

REGULAR MEETING
BOLTON TOWN BOARD

August 3, 2021

Regular Meeting:

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

Meeting Call to Order: 6:00PM.

Pledge: Councilmember Wilson

Minutes:

- Approve the July 6, 2021, Regular Town Board Meeting Minutes.

RESOLUTION #164

Councilmember Wilson moved, seconded by Councilmember Coon to approve the July 6, 2021, Regular Town Board Meeting Minutes. **All in Favor. Motion Carried.**

Public Hearings:

Sound Permit:

- Public Hearing for sound amplification permit for Joe Lawless. Location: 5680 Lake Shore Drive, August 28, 2021, from 7PM to 11PM.

RESOLUTION #165

Councilmember Wilson moved, seconded by Councilmember Coon to approve an outdoor amplification permit for Joe Lawless. Location: 5680 Lake Shore Drive, August 28, 2021, from 7PM to 11PM. **All in Favor. Motion Carried.**

Sound Permit:

- Public Hearing for sound amplification permit for Erica Matthews. Location: 56 Edgecomb Pond Road on November 6, 2021, from 1PM to 8PM.

Pastor Scotty Matthews stated the event was a wedding and they will make sure it will stay within the required sound parameters.

RESOLUTION #166

Councilmember Wilson moved, seconded by Councilmember Coon to approve an outdoor amplification permit for Erica Matthews. Location: 56 Edgecomb Pond Road on November 6, 2021, from 1PM to 8PM. **All in Favor. Motion Carried.**

Public Hearing:

Public hearing to amend Ordinance #40 as follows:

TO ADD

SECTION 3 subparagraph D

“D. No person shall cause or permit a motor vehicle to be parked or left standing along the north side of Stewart Avenue along an area beginning at the edge of the sidewalk at the intersection of State Route 9N and Stewart Avenue and along the northerly side of Stewart Avenue running in a westerly direction and terminating at a distance of 105 feet from the starting point measured along the northerly side of Stewart Avenue.”

- Resolution to close the Public Hearing.

RESOLUTION #167

Councilmember Coon moved, seconded by Councilmember Cleavland to close the Public Hearing for amendment to Ordinance #40 of 2021. **All in Favor. Motion Carried.**

- Resolution establishing Town of Bolton as Lead Agency.

RESOLUTION #168

Councilmember Cleavland moved, seconded by Councilmember Coon to declare the Bolton Town Board as Lead Agency under SEQRA & LWRP for amendment to Ordinance #40 of 2021. **All in Favor. Motion Carried.**

- Resolution regarding SEQRA & LWRP Determinations.

Councilmember Wilson asked the Board the following questions:

SEQRA

1. 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
2. Will the proposed action impact any of the items listed 1 through 11 in Part 2 of the SEQRA Form? No
3. Do the Board Members agree that this project will result in no adverse impacts on the environment; and therefore, an environmental impact statement need not be prepared? Yes

LWRP

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

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 #169

Councilmember Wilson moved, seconded by Councilmember Coon to make a negative declaration with regard to SEQRA & LWRP for amendment to Ordinance #40 of 2021. **All in Favor. Motion Carried.**

- Resolution to amend Town of Bolton Ordinance #40 of 2021.

RESOLUTION #170

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 to approve the amendment to Ordinance #40 as follows:

TO ADD

SECTION 3 subparagraph D

“D. No person shall cause or permit a motor vehicle to be parked or left standing along the north side of Stewart Avenue along an area beginning at the edge of the sidewalk at the intersection of State Route 9N and Stewart Avenue and along the northerly side of Stewart Avenue running in a westerly direction and terminating at a distance of 105 feet from the starting point measured along the northerly side of Stewart Avenue.” **All in Favor. Motion Carried.**

Public in Attendance:

Claire Kingsley spoke on the following:

- Audio recording of the minutes from the July 2021 Town Board meeting and the fact that they were not available to her due to an equipment malfunction.
- She needs the information from Atty. Muller as to what was said by him at the July 2021 meeting and asked if he could give her a summation in writing of what he said so she can move forward. *Atty. Muller stated he would contact their attorney and he would send the information he had available to them.*
- Noise ordinance regulations and loud music being played all night long by neighbors. *Supervisor Conover stated she could contact the police.*

Zandy Gabriels spoke on the following:

- Sand coming into Lake George basins from various brooks and the use of ARPA funds to clean it up.
- Controlling and limiting the commercial use of fireworks on Lake George.

Correspondence:

- Santore’s World Famous Fireworks notification of display 7/28/2021 at Sagamore.
- David & Lynn Call in regard to speed limit in Boon Bay. *Town is awaiting an evaluation from DEC and the LGPC on this issue.*
- Jill Feeney pertaining to no wake zone in Boon Bay.
- Grant Fullman in regard to 5MPH/no wake zone in Boon Bay.
- Linda White in regard to 5MPH/ no wake zone in Boon Bay.
- Chris Witcher pertaining to 5MPH/ no wake zone in Boon Bay.
- Debra & Allen Fischner in regard to 5MPH/ no wake zone in Boon Bay.
- Allison Henderson regarding 5MPH/ no wake zone in Boon Bay.
- LGA pertaining to 5MPH/ no wake zone in Boon Bay.
- Deborah Kim Zaiser in reference to a fence in Huddle Bay.
- Dawn Faller regarding repair to her driveway.
- NYS DOT quarterly CHIPS program.
- NYS APA response to the proposed amendment to Local Law #1.
- NYRA 2020 Annual Report.

Committee Reports:

Councilmember Rob MacEwan (Absent) Reports read by Councilmember Cleavland

Justice Court:

- During the month of July 2021, Justice Edward G. White collected \$3,643.00 in fines and Justice Joe Connally collected \$4,047.00. Total monies forwarded to the Town of Bolton amounted to \$7,690.00. Itemized lists are available in the Court should anyone desire to look them over.

Emergency Squad:

EMR report regarding billing activity for June 2021:

Calls: 43 of which 29 were billable. In June 2020 we had 33 calls of which 19 were billable

Gross Charges Billed in June:	\$ 41,478.00
Gross Charges billed thru June:	\$ 124,956.00
Payments Received in June:	\$ 12,081.49
Payments Received thru June:	\$ 43,357.42

In 2020 we billed \$87,990.00 and received payments of \$50,560.94 thru June.

Payroll Expenses for June were \$24,968.03 for a year to date of \$167,885.53 versus \$160,268.13 thru June 2020.

Letter of appreciation from Warren County Board of Supervisors Chairwoman received for the vaccination of home bound residents by Bolton EMS.

Councilmember Tim Coon

Wastewater:

- Total flow for the month 8,065,859 gallons for a daily average of 269,000 gallons.
- Casella hauled 88,000 gallons of sludge.
- We have had several alarms due to heavy rain events. We received 8.5 inches of rain this month.
- We have cleaned lines around town and at the main pump station due to rag and grease issues.
- We have cleaned several tanks at the plant with the sewer jet.
- We have maintained the grounds around the pump stations and plant.
- We have been assisting the water department with working weekends.

- We have been working with Kathy Suozzo on the upcoming grant projects and the repair of the wood chip bio reactor.
- We repaired several manholes around town.
- We have attended several training classes for credits for our licenses.

Water:

- The total flow to distribution for the month of July is 15,780,016 gallons. This is a weekly average of 526,197 gallons.
- The monthly total coli-form tests were taken according to the sampling schedule.
- Responded to several U.F.P.O. requests.
- Conducted all general maintenance and grounds work around the water plant and P.R.V. stations.
- Continuing efforts are being made to identify nonfunctioning meters and replacing them with Neptune RF units.
- 7/7/21. Siewert equipment onsite replacing the electric motor on raw water pump #2. Both raw water pumps are now functional.
- 7/7/21. Slack chemical onsite to assist with cleaning of filter unit #2. Filter and clarifier media was cleaned. Unit is now functioning well.
- 7/9/21. Milton cat onsite performing yearly maintenance on the emergency generator.
- 7/13/21. Koester onsite to assist in the repair of filter unit #1. All valves and actuators were cleaned and repaired as needed. Unit #1 is now mechanically sound.
- 7/15/21. Slack chemical onsite to assist in cleaning of unit #1 Filter and clarifier media was cleaned. Unit #1 is now functioning well. Both filter units are now operational.
- 7/26/21 The emergency generator failed to start for the weekly exercise. An over crank warning was indicated on the panel. Called Milton Cat immediately to repair. Replaced the batteries and the battery tending system. Emergency generator is now fully operational.
- Completed the water meter reading for the third quarter of 2021.
- 7/29/21 Aqualogics on site to return all filter stage settings back to original run times and sequences. Issues with the informational entering system on the control panel are also being addressed.
- 7/29/21. Slack chemical onsite to assist with installation of bubble traps on both filter units. This would help prevent large spikes in NTU (turbidity) when the filter unit comes back online from backwashing.
- 7/30/21. Milton Cat onsite to replace radiator expansion tank. All outstanding maintenance and repairs have now been completed on the emergency generator.

Assessor:

- The Final Assessment Roll will be turned in to the County to produce the School Tax Bills, as soon as the STaR Markers are furnished.
- Address and bank changes are continually updated. Sales Transmittal has been processed for analyzation.
- The Aged (Senior) exemption renewals will be going out in the mail soon.

Councilmember Susan Wilson

Planning Office:

- The Planning Office for the month of June collected fees in the amount of \$860.00. for various items including Certificates of Compliance, Variances, Site Plan Reviews, Stormwater Permits and After the Fact Fees.

Town Clerk:

- Total State, County & Local Revenues remitted: \$31,862.25

Councilmember Wanda Cleavland

Police:

- 38 patrol shifts, 234 reportable activities & 206 property checks.

Library:

N/A

Supervisor's Report:

- Deposits: \$ 695,872.21
- Disbursements: \$ 1,096,383.84
- Sales Tax receipts through June are up 28.1% through June.
- Rogers Park substantially complete a few issues remain to be dealt with otherwise community reaction to the improvements has been very good.
- Pinnacle and Bradley Lookout trails are both open, new parking lot is very busy, cars no longer parking on the shoulder of the road.
- Specs for new Highway Department roof being finalized should be out to bid shortly.
- Grants under the CFA have been submitted for State consideration.
- ½ of the ARPA funds received, will arrange workshop to consider use/ must be expended within 24 months from receipt. Balance will be received next year.

- Parks operating well. A lot of rain but new improvements seem to be holding up very well. Have issue with Geese at Rogers which can affect our water quality testing. Otherwise, water tests at Veterans and Rogers very good. Retest at Rogers back in same range as Veterans.
- Even with all this rain, July was very busy in Town, expect August will be even busier.

New Business:

- Resolution to authorize the Supervisor to sign a 2022 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 that this does not include County Route 11.

RESOLUTION #171

Councilmember Coon moved, seconded by Councilmember Cleavland to authorize the Supervisor to sign a 2022 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 authorize the Supervisor to enter into an agreement with Dawn Faller of 4642 Lake Shore Drive to provide access, repair and parking etc., for Bolton Water Department concerns.

RESOLUTION #172

Councilmember Cleavland moved, seconded by Councilmember Wilson to authorize the Supervisor to enter into an agreement with Dawn Faller of 4642 Lake Shore Drive to provide access, repair and parking etc., for Bolton Water Department repair concerns. **All in Favor. Motion Carried.**

- Resolution to schedule a Public Hearing to amend proposed Local Law #1 of 2021 for September 7, 2021, which will AMEND the definition of **Guest Cottage** and **ADD** a definition of **Dwelling Short-Term Rental to the Town of Bolton Zoning Code.**

Supervisor Conover stated that upon receiving a letter from the APA, this is the definition for Guest Cottage that they can approve.

RESOLUTION #173

Councilmember Wilson moved, seconded by Councilmember Coon to schedule a Public Hearing to amend proposed Local Law #1 of 2021 for September 7, 2021, at 6:00PM to AMEND the definition of **Guest Cottage and ADD** a definition of **Dwelling Short-Term Rental to the Town of Bolton Zoning Code. All in Favor. Motion Carried.**

- Resolution designating Supervisor to execute the grant agreement, authorizing project costs and local match funding, and declaration of SEQRA determination or findings for the town of Bolton NYS environmental facilities corporation (NYSEFC) green innovation grant program (GIGP) – engineering planning grant (EPG) program EPG # 105157.

Supervisor Conover said they had received a \$30,000. Grant to evaluate manholes and sewer system. This authorizes him to sign the appropriate documents for this grant.

RESOLUTION #174

Councilmember Wilson moved, seconded by Councilmember Coon to designate the Supervisor to execute the grant agreement, authorizing project costs and local match funding, and declaration of SEQRA determination or findings for the town of Bolton NYS environmental facilities corporation (NYSEFC) green innovation grant program (GIGP) – engineering planning grant (EPG) program EPG # 105157 as follows:

WHEREAS, the New York State Environmental Facilities Corporation (EFC) accepted applications for the GIGP-Engineering Planning Grant Program (EPG) through the 2021 CFA application process; and

WHEREAS, the Town of Bolton applied for and received EPG#105157 through the NYS EFC-GIGP program in the amount of \$30,000; and

WHEREAS, the NYSEFC requires that the Town designate an Authorized Representative for the project with the authority to execute the grant agreement and any other documents necessary to receive grant assistance, to act in connection with the project, and to provide such additional information as may be required; and

WHEREAS, the Town is required to provide a minimum of 20 percent of total grant amount in cash or in-kind labor as a local match to meet the program requirements under the Engineering Planning Grant Program.

WHEREAS, 6 NYCRR Section 617.5 (Title 6 of the New York Code of Rules and Regulations) under the State Environmental Quality Review Act (SEQRA) provided that certain actions identified in subdivision C of that section are not subject to environmental review under the Environmental Conservation Law; and,

WHEREAS, the proposed project is an engineering study for the purposes of identifying inflow and infiltration points along sewer collection mains and at manholes that have been previously inaccessible,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Bolton hereby designates the Town Supervisor Ronald Conover as the Town’s Authorized Representative for the project and further authorizes the Town Supervisor to execute and deliver the Grant Agreement with the NYS Environmental Facilities Corporation and any and all other contract documents and instruments necessary to bring about the project and to fulfill the Town’s obligations under the Engineering Planning Grant Agreement; and

THEREFORE, BE IT FURTHER RESOLVED, that the Town Board of the Town of Bolton authorizes and appropriates a minimum 20% local match of \$6,000 in in-kind labor, as required by the Engineering Planning Grant Program, for the project. The Town Supervisor may increase this local match through the use of in-kind services without further approval from the Town Board; and,

THEREFORE, BE IT FURTHER RESOLVED that the Town Board of the Town of Bolton hereby determines that the proposed engineering study for the I+I and Sanitary Sewer System Evaluation project is a Type II action in accordance with 6 NYCRR Section 617.5(c)(18) which constitutes that engineering studies, surveys, subsurface investigations and soils studies that do not commit the agency to undertake, fund, or approve any Type 1 or Unlisted action, and are not subject to further review under 6 NYCRR Part 617. **All in Favor. Motion Carried.**

- Resolution to schedule a Public Hearing for Local Law #3 of 2021 for September 7, 2021, Town of Bolton “OPT OUT” of certain provisions of Chapter 7-A of State Statute entitled CANNIBAS LAW (also known as the New York MARIHUANA REGULATION AND TAXATION ACT.

Supervisor Conover explained that this was an opt out to the plan, which had to be executed before December 31, 2021, or you are in forever. They can always opt back in after they see how it effects other communities.

RESOLUTION #175

Councilmember Cleavland moved, seconded by Councilmember Coon to schedule a Public Hearing for Local Law #3 of 2021 for September 7, 2021, at 6:00PM for the Town of Bolton to “OPT OUT” of certain provisions of Chapter 7-A of State Statute entitled CANNIBAS LAW (also known as the New York MARIHUANA REGULATION AND TAXATION ACT. **All in Favor. Motion Carried.**

- Resolution to schedule a Public Hearing to amend Ordinance #38 Town of Bolton Beaches and Parks for September 7, 2021, at 6:00PM.

Councilmember Wilson stated this came about from a concern from a resident with concerns of tow vehicles being parked on Huddle Bay Road.

RESOLUTION #176

Councilmember Cleavland moved, seconded by Councilmember Coon to schedule a Public Hearing to amend Ordinance #38 Town of Bolton Beaches and Parks for September 7, 2021, at 6:00PM. **All in Favor. Motion Carried.**

- Resolution to authorize the Supervisor to enter into any and all contracts and agreements pertaining to American Rescue Plan Act of 2021 (ARPA).

RESOLUTION #177

Councilmember Cleavland moved, seconded by Councilmember Coon to authorize the Supervise to enter into any and all contracts and agreements pertaining to American Rescue Plan Act of 2021 (ARPA). **All in Favor. Motion Carried.**

Public in Attendance:

Zandy Gabriels spoke on the following:

- I & I collection and treatment.
- The amount of water going through the Water Plant that is unmetered and the need to find all water leaks.

RESOLUTION #178

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

TRANSFERS FOR AUGUST 2021

To	From	Amount
<u>HIGHWAY:</u>		
5110.2 Storm Damage EQ	5110.4 General Repairs	\$600.00

ADDITIONAL TRANSFERS...

~ \$50,000.00 to be transferred to Rogers Park Project account from A Fund: Cable TV account ending 7076 for Rogers Park Improvements.

~ \$30,000.00 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.

RESOLUTION #179

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

Pay the Bills:

	Vouchers	Amount
Abstract 7A		
General	995-1035	4,225.92
Sewer	230-239	3,317.06
Water	176-178	1,465.04
St Lights	31-33	49.90

Abstract 8

General	902-994 1036-1037	49,131.64
Highway	259-294	45,007.88
Sewer	218-229 240	13,128.03
Water	159-175 179	9,318.67
B&G Bldg Project	7	520.00
Tourism	26-27	8,598.66
Sewer Improve	11-13	1,370.00
Rogers Park Phase 4	12	33,636.10

Adjourn:

RESOLUTION #180

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

Adjourn: 6:58PM

Minutes respectfully submitted by:

Jodi Petteys
Town Clerk

Katie Persons
Minute Taker