

REGULAR MEETING  
BOLTON TOWN BOARD

December 1, 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

Minutes:

- Approve the November 3, 2020 Regular Town Board Meeting Minutes.

**RESOLUTION #223**

Councilmember Cleavland moved, seconded by Councilmember MacEwan to approve the November 3, 2020 Town Board Meeting Minutes. **All in Favor. Motion Carried.**

PUBLIC HEARING: for the purpose of giving consideration to an agreement to enter into a Ground Lease for a portion of the real property owned by the Town of Bolton Water District; an agreement between the Water District and the Town for the municipality's general improvement and use of a part of the Water District premises for general municipal services.

No one from the public spoke on this hearing.  
Supervisor Conover closed the Public Hearing.

Convene as the Town of Bolton Board of Health

**RESOLUTION #224**

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

Septic Variance:

Olivia and Bruce Mussett – Parcel ID# 156.16-1-32.1 – Property Location: Pioneer Village installation of a septic system requiring the following variances:

- Installation of an enhanced treatment system a FujiClean USA ETU – Model CEN5 wastewater treatment system is proposed.

Kathy Suozzo and Ryan LaBruzzo presented the following:

- This is an advanced system.
- This is a small site and in order to achieve the best effluent quality they went with this system.
- They will only be dispersing clarified effluent in the disposal field.
- The FujiClean will be located up near the house and the dispersal field will be down gradient.
- The dispersal field will be stone and pipe and it will be basically clean water.
- The blower will be sited up by the house under one of the decks.
- FujiClean has a periodic inspection by the company.
- They are not aware of a shutoff, but they can check into it.

Supervisor Conover asked if there was a maintenance agreement with a certified tech that went along with the system. Ms. Suozzo replied yes. Supervisor Conover stated they would like an annual certification of the system sent to the town.

Councilmember Cleavland inquired about the distance from the neighbors' potable water. Ms. Suozzo stated it shows the 100' separation on the plans and is up gradient from the dispersal field for the one neighbor and the well on site is 167' away.

Councilmember Cleavland asked if it was a year round residence. Mr. Mussett replied that it was. Councilmember Cleavland asked if a remote alarm could be put on the system. Mr. Mussett stated this did not seem to be a problem.

Councilmember MacEwan asked if this was a new system replacing an old system. Ms. Suozzo replied that this was vacant land.

- Resolution establishing Town of Bolton as Lead Agency.

**RESOLUTION #225**

Councilmember Wilson moved, seconded by Councilmember Coon to declare the Bolton Town Board as Lead Agency under SEQRA for the proposed septic variances for Olivia and Bruce Mussett – Parcel ID# 156.16-1-32.1 – Property Location: Pioneer Village. **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 #226**

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, for Olivia and Bruce Mussett – Parcel ID# 156.16-1-32.1 – Property Location: Pioneer Village. **All in Favor. Motion Carried.**

- Resolution for the proposed variances to replace and upgrade current septic system for Olivia and Bruce Mussett – Parcel ID# 156.16-1-32.1 – Property Location: Pioneer Village Lot #39.

#### **RESOLUTION #227**

Councilmember Wilson moved, seconded by Councilmember Coon 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 Olivia and Bruce Mussett – Parcel ID# 156.16-1-32.1 – Property Location: Pioneer Village as approved by Town Engineer Richard Miller with the following conditions:

1. The owner shall maintain a contract with a qualified firm to provide inspection and maintenance of the Enhanced Treatment Unit as recommended by manufacturer. A copy of the contract, including any updates, shall be provided to the Town of Bolton Planning Office.
2. No garbage grinder shall be installed in the structure.
3. Applicant will research the ability to include an automatic water shut off and a remote alarm for high water and blower malfunction. **All in Favor. Motion Carried.**

Septic Variance:

Three brothers Island – Parcel ID# 186.15-1-48 – Property Location: Middle Island of the “Three Brothers Island” replacement of the existing septic system requiring the following variances:

- Installation of an enhanced treatment system a “BUSSE” wastewater treatment system is proposed.
- 50 feet is required between the treatment system and Lake George. 20 feet is requested.
- 100 feet is required between the dispersal system and Lake George. 20 feet is requested.

Tom Jarrett of Jarrett Engineers presented the following:

He is representing the families that occupy the middle island of 3 Brothers Island complex.

They have fully functioning septic systems which are old, and they would like to upgrade them.

They have selected the Busse sytem which is extremely high quality treatment.

The system produces a high quality of effluent with 99% of removal of solids and nearly drinking water quality.

He detailed the way the system works to the Board.

This system will be operated by a certified technician bi-annually.

This certification will be sent to the town.

There is a shutoff on the system so if the system fails or there is a power supply failure there will be a shutoff of the water supply.

The Busse system meets the NFS245 standards so there is significant nitrogen removal.

The dispersal system also exceeds NYS standards for vertical separation, so it is excellent for phosphorus removal.

Councilmember Wilson inquired about the inclusion of a tertiary denitrification tank on the system.

Mr. Jarrett replied that it was not included at this time, but it could be added in the future, but they are still refining the technology. They already exceed what the standards require. Supervisor Conover asked what the system will achieve without this. Mr. Jarrett replied this system will remove over 80%. Steven from Busse explained how this worked and the process to the Board. He said it was certified to 15. Supervisor Conover asked about recirculation. Mr. Jarrett replied this system was not designed for this. Supervisor Conover stated his concern is the nitrate discharge

with the proximity to the lake. Mr. Jarrett said this is a universal concern, but he thinks they are going to an extreme level right now with this enhanced system.

Councilmember Cleavland inquired about the location of the system. Mr. Jarrett stated that the middle island is very constrained for space and this is the best location of separation. Councilmember Cleavland asked if they could be moved back from the lake. Mr. Jarrett replied they probably could move back another 30’.

Councilmember Cleavland asked how the seasonality impacted these systems. Mr. Jarrett explained how the certified technicians would turn the system on and off. Steven from Busse detailed the shutdown and restart process. Supervisor Conover inquired about the nitrate filter being installed at a later date as a requirement. Mr. Jarrett stated that he would prefer that they come back to the Board and discuss it at a later date. Supervisor Conover said that he would like the applicant to install the tank within a 3 year period or come back to the Board with another plan or information to make sure the performance is there.

- Resolution establishing Town of Bolton as Lead Agency.

**RESOLUTION #228**

Councilmember Wilson moved, seconded by Councilmember MacEwan to declare the Bolton Town Board as Lead Agency under SEQRA for the proposed septic variances for Three brothers Island – Parcel ID# 186.15-1-48 – Property Location: Middle Island of the “Three Brothers Island”. **All in Favor. Motion Carried.**

- Resolution regarding SEQRA & LWRP Determinations.

Councilmember Wilson asked the Board the following questions:

4. 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
5. 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
6. 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:

- C. 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.

- D. 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 #229**

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, for Three brothers Island – Parcel ID# 186.15-1-48 – Property Location: Middle Island of the “Three Brothers Island”. **All in Favor. Motion Carried.**

- Resolution for the proposed variances to replace and upgrade current septic system for Three brothers Island – Parcel ID# 186.15-1-48 – Property Location: Middle Island of the “Three Brothers Island”.

**RESOLUTION #230**

Councilmember Wilson moved, seconded by Councilmember Coon 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 Three brothers Island – Parcel ID# 186.15-1-48 – Property Location: Middle Island of the “Three Brothers Island” with the following conditions:

1. Final plans shall be submitted and approved by Town Engineer Richard Miller prior to any construction of the system.
2. The owner shall maintain a contract with a qualified firm to provide semi-annual inspection and maintenance of the Enhanced Treatment Unit. A copy of the contract, including any updates, shall be provided to the Town of Bolton Planning Office.
3. No garbage grinder shall be installed in the structure.
4. Accommodations shall be made for the possible addition of a Tertiary De-Nitrification Tank.
5. Tertiary De-Nitrification Tank shall be installed within three (3) years or the applicant shall return to the Town Board within the same time frame to discuss alternatives.
6. Applicant will research relocation of the dispersal field to an area further away from the lake. **All in Favor. Motion Carried.**

Reconvene as Bolton Town Board

**RESOLUTION #231**

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

Public in Attendance:

Correspondence:

- Glens Falls Animal Hospital regarding the discontinuation of stray animal contract.
- Ryan Moore regarding policing reform plans.
- Clemente Latham Concrete notification of 5 % yard increase effective 1/1/2021.
- NYS DOH regarding 2019 Annual Water Quality Report.
- Northern Forest Center membership request.
- LC-LG Bulletin.
- SBA regarding Low -Interest Federal Loans for Disaster Related Damages for Businesses and Residents.
- NYS Assessors Association letter to Governor Cuomo.
- Community Loan Fund of the Capital Region letter of thanks.

Committee Reports:

**Councilmember Rob MacEwan**

Transfer Station:

- Total for the month: \$9,901.
- Spring Clean Up cards: \$4,001.

Justice Court:

- During the month of November 2020, Justice Edward G. White collected \$1,828.00 in fines and Justice Joe Connally collected \$2,812.00. Total monies forwarded to the Town of Bolton amounted to \$4,640.00. Itemized lists are available in the Court should anyone desire to look them over.

EMS:

Calls for Service & Billing activity thru October 2020:

Calls: 19 of which 10 were billable.

Gross Charges Billed in October:	\$ 11,488.76
Gross Charges Billed YTD:	\$245,568.76
Payments Received in October:	\$ 16,885.29
Payments Received YTD:	\$124,888.29

In 2019 we had billed \$278,355 thru October. Billing payments received thru October 2018 were \$140,992.

Payroll Expenses for October were \$34,958.95 (3 pay periods). Year to date thru October 2020 was \$282,0540.25 versus \$239,999.25 thru October, 2019.

Received 2020 contract from Hudson Headwaters Health Network for physicals. Charge increased from \$120.00 per physical to \$131.00.

**Councilmember Tim Coon**

Wastewater:

- Total flow for the month 3,204,530 gallons for a daily average of 107,000 gallons.
- Casella hauled 24,000 gallons of sludge.
- We cleaned all pump stations. Village of Lake George assisted with their vac truck at the Norowal pump station.
- We drained and cleaned the EQ tank.
- We installed 2 new pumps in the Imhoff tank to prevent freezing in sludge jets.
- We conducted bio sampling twice this month. The results are improving. We increased the retention time through the bio reactor and are seeing a big increase in nitrate removal.
- We black topped at the plant where the sludge line was tearing up from last summer. Highway and parks Dept. assisted. We also helped parks and highway do holes around town and a walkway at town hall.
- Maintained the grounds around the plant and pump stations. Getting ready for the winter season.
- We have had several alarms due to power issues and pump issues at stations.
- We have had several meetings with Kathy Suozzo to discuss future bio reactors and upcoming grant projects at the plant and stations.

Water:



- Total flow to distribution for the month of November is 10,535,070 gallons with a daily flow average of 351,169 gallons.
- Responded to several U.F.P.O. requests.
- Conducted all general maintenance at the water plant and P.R.V. stations.
- Quarterly Disinfection by product testing was conducted according to sampling schedule.
- Monthly total coli-form tests were taken according to the sampling schedule.
- New Neptune radio read meters were installed with customers who required repairs on old manual read meters.
- 11|3|20, New York leak detection service here to leak detect the distribution system.
- 11|6|20, new water service installed at 9 Maple St.
- 11|17|20, the stop logs on the edge comb pond dam were inspected by The Chazen Company. It was determined that due to condition, some repairs should be made. These repairs were made the week of 11|23|20. Thank you to the buildings and grounds department for their quick response time and excellent work.
- 11|18|20, Repair leak on water main at 4642 Lake Shore Dr.  
This leak was discovered during leak detection on 11|3|20.

Assessor:

- The NYSAA has sent a letter to the Governor requesting an executive order be passed eliminating the required renewal process for our low-income Senior Citizens this year. If the Governor decides to issue this order, and this board agrees, this will need to be adopted by local option.

**Councilmember Susan Wilson**

Planning Office:

- During the month of November, the Planning Office collected fees in the amount of \$175.00 for items that include Certificates of Compliance and Septic Permits.

**Councilmember Wanda Cleavland**

Police:

- 39 patrol shifts, 231 reportable activities & 225 property checks.
- 11/10/2020 P.O. Keane hosted the BCS Kindergarten Class.

Supervisor's Report:

- Deposits: \$ 1,662,155.78
- Disbursements: \$ 727,086.26

- Christmas decorations Town Hall and Main Street beautiful. Thank you to Michelle Huck and the Parks Department.
- Rogers Park Improvements moving along, last report on schedule and on budget.
- Warren County sales tax down -4.3 % from 2019 through October.
- Tax Rate per thousand of assessed value for the Town for next year will be .4295 down from .518 and the County tax rate per thousand will be 3.579 down from 4.019.
- Policing reform plan submitted by April 1, 2021. We will be posting an explanation of the process and asking any resident with ideas or suggestions regarding Bolton Police to submit ideas to Bolton Clerk. Ideas and suggestions to improve operations will be gathered and a plan prepared by the Town Board to meet these NYS requirements.
- All remaining streetlights not LED will be converted to LED by our Parks Department over next few months.
- Big thank you to our Parks Department for replacing deteriorated boards on the spillway at Edgecomb Pond Dam.
- FEMA, Padanarum Road work looks good. Still have 1 mile or so stretch between bridges to complete. Work program presently being developed, survey, wetland delineation and other preliminary work presently being completed by Chazen in anticipation of final design and bidding of work.

New Business:

- Resolution to authorize the Town Attorney to proceed with court proceeding pertaining to an illegal junk yard at a litigation rate of \$225.00 per hour plus expenses.

Director of Planning and Zoning Richard Miller PE stated this was an issue that has not been resolved by regular means and is now going through litigation.

**RESOLUTION #232**

Councilmember Cleavland moved, seconded by Councilmember MacEwan to authorize the Town Attorney to proceed with court proceeding pertaining to an illegal junk yard at a litigation rate of \$225.00 per hour plus expenses. **All in Favor. Motion Carried.**

- Resolution to approve continuation with the Town of Bolton Health Insurance Plans for 2021 under Blue Shield of NENY POS Gold, MVP EPO Platinum and CDPHP HMO Gold or such other health insurance plan as approved by the Town Board.

**RESOLUTION #233**

Councilmember Coon moved, seconded by Councilmember Wilson to approve continuation with the Town of Bolton Health Insurance Plans for 2021 under Blue Shield of NENY POS Gold, MVP EPO

Platinum and CDPHP HMO Gold or such other health insurance plan as approved by the Town Board.  
**All in Favor. Motion Carried.**

- Resolution to authorize the Supervisor to sign an agreement for Positive Pay Services with TD Bank.

Supervisor Conover stated this was a higher level of protection of our payment systems.

**RESOLUTION #234**

Councilmember Cleavland moved, seconded by Councilmember MacEwan to authorize the Supervisor to sign an agreement for Positive Pay Services with TD Bank. **All in Favor. Motion Carried.**

- Resolution authorizing the Supervisor to enter into professional service contract and go out to bid for new Buildings and Grounds Building and expansion and improvements to the Town Hall parking lot.

**RESOLUTION #235**

Councilmember MacEwan moved, seconded by Councilmember Coon to authorize the Supervisor to enter into professional service contract and go out to bid for new Buildings and Grounds Building and expansion and improvements to the Town Hall parking lot. **All in Favor. Motion Carried.**

- Resolution to authorize the Supervisor to enter into a contract with New York Municipal Insurance Reciprocal (NYMIR) for property and casualty insurance for 2021 at a premium amount not to exceed \$83,955.80.

Supervisor Conover stated this was slightly lower than the estimated cost and includes cyber protection.

**RESOLUTION #236**

Councilmember Cleavland moved, seconded by Councilmember Coon to authorize the Supervisor to enter into a contract with New York Municipal Insurance Reciprocal (NYMIR) for property and casualty insurance for 2021 at a premium amount not to exceed \$83,955.80. **All others in Favor. Motion Carried.**

- Resolution to authorize the Supervisor to sign an agreement for 2021 with Hudson Headwaters Health Network for Hepatitis B Vaccination Services for the Town of Bolton at a cost of \$65 for each Hepatitis B Vaccination.

**RESOLUTION #237**

Councilmember Coon moved, seconded by Councilmember Wilson to authorize the Supervisor to sign an agreement for 2021 with Hudson Headwaters Health Network for Hepatitis B Vaccination Services for the Town of Bolton at a cost of \$65 for each Hepatitis B Vaccination. **All in Favor. Motion Carried.**

- Resolution to authorize the Town of Bolton and the Town of Bolton Water District to enter into a written memorandum of agreement providing for a ground lease of a portion of the Town of Bolton Water District real property to be occupied by the Town of Bolton for general municipal purposes.

**RESOLUTION #238**

Councilmember Wilson moved, seconded by Councilmember Coon IT IS HEREBY RESOLVED that the Town of Bolton and the Town of Bolton Water District shall enter into a written memorandum of agreement providing for a ground lease of a portion of the Town of Bolton Water District real property to be occupied by the Town of Bolton for general municipal purposes at an agreed monthly rent due in the amount of one thousand dollars (\$1000.00) with a full lease term of thirty (30) years and the Town of Bolton Supervisor on behalf of the Town and in addition in his capacity as a Water District Commissioner shall be authorized to execute the written memorandum of agreement on behalf of the parties to the lease. This Resolution shall be subject to a PERMISSIVE REFERENDUM in accordance with the requirements of law. **All in Favor. Motion Carried.**

Public in Attendance:

**RESOLUTION #239**

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

ADDITIONAL TRANSFERS FOR SEPTEMBER 2020

To	From	Amount
<u>SEWER:</u> 8110.4 Administration CE	8110.2 Administration EQ	\$133.00

TRANSFERS FOR OCTOBER 2020

To	From	Amount
<u>GENERAL:</u>		
1355.4 Assessor CE	1990.4 Contingency	\$5,000.00
1620.2 Buildings/Grounds EQ	1620.1 Buildings/Grounds PS	\$2,977.00
1620.4 Buildings/Grounds CE	1990.4 Contingency	\$10,189.00
3510.4 Dogs/Animal Control CE	4010.4 Board of Health CE	\$24.00
7110.4 Parks CE	7110.1 Parks PS	\$6,025.00
8510.4 Comm Beautification CE	8510.1 Comm Beautification PS	\$854.00

<u>WATER:</u>		
8340.2 Transm/Distribution EQ	8340.4 Transm/Distribution CE	1,452.00

<u>SEWER:</u>		
8110.4 Administration CE	1440.4 Professional Services	\$1,432.00
9060.8 Medical Ins (Town Share)	8130.4 Treat/Disposal CE	\$7,126.00

### **RESOLUTION #240**

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

#### Pay the Bills:

	Vouchers	Amount
Abstract 9A		
General	1227-1266	3,695.40
Sewer	267-276	3,197.39
Water	203-206	1,539.68
St Lights	24-25	21.76
Highway	285	223,531.37

#### Abstract 10

General	1170-1226 1267-1316	78,679.90
Highway	270-284 286-306	68,277.29
Sewer	261-266 277-293	23,311.66
Water	195-202 207-219	14,766.33
Water Improve	6	422.50
St Lights	26	451.19
Sewer Improve	17-19	6,317.50

Rogers Park PH4	8-9	480.00
Rogers Park PH5	9-10	995.85
Tourism	12-16	27,893.16

Adjourn:

**RESOLUTION #241**

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

Adjourn: 10:56AM

Minutes respectfully submitted by:

Jodi Petteys  
Town Clerk

Katie Persons  
Minute Taker

