

REGULAR MEETING
BOLTON TOWN BOARD

September 1, 2020

Regular Meeting:

Supervisor: Ronald Conover
Councilman: Robert MacEwan
Councilman: Tim Coon (Absent)
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 Lillian Murray, Fred Branch, Marion Trembly, Patricia Ferguson and Michael Lennon.

Minutes:

- Approve the August 4, 2020 Regular Town Board Meeting Minutes.

RESOLUTION #152

Councilmember Cleavland moved, seconded by Councilmember MacEwan to approve the August 4, 2020 Town Board Meeting Minutes. **All in Favor. Motion Carried.**

Convene as the Town of Bolton Board of Health

RESOLUTION #153

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

Septic Variance:

- Public Hearing: Parcel ID # 171.11-1-45 Property Location: 138 Horicon Ave represented by Thomas Jarrett, P.E. of Jarrett Engineers, PLLC for Jennifer & Scott Jacobs. In accordance with Resolution #186 set forth by the Town Board on September 1, 2009 Local Board of Health review is required. The following variances are sought based on local and state wastewater codes to replace and upgrade current septic system, using BUSSE technology wastewater management system with a membrane bioreactor. 1) Setback

adjustment from residence (7'11 vs. 20'). 2) Setback adjustment to surface water supply (35'4 vs. 100') which in this case a wetland/drainage course crossing the property.

Councilmember Cleavland recused herself.

Thomas Jarrett, P.E. of Jarrett Engineers, PLLC presented the following:

- They need a variance from the brook just below the house.
- The new system will be Busse technology.
- This is an advanced technology that is more enhanced than an enhanced system as designated by the DOH.
- They need to be roughly 35' from the wet area, which the existing system is currently closer.
- They need to be less than 20' from the main residence.
- They have measured from the edge of fill.
- They have proposed a dispersal system which is in accordance with the Town Engineer.

Councilmember Wilson asked if this was the system that ultimately treats what is distributed to groundwater. Mr. Jarrett replied yes, far in excess of actual secondary treatment standards. It is a NFS40 System. Supervisor Conover asked what type of system presently exists on the property. Mr. Jarrett replied there may be a septic tank, but it is an old dry well, leach pit type thing. Councilmember MacEwan stated that this would be a huge upgrade. Mr. Jarrett agreed.

- Resolution establishing Town of Bolton as Lead Agency.

RESOLUTION #154

Councilmember Wilson moved, seconded by Councilmember MacEwan to declare the Bolton Town Board as Lead Agency under SEQRA for the proposed septic variances for Jennifer & Scott Jacobs - Parcel ID # 171.11-1-45. Property Location: 138 Horicon Ave. **All in Favor. Motion Carried.**

- 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 #155

Councilmember Wilson moved, seconded by Councilmember MacEwan to make a negative declaration with regard to SEQRA & LWRP for the replacement and upgrade of current septic system, using BUSSE technology wastewater management system with a membrane bioreactor, for Jennifer & Scott Jacobs - Parcel ID # 171.11-1-45. Property Location: 138 Horicon Ave. **All in Favor. Motion Carried.**

- Resolution for the proposed variances to replace and upgrade current septic system for Jennifer & Scott Jacobs - Parcel ID # 171.11-1-45 Property Location: 138 Horicon Ave.

RESOLUTION #156

Councilmember Wilson moved, seconded by Councilmember MacEwan 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 for Jennifer & Scott Jacobs, on Parcel ID # 171.11-1-45 as approved by Richard Miller, PE., Director of Planning and Zoning. **All in Favor. Motion Carried.**

Public Hearing: Regarding septic system upgrade for Parcel ID # 156.20-1-11 Property Location: 120 Pioneer Village Road represented by Thomas Hutchins, P.E. of Hutchins Engineering, for Richard and Nancy Elkin. In accordance with Resolution #186 set forth by the Town Board on September 1, 2009 Local Board of Health review is required for septic system upgrade. The following variances are sought to replace an antiquated cesspool style system with a Clarus Fusion 450 enhanced treatment unit (ETU) followed by a pump station and absorption area.
1) Enhanced Treatment Unit to Residence 10' Required, 6.9' Proposed; 2) Enhanced Treatment Unit to Property Line 10' Required, 3.4' Proposed; 3) Pump Station to Residence 10' Required,

8.6' Proposed; 4) Pump Station to Property Line 10' Required, 3.9' Proposed; 5) Absorption Field to Residence 20' Required, 12.9' Proposed; 6) Absorption Field to Property Line, 10' Required, 2.0' Proposed; 7) Absorption Field to Neighboring Well 100' Required, 78' Proposed; and 8) Absorption Field to Lake 100' Required, 73' Proposed.

Thomas Hutchins, P.E. of Hutchins Engineering presented the following:

- This is a very tight neighborhood and the parcel is small.
- Presently they have a single vessel cesspool type system that is not in failure.
- It is antiquated and 40' +/- from the lake.
- He was unable to find any records of when it was installed.
- There is a retaining wall that supports the driveway adjacent to the house which has failed and needs to be repaired.
- The homeowner has decided that they should upgrade the system while making these repairs.
- They are proposing an enhanced treatment unit.
- There are a number of them in town.
- It will be an aerobic treatment unit, with high quality effluent that will be pumped to an absorption field under the driveway.
- There is no other space available with reasonable setbacks from the lake.
- This is an approved system to be placed under traffic.
- Most of the variances have to do with property line setbacks, but one has to do with a neighboring property's well.
- They have 78' from this well and the neighbor has reviewed the plans and has indicated support.

Supervisor Conover stated that this appeared to be a huge upgrade from the existing system. Mr. Hutchins agreed. Councilmember MacEwan inquired if the driveway would need to be reinforced in some matter after installation. Mr. Hutchins replied that the driveway would be a standard driveway. Councilmember Wilson asked if the 450 indicated the size of the tank. Mr. Hutchins stated it pertained to the capacity and gallons per day of the system. The volume of the tank is slightly more than that. Councilmember Cleavland asked if the current system would be pumped out and removed. Mr. Hutchins replied yes.

- Resolution establishing Town of Bolton as Lead Agency.

RESOLUTION #157

Councilmember Cleavland moved, seconded by Councilmember Wilson to declare the Bolton Town Board as Lead Agency under SEQRA for the proposed septic variance for Richard and Nancy Elkin

- Parcel ID # 156.20-1-11. Property Location: 120 Pioneer Village Road. **All in Favor. Motion Carried.**

- 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 #158

Councilmember Wilson moved, seconded by Councilmember MacEwan to make a negative declaration with regard to SEQRA & LWRP for the proposed septic variance for Richard and Nancy Elkin - Parcel ID # 156.20-1-11. Property Location: 120 Pioneer Village Road. **All in Favor. Motion Carried.**

- Resolution to allow septic system replacement with a Clarus Fusion 450 enhanced treatment unit (ETU) followed by a pump station and absorption area for Richard and Nancy Elkin –

Parcel ID # 156.20-1-11 Property location 120 pioneer Village Road 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 followed by a pump station and absorption area.

RESOLUTION #159

Councilmember Wilson moved, seconded by Councilmember MacEwan 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, make a motion to approve this application for a septic variance for Richard and Nancy Elkin on Parcel ID # 156.20-1-11 as approved by Richard Miller, PE., Director of Planning and Zoning. **All in Favor. Motion Carried.**

Reconvene as Bolton Town Board

RESOLUTION #159a

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

Correspondence:

- Bolton Landing Chamber of Commerce 2020 Destination Guide.
- NYS Assoc. of Towns regarding dues.
- The Sembrich invitation to a *Virtual Visionaries* event.
- Warren County regarding occupancy tax for short term rental beginning September 1, 2020.
- Adirondack Local Government Review Board annual dues request.
- Empire Blue Cross *Light up the Night* Gala.
- Gregory V. Canale, Esq. regarding Parrotta Family LLC Site Plan Review.
- NIST community guide for buildings.

Committee Reports:

Councilmember Rob MacEwan

Justice Court:

- During the month of August 2020, Justice Edward G. White took in \$1,730.00 and Justice Joe Connally took in \$3,634.00. Total monies forwarded to the Town of Bolton amounted to \$5,364.00. Itemized lists are available in the Court should anyone desire to look them over.

Councilmember MacEwan stated that he had spoken with Bambi Monroe and she has expressed some concerns for items they are in need of for their after school program at the church. He is wondering if there is some way the town could assist them. Supervisor Conover stated that the town had sanitizer that had been received from the County. Councilmember Wilson stated that Ms. Monroe had also reached out to the community and there has been some response.

Councilmember Tim Coon (Absent)

This report was submitted to the Board but not read into the minutes

Wastewater:

- Total flow for the month 6,877,365 gallons for a daily average of 229,000 gallons.
- Casella hauled 32,000 gallons of sludge.
- On 8/2 we had a gravity line plug by Rogers Park. The manhole near the bathrooms at Rogers was overflowing. Thanks to George and crew from parks on containing spill with sand until Hometown Sewer could clean manhole out and we could jet the line to remove plug.
- We have had several alarms due to high water events.
- We conducted Bio Sampling twice this month. The results are very well. We are removing on average 60% of nitrates. We have been flushing it once a month to prevent plug ups.
- We have painted and cleaned several tanks at the sewer plant.
- We have maintained the grounds around the pump stations and plant.
- We have been working with Kathy Suozzo on upcoming grant stuff.
- We have cleaned several lines around town to prevent plug ups.
- The flow meters that we have installed around town continue to show us were we are having issues with heavy rain events.

Councilmember Susan Wilson

- The U.S Census results help determine how billions of dollars in federal funding flow into New York State and Warren County each year. The funding is determined by the need and the need is determined by population.

These funds provide financial support for Education (Warren County School Districts); for Health Care (Medicare, Medicaid, Glens Falls Hospital, Hudson Headwaters); for Transportation and Public Safety (Police, Fire and Rescue).

The results determine how much representation a state will have in congress. Currently NYS has 27 congressional districts, down from a high of 45. If its residents are undercounted, the state could lose congressional districts as happened in 2010 thereby losing congressional representation.

Population also determines the number of weighted votes a town will hold in Warren County. Undercounted town residents can lower the representation the town will have in Warren County.

For anyone who has not completed a census form by mail, online or with an enumerator, please contact the Supervisor's officer and we will assist you.

Councilmember Wanda Cleavland

Supervisor's Report:

- Deposits: \$ 930,978.33
- Disbursements: \$ 511,241.02
- Shout out to our building and grounds and recreation staff for their efforts in managing their park duties during this exceedingly difficult COVID year.
- Electrical easement secured big thank you to Congers Point Association for providing this easement (Should regain electrical service for street standards soon).
- Summer has been remarkably busy, hopefully the Fall will also be strong.
- Phase 4 and 5 Improvement to Rogers Park are on track.
- Closing for the Bradley Lookout scheduled for this this week.
- We are looking at some supplemental reductions in occupancy tax receipts for 2020 and 2021. Possibility these funds might be reinstated going forward.
- Waiting on sales tax receipts for August (will get those out as soon as they are received).
- Work continues Padanarum Road and Town bridges. *Planning Office and Highway Department are working with FEMA on this.*
- County DPW Committee approved moving forward on design work for Sagamore Road bridge ramp wall. *The sooner the better.*
- Bolton's Woodchip bioreactor highlighted in Fund for Lake George's annual meeting video.
- Survey of Trout Lake by Larry Eichler complete no invasives found. Should receive report very soon. *This is very good news and he looks forward to reading the report.*

New Business:

- Resolution adopting the Town of Bolton Alcohol & Drug Testing Policy for Commercial Driver License Holders and General Consent for Limited Queries of the Federal Motor Carrier Safety Administration (FMCSA) drug and Alcohol Clearinghouse.

RESOLUTION #160

Councilmember MacEwan moved, seconded by Councilmember Wilson to adopt the Town of Bolton Alcohol & Drug Testing Policy for Commercial Driver License Holders and General Consent for Limited Queries of the Federal Motor Carrier Safety Administration (FMCSA) drug

and Alcohol Clearinghouse. **All in Favor. Motion Carried.**

- Resolution to adopt a new 911 road name for Jane Caldwell for a private roadway running just north of 304 Edgecomb Pond Road as Haskins Place.

RESOLUTION #161

Councilmember Cleavland moved, seconded by Councilmember Wilson to authorize a new 911 road name for Jane Caldwell for a private roadway running just north of 304 Edgecomb Pond Road as Haskins Place. **All in Favor. Motion Carried.**

- Resolution to adopt a new 911 road name for John Roth for a private roadway within the Basin Brook Subdivision as Basin Brook Road.

RESOLUTION #162

Councilmember MacEwan moved, seconded by Councilmember Wilson to authorize adopt a new 911 road name for John Roth for a private roadway within the Basin Brook Subdivision as Basin Brook Road. **All others in Favor. Motion Carried.**

- Resolution to authorize an additional \$1,767.00 for the installation of the EV Chargers at Cross Street Parking Lot.

Supervisor Conover stated that some additional work was required for the installation. Councilmember MacEwan asked if they were operational. Supervisor Conover stated that they were.

RESOLUTION #163

Councilmember Cleavland moved, seconded by Councilmember Wilson to authorize an additional \$1,767.00 for the installation of the EV Chargers at Cross Street Parking Lot. **All in Favor. Motion Carried.**

- Resolution appointing James Senese to the unexpired term of Carla Cumming on the Zoning Board of Appeals. Term to expire 12-31-2020.

Councilmember Wilson stated that Carla Cumming has advised that she can no longer continue as a Board member and Jim Senese has stated that he is interested in the position. Supervisor Conover stated that Ms. Cumming had done a wonderful job on the Zoning Board. The Board agreed.

RESOLUTION #164

Councilmember Wilson moved, seconded by Councilmember MacEwan to appoint James Senese to the unexpired term of Carla Cumming on the Zoning Board of Appeals. Term to expire 12-31-2020. **All in Favor. Motion Carried.**

- Resolution authorizing the Supervisor to sign a 2021 Roadway Maintenance Agreement with Warren County in the amount of \$168,443.39 for snow and ice removal and \$12,242.16 for mowing.

Supervisor Conover stated this is an annual arrangement with the County.

RESOLUTION #165

Councilmember MacEwan moved, seconded by Councilmember Cleavland authorizing the Supervisor to sign a 2021 Roadway Maintenance Agreement with Warren County in the amount of \$168,443.39 for snow and ice removal and \$12,242.16 for mowing. **All in Favor. Motion Carried.**

- Resolution to reappoint Sally Pepper to a 5-year term on the Bolton Board of Assessment Review. Term to begin October 1, 2020 with a term expiration date of September 30, 2025.

Supervisor Conover stated that Ms. Pepper does a tremendous job and he thanks her for willingness to continue in this position.

RESOLUTION #166

Councilmember Wilson moved, seconded by Councilmember MacEwan to reappoint Sally Pepper to a 5-year term on the Bolton Board of Assessment Review. Term to begin October 1, 2020 with a term expiration date of September 30, 2025. **All in Favor. Motion Carried.**

- Resolution to authorize an agreement in the amount of \$300 with the Adirondack Park Local Government Review Board for September 2020 through September 2021.

RESOLUTION #167

Councilmember Wilson moved, seconded by Councilmember MacEwan to authorize an agreement in the amount of \$300 with the Adirondack Park Local Government Review Board for September 2020 through September 2021. **All in Favor. Motion Carried.**

Public in Attendance:

RESOLUTION #168

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

TRANSFERS FOR AUGUST 2020:

To	From	Amount
<u>GENERAL:</u>		
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
<u>HIGHWAY:</u>		
5110.2 Storm Damage Repairs	5112.2 Permanent Improvements	\$100,000.00
<u>WATER:</u>		
8340.2 Trans/Distribution EQ	8340.4 Trans/Distribution CE	\$3,783.00
<u>SEWER:</u>		
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 #169

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

Pay the Bills:

	Vouchers Amount	
Abstract 8A		
General	1112-1149	3,622.55
Sewer	246-256	2,614.34
Water	189-191	877.71
St Lights	21-22	382.53

Abstract 9

General	1029-1111 1150-1169	228,274.28
Highway	223-269	35,329.04
Sewer	229-245 257-260	37,302.33
Water	180-188 192-194	13,443.62
Water Improve	5	5,480.00
St Lights	23	1,273.85
Sewer Improve	14-16	5,400.00
Rogers Park PH4	7	990.02
Rogers Park PH5	8	1,609.12

Adjourn:

RESOLUTION #170

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

Motion Carried.

Adjourn: 10:38AM

Minutes respectfully submitted by:

Jodi Petteys
Town Clerk

Katie Persons
Minute Taker

