

REGULAR MEETING  
BOLTON TOWN BOARD

August 4, 2020

Regular Meeting:

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

Meeting Call to Order: 10:00 AM.

Pledge: Councilmember Coon

Please stand for a moment of silence for Jane Gabriels and Raymond Chamberlain.

Minutes:

- Approve the July 7, 2020 Town Board Meeting Minutes.

**RESOLUTION #136**

Councilmember Cleavland moved, seconded by Councilmember Wilson to approve the July 7, 2020 Town Board Meeting Minutes. **All in Favor. Motion Carried.**

- Approve the July 16, 2020 Special Town Board Meeting Minutes.

**RESOLUTION #137**

Councilmember Cleavland moved, seconded by Councilmember Wilson to approve the July 16, 2020 Town Board Meeting Minutes. **All in Favor. Motion Carried.**

Public Hearing:

Public Hearing: For the purpose of discussing and considering the purchase of sixty one acres ( 61 +/- acres) of vacant land situated in the Town of Bolton in the area of Edgecomb Pond, a parcel including an area commonly known as “The Outlook” and such lands to be encumbered and subject to a perpetual conservation easement for the protection of the parcel as open public access lands and such further issues as may be attendant to such purchase.

No one spoke on this item.

Supervisor Conover closed the Public Hearing.

Convene as the Town of Bolton Board of Health

**RESOLUTION #138**

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

Septic Variance:

- Public Hearing: Regarding septic system replacement with a Clarus Fusion ZF450 enhanced treatment unit, represented by Eric E. Murdock, P.E. of Onsite Engineering for John Neeley - Parcel ID # 186.10-1-23 Property Location: 27 Sunrise Shores Loop in accordance with Resolution #186 set forth by the Town Board on September 1, 2009 Local Board of Health review is required for a Clarus Fusion enhanced treatment unit and a ultra violet light for disinfection. The treated water will then be discharge to the existing dry well.
- Resolution establishing Town of Bolton as Lead Agency.

**RESOLUTION #139**

Councilmember Cleavland moved, seconded by Councilmember Wilson to declare the Bolton Town Board as Lead Agency under SEQRA for the proposed variance for a septic system replacement with a Clarus Fusion ZF450 enhanced treatment unit, for John Neeley - Parcel ID # 186.10-1-23 Property Location: 27 Sunrise Shores Loop. **All in Favor. Motion Carried.**

Supervisor Conover inquired if the existing drywell was used under the old system. Mr. Murdock, P.E. replied yes. Supervisor Conover asked if under the old system it went to the septic tank and then to the drywell or directly to the drywell. Mr. Murdock replied that he thought the sanitary waste went directly into the drywell. Supervisor Conover asked if the drywell would be pumped out. Mr. Murdock replied yes. Supervisor Conover asked how they would satisfy themselves that the drywell, having been used with waste all of these years, was going to percolate satisfactorily. Mr. Murdock stated they were very confident that it would percolate satisfactorily. Once they install the enhanced treatment unit, the water that they will be discharging into the drywell will essentially be clean water and it would not promote the formation of a bio mat which would impede the drainage into the ground. Supervisor Conover asked if the drywell was stacked block. Mr. Murdock replied yes. Supervisor Conover asked if they planned on cleaning and washing the drywell after they pumped it out. Mr. Murdock replied yes, they would pump it out and hose it out

to remove any caked on organic materials. They would be doing the best job they could to clean it out and he wanted to state that the drywell was not in a state of failure. They did not anticipate cleaning to be a very big effort. This cottage receives seasonal use on a on a fairly limited basis. They have had no indication of a backup and this is a precautionary measure. The owner is trying to be responsible and do a better job with wastewater. Supervisor Conover asked if all the units in that development were on public water. Mr. Murdock stated as far as he knew, they were all on public water. Supervisor Conover asked if there was any protective circuitry associated with this system. Mr. Murdock replied that there was not. He stated that the enhanced system they were installing did not have any pumps, it is simply a gravity flow.

Councilmember Cleavland asked how far the one cottage was from the lake. Mr. Murdock replied that the location of the septic system was more than 100' from the lake. Councilmember Cleavland stated that one of the cottages used to be on a well. Supervisor Conover said the question was if there were any neighboring wells within 100' of the septic system drywell. Mr. Murdock replied that he had canvassed the area the best he could, and he could not identify any properties that were not on the public water supply. Supervisor Conover asked Director of Planning and Zoning Administrator Richard Miller P.E. if the application met with his approval. Mr. Miller replied that it did.

- Resolution regarding SEQRA & LWRP Determinations.

Councilmember Wilson asked the Board the following questions:

1. 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
2. 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
3. Will the proposed action impact any of the items listed 1 through 11 in Part 2 of the SEQRA 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 #140**

Councilmember Wilson moved, seconded by Councilmember MacEwan to make a negative declaration with regard to SEQRA & LWRP for the proposed variance for a septic system replacement with a Clarus Fusion ZF450 enhanced treatment unit, for John Neeley - Parcel ID # 186.10-1-23 Property Location: 27 Sunrise Shores Loop. **All in Favor. Motion Carried.**

- Resolution to allow septic system replacement with a Clarus Fusion ZF450 enhanced treatment unit for John Neeley – Parcel ID # 186.10-1-23 Property Location: 27 Sunrise Shores Loop in accordance with Resolution #186 set forth by the Town Board on September 1, 2009 Local Board of Health review is required for a Clarus Fusion enhanced treatment unit and a ultra violet light for disinfection. The treated water will then be discharge to the existing dry well.

#### **RESOLUTION #141**

Councilmember Wilson moved, seconded by Councilmember Cleavland Having declared the Bolton Local Board of Health as Lead Agency, held a public hearing, made a Negative Declaration for the SEQRA Application and a positive determination of consistency for the LWRP Application, I make a motion to approve this application for a septic variance on Parcel ID #186.10-1-23 as approved by Richard Miller, Director of Planning and Zoning with the following conditions: (1) Existing drywell shall be made ready to accept the discharge of treated water to insure percolation. (2) Once the drywell is made ready the Town's Director of Planning and Zoning shall be notified so that he may view the condition of the drywell before it is covered over. Should Mr. Miller not be available, the contractor may provide a summary letter describing steps taken, the ability to function as required, and photographs of the refurbished drywell. **All in Favor. Motion Carried.**

#### **Correspondence:**

- NYMIR Newsletter.
- Thank you note from the Bolton Free Library.
- Charter Communications regarding upcoming changes.
- Jim Gilles regarding cable service to Clay Island.

#### **Committee Reports:**

## **Councilmember Rob MacEwan**

### Justice Court:

- During the month of July 2020, Justice Edward G. White took in \$1,308.00 and Justice Joe Connally took in \$1,505.00. Total monies forwarded to the Town of Bolton amounted to \$2,813.00. Itemized lists are available in the Court should anyone desire to look them over.

## **Councilmember Tim Coon**

### Wastewater:

- Total flow for the month 5,994,952 gallons for a daily average of 207,000 gallons.
- Casella hauled 112,000 gallons of sludge.
- We sent a letter out to all of the sewer customers informing them of the issues we are having with the non-flushable items in the collection system.
- We conducted bio sampling twice this month. The results have been very impressive. The removal rate is around 70% of nitrates.
- We had the highway mow around all of the sand beds.
- We painted the Imoff tank railings and walls.
- Maintained the grounds around the plant and stations.
- We have cleaned several lines around town.
- We had George Mumblow and crew excavate our discharge line to clarifier. Lake George attempted to jet the line for us, and their hose got stuck. We cut the line to remove their hose. Big thanks to George for helping.
- We had to replace our upper bed pump.
- We had Mike Fitzgerald replace an outlet in the air compressor room. The outlet caught fire due to a wire coming off.
- We attended a training class online from DEC on new SPDES and reporting the monthly operating report and also for the DMR.
- The Bolton EMS has used the shower several times this month at the plant. They are very happy they can use the shower facility up here.
- The 2 Flow meters have been working very well. They are showing us where the water issues are coming from after rain events.

## **Councilmember Susan Wilson**

## **Councilmember Wanda Cleavland**

### Police:

- 45 patrol shifts, 435 reportable activities and 343 property checks.

### Supervisor's Report:

- Deposits: \$ 1,000,648.99
- Disbursements: \$ 967,876.83
- Sewer clog at Rogers Park on Sunday handled very well by Town Parks and Sewer staff, do not believe any affluent found its way to the beach area or Lake George, precautionary testing of swim area underway. *He can't say enough about the response by the Sewer and Parks departments along with Hometown Sewer for their quick response. Although it did not appear that anything made it to the lake, the beaches were closed for testing to be on the safe side. Reports came back negative and beach was reopened.*
- New Electric Service for north end streetlights underway. *These run from the Shack to Tops. Thanks to the Congers Point Association for providing the town an easement to deliver the service to that leg of lighting. This should be up and running shortly.*
- Rogers Park passed inspection by NYS Department of Health. Inspector satisfied with our COVID Operating Plan at the Park and its implementation. *When you consider all the pages and pages of State Health Department requirements it is a real credit to all of the employees in the Recreation and Parks Departments who got the job done.*
- Overall Town has been busy, I am getting good reports from the business community.
- Farmers Market doing well, well over 800 visitors each Friday, COVID Plan compliance looks good.
- May have an issue maintaining enough lifeguards to get to Labor Day as we get closer to back to school. *They may have to close one or both of the beaches if they cannot staff properly.*

### New Business:

- Resolution adopting the NYS RETENTION AND DISPOSITION SCHEDULE FOR NEW YORK AND LOCAL GOVERNMENT RECORDS (LGS-1)

**RESOLVED**, By the Town Board of the Town of Bolton that *Retention and Disposition Schedule for New York Local Government Records (LS-1)*, issued pursuant to Article 57-A of the Arts and Cultural Affairs Law, and containing legal minimum retention periods for local government records, is hereby adopted for use by all officers in legally disposing of valueless records listed therein.

**FURTHER RESOLVED**, that in accordance with Article 57-A:

- (a) Only those records will be disposed of that are described in *Retention and Disposition Schedule for New York Local Government Records (LGS-1)*, after they have met the minimum retention periods described therein:
- (b) Only those records will be disposed of that do not have sufficient administrative, fiscal, legal, or historical value to merit retention beyond established legal minimum periods.

**RESOLUTION #142**

Councilmember MacEwan moved, seconded by Councilmember Coon to adopt the NYS RETENTION AND DISPOSITION SCHEDULE FOR NEW YORK AND LOCAL GOVERNMENT RECORDS (LGS-1)

**RESOLVED**, By the Town Board of the Town of Bolton that *Retention and Disposition Schedule for New York Local Government Records (LS-1)*, issued pursuant to Article 57-A of the Arts and Cultural Affairs Law, and containing legal minimum retention periods for local government records, is hereby adopted for use by all officers in legally disposing of valueless records listed therein.

**FURTHER RESOLVED**, that in accordance with Article 57-A:

- (c) Only those records will be disposed of that are described in *Retention and Disposition Schedule for New York Local Government Records (LGS-1)*, after they have met the minimum retention periods described therein:
- (d) Only those records will be disposed of that do not have sufficient administrative, fiscal, legal, or historical value to merit retention beyond established legal minimum periods. **All in Favor. Motion Carried.**

- Resolution authorizing the Town Attorney to represent the Town in the matter of FR Smith & Sons, Inc. vs. the Town of Bolton, Town of Bolton Assessor, and The Board of Assessment Review at an hourly rate of \$225 per hour.

**RESOLUTION #143**

Councilmember Cleavland moved, seconded by Councilmember Wilson to authorize the Town Attorney to represent the Town in the matter of FR Smith & Sons, Inc. vs. the Town of Bolton, Town of Bolton Assessor, and The Board of Assessment Review at an hourly rate of \$225 per hour. **All in Favor. Motion Carried.**

- Resolution authorizing the Town Attorney to represent the Town in the matter of Rainbow Beach Association vs. the Town of Bolton, Town of Bolton Assessor, and The Board of Assessment Review at an hourly rate of \$225 per hour.

**RESOLUTION #144**

Councilmember Cleavland moved, seconded by Councilmember MacEwan to authorize the Town Attorney to represent the Town in the matter of Rainbow Beach Association vs. the Town of Bolton, Town of Bolton Assessor, and The Board of Assessment Review at an hourly rate of \$225 per hour. Councilmember Wilson abstained. **All others in Favor. Motion Carried.**

- Resolution authorizing the Town Attorney to represent the Town in the matter of Marcia P. Metzger Lake George QPRT and Irving L. Metzger Lake George QPRT vs. the Town of Bolton, Town of Bolton Assessor and the Board of Assessment Review at an hourly rate of \$225 per hour.

#### **RESOLUTION #145**

Councilmember Cleavland moved, seconded by Councilmember Wilson to authorize the Town Attorney to represent the Town in the matter of Marcia P. Metzger Lake George QPRT and Irving L. Metzger Lake George QPRT vs. the Town of Bolton, Town of Bolton Assessor and the Board of Assessment Review at an hourly rate of \$225 per hour. **All in Favor. Motion Carried.**

- Resolution authorizing the Town Attorney to represent the Town in the matter of Charlotte Blumenthal vs. the Town of Bolton, Town of Bolton Assessor, and the Board of Assessment Review at an hourly rate of \$225 per hour.

#### **RESOLUTION #146**

Councilmember MacEwan moved, seconded by Councilmember Coon to authorize the Town Attorney to represent the Town in the matter of Charlotte Blumenthal vs. the Town of Bolton, Town of Bolton Assessor, and the Board of Assessment Review at an hourly rate of \$225 per hour. **All in Favor. Motion Carried.**

- Resolution authorizing the Supervisor to enter into agreement with the LGLC relating to the purchase of sixty one acres ( 61 +/- acres) of vacant land situated in the Town of Bolton in the area of Edgecomb Pond, a parcel including an area commonly known as “The Look Out” and such lands to be encumbered and subject to a perpetual conservation easement for the protection of the parcel as open public access lands and such further issues as may be attendant to such purchase.

Supervisor Conover said this was a long time in coming. It is a tremendous purchase for the town and a key piece of property that we have been looking at for a long time. It will be one of the finest walks in the Adirondacks upon completion. He said a lot of credit goes to our partner in this endeavor, the Lake George Land Conservancy. He is not sure it would have come to pass without it. Hopefully a parking area will be put in soon to get the cars off the road. They have been looking at where to place the parking and trails in concert with their partners, the LGLC.

#### **RESOLUTION #147**

Councilmember MacEwan moved, seconded by Councilmember Wilson authorizing the Supervisor to enter into agreement with the LGLC relating to the purchase of sixty one acres ( 61 +/- acres) of vacant land situated in the Town of Bolton in the area of Edgecomb Pond, a parcel including an area commonly known as “The Look Out” and such lands to be encumbered and subject to a



perpetual conservation easement for the protection of the parcel as open public access lands and such further issues as may be attendant to such purchase. **All in Favor. Motion Carried.**

- Resolution authorizing award of bid for Rogers Memorial Park Waterfront Improvements Phases 4 and 5 to VMJR with a base bid of \$1,249,900 and authorizing the Town Supervisor to sign all contracts and agreements related to same subject to approval of the Town Attorney.

Supervisor Conover stated that there was a lower bid, but the bidder withdrew because there were errors associated with it. This is the next lowest bid and fits within the budget. They have received grants for Phase 4 & 5. They are trying to merge the two grants together so they will only be working once and making it a more efficient project. Phase 4 must be completed by the middle of next year. Work will begin this fall into next spring. Councilmember Wilson stated that these were the final two phases for Rogers Park. Supervisor Conover agreed saying there may be a couple of clean up items after these phases. Supervisor Conover stated that Tim Larson, of the LA Group has done such a good job on this project and many others for the town. He keeps everything going right in these matters.

**RESOLUTION #148**

Councilmember Cleavland moved, seconded by Councilmember Wilson to authorize the award of bid for Rogers Memorial Park Waterfront Improvements Phases 4 and 5 to VMJR with a base bid of \$1,249,900 and authorizing the Town Supervisor to sign all contracts and agreements related to same subject to approval of the Town Attorney. **All in Favor. Motion Carried.**

Public in Attendance:

**RESOLUTION #149**

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

**TRANSFERS FOR AUGUST 2020:**

To	From	Amount
<b><u>GENERAL:</u></b>		
1430.4 Personnel CE	1620.4 Buildings/Grounds CE	\$1,780.00
1650.2 Central Comms EQ	1650.4 Central Comms CE	\$668.00
3510.4 Dog/Animal Control CE	3120.4 Police/Constable CE	\$400.00
8010.4 Zoning/Planning CE	8010.1 Zoning/Planning PS	\$2,923.00
<b><u>HIGHWAY:</u></b>		
5110.2 Storm Damage Repairs	5112.2 Permanent Improvements	\$100,000.00

WATER:

8340.2 Trans/Distribution EQ                      8340.4 Trans/Distribution CE                      \$3,783.00

SEWER:

8110.4 Administration CE                      8120.4 Sanitary Sewers CE                      \$4,923.00

ADDITIONAL TRANSFERS:

\$40,000.00 to be transferred to Sewer District from General Fund. The transfer will be set up as a Due To / Due From in anticipation of upcoming Quarterly Billing.

\$10,000.00 to Sewer Plant Improvement Projects from Sewer District for Abstract 8

**RESOLUTION #150**

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

Pay the Bills:

Abstract 7A

General	975-1001	2,490.99
Sewer	219-222	1,274.57
Water	172	697.42

Abstract 8

General	910-974 1002-1028	52,965.39
Highway	198-222	31,379.67
Sewer	201-218 223-228	18,981.13
Water	163-171 173-179	9,999.44
Water Improve	4	5,215.00
St Lights	19-20	1,538.23
Sewer Improve	12-13	8,195.00
Tourism	10-11	3,114.51

Adjourn:

**RESOLUTION #151**

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

**Motion Carried.**

Adjourn: 10:30AM

Minutes respectfully submitted by:

Jodi Petteys  
Town Clerk

Katie Persons  
Minute Taker

