 Town & County tax completed.

Councilmember Wanda Cleavland

Library:

- The library is working diligently on a safe reopening program.

Police:

Harry Spahn will be greatly missed in the Bolton Police Department. He has done a fantastic job for the town. The Board wishes him well in his future endeavors.

Supervisor’s Report:

- Deposits: \$ 919,146.34
- Disbursements: \$ 245,618.72
- First installment of Mortgage Tax received in the amount of \$115,852.00. *This is considerably more than what was received last year over the same period.*
- Rogers Park phase 4 & 5 are going out to bid. *Resolution to follow.*

- Brett Moulton has been hired as Animal Control Officer to replace Jim Fitzgerald who has resigned. *Brett comes to us as a certified Animal Control Officer.*
- Route 9N repaving has been rescheduled to after Labor Day. *This will be done until the end of June and then restart after Labor Day.*
- Beaches have been reopened part time until June 25th. *Things went reasonably well this first weekend and much of the credit goes to our Recreation Director and George Mumblow of the Parks Department for fulfilling all of the regulations handed down at the last moment. They did a tremendous job. His biggest concern moving forward is as the demand to use the beaches increases, they will be turning quite a few people away.*
- Covid-19 Stage 2 hopefully will start tomorrow. *This is good news for our retailers and other permitted uses.*
- Consideration for expansion of outdoor dining for restaurants, if allowed by the Governor. *Resolution to follow.*
- Resolution to move the Transfer Station under the Building & Grounds Department under George Mumblow. *He believes this is a good move as they are doing a lot of work there anyway and staffing will be coming out of his department.*

New Business:

- Resolution to authorize the LA Group & Town Clerk to advertise for bids for Rogers Memorial Park Waterfront Improvements phases 4 & 5.

Supervisor Conover stated this was a long time in coming and they had actually merged two state grants together. The details on the drawing can be seen at the Planning Office. It is a project that will start this fall and hopefully be completed in the spring. Councilmember Wilson stated that these were the final phases.

RESOLUTION #105

Councilmember Wilson moved, seconded by Councilmember MacEwan to authorize the LA Group & Town Clerk to advertise for bids for Rogers Memorial Park Waterfront Improvements Phases 4 & 5. **All in Favor. Motion Carried.**

- Resolution to ratify and authorize the Supervisor to take all necessary actions to ensure compliance with NYS DOH Covid-19 regulations relating to Veterans and Rogers parks and beaches.

Supervisor Conover stated this was basically to authorize a number of things that we have to and will have to do to stay in compliance with the new regulations for Covid-19. There are many regulations in relationship to this right now. We have to conduct a much more scaled back program at this time.

RESOLUTION #106

Councilmember Coon moved, seconded by Councilmember MacEwan ratify and authorize the Supervisor to take all necessary actions to ensure compliance with NYS DOH Covid-19 regulations relating to Veterans and Rogers parks and beaches. **All in Favor. Motion Carried.**

- Resolution authorizing the Town of Bolton to establish working principles and reasonable expectations as the “best practices” designed to facilitate local business opportunities properly balanced with an overriding concern for maintaining public health, general welfare and public safety.

Atty. Muller explained that this was a resolution that will impose a breather space for the local businesses so they are not bound by the strict applications of the zoning code or the site plan review restrictions that may have been imposed on their property. When the State of New York permits outdoor dining, this will relax some of the limitations. It will be by application and approved and permitted by administrative review of the Director of Planning and Zoning. It is important to understand that they are not setting or changing any requirements of sanitation or safety. They would just adopt what New York State has imposed. This is not a long term solution to a problem. This will run its course through the summer and terminate in mid October after the Columbus Day holiday. Supervisor Conover explained that this was basically to provide some flexibility to some of the local businesses to continue to do what they are doing and/or add outdoor seating when it is approved.

RESOLUTION #107

Councilmember MacEwan moved, seconded by Councilmember Coon authorizing the Town of Bolton to establish working principles and reasonable expectations as the “best practices” designed to facilitate local business opportunities properly balanced with an overriding concern for maintaining public health, general welfare and public safety as follows:

WHEREAS State of New York Governor ANDREW M. COUMO in a series of Executive Orders and associated regulations, hereinafter referred to as “**New York State on Pause,**” has declared a statewide public health emergency with respect to the impacts of the COVID-19 pandemic, and

WHEREAS the “**New York on Pause**” Executive Orders have been designed and are being enforced to prevent the congregation of people in order to slow the progress of the COVID-19 contagion, thereby imposing limitations or restrictions on a variety of non-commercial and commercial activities; mandating closure, prohibition or substantial limitations concerning non-essential business activities, including taverns, bars, restaurants and eateries where the public is customarily invited to congregate to drink and dine, and additionally these same requirements impact other related businesses including general tourism enterprises, and

WHEREAS in accordance with the Governor’s plan, should the State of New York determine that it is appropriate to ease “**New York on Pause**” restrictions, limitations and prohibitions and

should New York State determine that within defined circumstances and specified limitations some taverns, bars, restaurants and public eateries may be allowed to resume their business enterprise with the serving of patrons in a variety of outdoor settings, including patios, decks, gardens, lawns, private parking areas and private sidewalk areas or similar settings, and

WHEREAS the Town of Bolton is a municipality created and existing by virtue of the laws of the State of New York and pursuant to New York State Municipal Home Rule statutes, as well as the town's plenary and general police powers, has a municipal duty to protect the health, general welfare and the wellbeing of persons who reside here, vacation here or do business in the town, and

WHEREAS it is appropriate for the Town of Bolton establish an administrative plan to prepare for its annual summer season and an anticipated influx of visitors, vacationers, tourists, and the customary attendant increase in town wide social and business activities associated with vacationing and enjoying the Adirondack region,

NOW and **THEREFORE** it is hereby appropriate that the Town of Bolton shall establish working principles and reasonable expectations as the "best practices" designed to facilitate local business opportunities properly balanced with an overriding concern for maintaining public health, general welfare and public safety, as follows:

1. The Town of Bolton shall relax, suspend and impose a moratorium on the strict enforcement of those sections and provisions of its current Zoning Code as well as those provisions of existing Site Plan Review approvals for any existing retail stores, commercial taverns, bars, restaurants or public eateries, should such businesses eventually be permitted by the State of New York to resume business activities, by substantially relocating their primary indoor activities and adjusting to safe and sanitary methods of serving patrons in any variety of feasible outdoor settings, or under outdoor canopies and including serving patrons on patios, decks, gardens, lawns, private parking areas and private sidewalk areas or similar settings.
2. The Town of Bolton shall allow existing retail stores, commercial taverns, bars, restaurants and public eateries, should such businesses eventually be permitted by the State of New York to resume business activities, to relocate their primary indoor activities and wherever feasible adapt business activities to serve patrons in any variety of feasible outdoor settings, or under outdoor canopies and including serving patrons on patios, decks, gardens, lawns, private parking areas and private sidewalk areas or similar settings.
3. The Town of Bolton Town Board hereby appoints and directs the Director of Planning and Zoning to implement a procedure whereby any applicant owning, operating or managing a business enterprise in the Town of Bolton which has been negatively impacted by "**New York on Pause**" restrictions, limitations or prohibitions and where such applicant seeks relief hereunder, such applicant may apply for temporary relief from the strict application of the Zoning Code or from the strict application from any specific requirement of a

previously approved Site Plan Review related to the premises. An applicant for such relief shall provide in writing to the Director of Planning and Zoning sufficient information, data, drawings depicting ingress and egress, a simple hand drawn dimensional plot plan (no survey or professionally drawn plan required), an estimate of the capacity of the maximum number of people intended to be served and such other information reasonably requested to support the application. Upon the conclusion of administrative review and where it is determined by the Director of Planning and Zoning that an application supports the granting of the temporary relief sought, the Town of Bolton shall authorize the applicant in writing as to the temporary relief granted, the circumstances approved, enumerated conditions, specifications and limitations. There shall be no fee imposed for such application. Where the Director of Planning and Zoning may have denied any application, an aggrieved applicant shall be entitled to appeal such decision directly to the Town Board and such decision on any appeal before the Town Board shall be deemed a final determination appealable to the Supreme Court of the State of New York.

4. The provisions created herein shall not be construed to allow any business enterprise to exceed the defined boundaries of their premises nor shall the provisions herein be construed or interpreted to create any special exception, license or privilege to any person or entity, except as expressly provided for herein.
5. The provisions created herein are not intended nor shall they be construed as a grant of authority for the use, or encroachment upon any public or private right of way. Outdoor business activities as provided for herein, shall not be created, placed nor maintained in any manner of configuration that unnecessarily blocks or impedes pedestrian or vehicular traffic or otherwise creates a safety hazard.
6. Commercial enterprises operating under the provisions specified herein shall have a continuing duty to also operate their establishments in compliance with all requirements imposed by current and continuing **“New York on Pause”** Executive Orders, including those regulations created thereunder and where food and drinks are served, shall for the health, safety and general welfare of its patrons and employees operate the business enterprise in conformity with the **“best practices”** guidelines published by the New York State Restaurant Association (NYSRA.org).
7. The provisions created herein are not intended to supersede any provision of any current or future Executive Order of the Governor of the State of New York nor shall the provisions herein be read or construed to be in conflict with any regulation or guideline imposed as part of the statewide **“New York on Pause”** response to the statewide COVID -19 public health emergency. Where any provision or specification herein shall be alleged to be in conflict with New York State laws, rules, regulations or Executive Orders, the state law shall prevail, and this resolution shall be considered subordinate. Under any circumstances where specifications or conditions of an approved application issued hereunder are determined by the Director of Planning and Zoning to have been violated or where a business enterprise has failed or neglected to make application hereunder or otherwise

conducts a business enterprise in violation of the Zoning Code or contrary to requirements imposed by the business enterprise's previously approved Site Plan Review, the Town of Bolton reserves all of its original enforcement rights and shall be entitled to seek all remedies in law or equity against any violator.

8. The provisions created herein are not intended to supersede nor exempt any person or entity from the requirements of compliance with any safety or fire protection codes, maximum premises occupancy limits, the New York State Health Law, or limitations and requirements provided for in any license or permit issued to any business enterprise by federal, state or local government and all persons and entities shall remain required to comply with Town of Bolton Noise Ordinance # 22.
 9. This resolution is intended to create provisional and temporary allowances to promote safe retail settings and sanitary local food and beverage service oriented commercial enterprises in the Town of Bolton while properly balancing the need to protect the health and wellbeing of the patrons, employees and guests of such establishments. Unless expressly extended by further resolution of the Town Board, the provisions herein specified shall automatically expire on October 15, 2020. Upon such expiration date, or should a business enterprise operating under the provisions hereof no longer be limited by requirements imposed by "New York on Pause", whichever shall sooner occur, all temporary structures or temporary outdoor improvements permitted to the applicant shall be removed from the premises no later than ten business days after the expiration date. **All in Favor. Motion Carried.**
- Resolution ratifying and appointing Brett Moulton as Animal Control Officer for the Town of Bolton with an annual salary \$7000.00.

Supervisor Conover stated that Mr. Moulton came highly recommended by the outgoing Animal Control Officer along with the other municipalities that he is working for. The town is required by law to have this position filled. He said that Mr. Moulton would be responsible for filing all the reports to the state for the town.

RESOLUTION #108

Councilmember Coon moved, seconded by Councilmember Wilson ratifying and appointing Brett Moulton as Animal Control Officer for the Town of Bolton with an annual salary \$7000.00. **All in Favor. Motion Carried.**

- Resolution to move the Transfer Station Operations into the Building and Grounds Department and adjust the Building and Grounds/Parks foreman salary \$1.50 per hour.

Councilmember MacEwan stated that he believes that having the Buildings and Grounds Department in charge of this department is a good move, as they are the ones that do all the maintenance already. This just makes good sense. Councilmember Wilson agreed, explaining that this will help with the amount of personnel needed to cover this department too.

RESOLUTION #109

Councilmember MacEwan moved, seconded by Councilmember Cleavland to move the Transfer Station Operations into the Building and Grounds Department and to adjust the Building and Grounds/Parks foreman salary \$1.50 per hour. **All in Favor. Motion Carried.**

RESOLUTION #110

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

TRANSFERS FOR JUNE 2020:

To	From	Amount
<u>GENERAL:</u>		
1010.4 Town Board CE	1220.4 Supervisor CE	\$1,016.00
1440.4 Professional Services	7110.4 Parks CE	\$4,500.00

RESOLUTION #111

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

Pay the Bills:

Vouchers	Vouchers Amount	Amount
Abstract 5A		
General	662-698	7,152.96
Sewer	148-157	6,404.90
Water	111-113	2,538.82
St Lights	14	10.51

Abstract 6

General	597-661 699-744	60,579.02
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Highway	130-153	19,242.09
Sewer	132-147 158-166	21,442.35
Water	97-110 114-128	24,549.74
St Lights	15	868.42
Sewer Improve	8-9	492.50
Rogers Park PH5	5	9,302.46

Motion to Adjourn

RESOLUTION #112

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

Motion Carried.

Adjourn: 11:30AM

Minutes respectfully submitted by:

Jodi Connally
Town Clerk

Katie Persons
Minute Taker

