

REGULAR MEETING
BOLTON TOWN BOARD

May 4, 2021

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: 06:00PM.

Pledge: Supervisor Conover

Minutes:

- Approve the March 31, 2021 Special Town Board Meeting Minutes.
- Approve the April 6, 2021 Regular Town Board Meeting Minutes.

RESOLUTION #103

Councilmember Coon moved, seconded by Cleavland to approve the March 31, 2021 Special Town Board Meeting Minutes. **All in Favor. Motion Carried.**

RESOLUTION #104

Councilmember MacEwan moved, seconded by Councilmember Cleavland to approve the April 6, 2021 Regular Town Board Meeting Minutes. **All in Favor. Motion Carried.**

Public Hearings:

Sound Permit:

- Public Hearing regarding outdoor amplification permit for Amanda Roden-Scheidegger on 6/12/2021 from 11AM to 11PM at property location: 27 Trout Lake Club

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The Board discussed the length of time and stated that 12 hours was a long period of time and they generally did not allow that amount of time. Councilmember Wilson suggested reducing the time to 6 hours and allow them to choose those hours. Supervisor Conover suggested giving them the option of requesting a few additional hours and leaving it up to the discretion of the Zoning Office.

RESOLUTION #105

Councilmember Wilson moved, seconded by Councilmember Coon to approve an outdoor amplification permit for Amanda Roden-Scheidegger on 6/12/2021 for 6 hours of their choice, which they shall provide to the zoning office, with that office permitted to extend up to 3 more hours at property location: 27 Trout Lake Club. **All in Favor. Motion Carried.**

Public Hearing:

Public Hearing regarding proposed Town Ordinance #47 which is a proposal to regulate residential short term (less than thirty (30) days) rental occupancies in the town.

- Resolution establishing Town of Bolton as Lead Agency.

RESOLUTION #106

Councilmember Wilson moved, seconded by Councilmember Cleavland to declare the Bolton Town Board as Lead Agency under SEQRA & LWRP for the Town Ordinance #47. **All in Favor. Motion Carried.**

The Board received correspondence from the following:

Hal Hausner in favor of the ordinance.

Wayne Smith in favor of the ordinance.

Michel & Susan Bonin opposed to the proposed ordinance.

Jessica Wilcox & Geoffrey Gardner regarding the LC25 & LC45 Zones.

Atty. Muller said that some of the issues that had been brought up at the first meeting have been addressed so there are changes to what is under consideration now. The first principal change is the ordinance will encompass all the zones in the Town of Bolton with the exception of GB5000. There were concerns expressed about restrictive covenants and HOA rules and regulations. There are certainly private rights on properties that are imposed by deed covenants that may say they may not rent the premises, or the length allowed for rentals etc. This is not a permit that is intended to override these restrictions. The Town of Bolton respects those private rights and has no intention to override them. If there is a property that the owner feels is eligible for short term rental, the opportunity for them to qualify for a STR permit under this ordinance, would be to deal with any restrictive covenants on their deed and/or HOA regulations that may prohibit that first.

The concern about signage has been addressed to allow one sign not to exceed 12" x 18" which is reasonable and permitted by the ordinance.

Concerns about complying with code requirements needing to comply with the NYS Building and Fire Code, Town Ordinances and Health Safety Rules and Regulations. There is a Grandfather Provision that says if your STR is compliant with current health and safety requirements it will qualify.

STR does not include a tent, vessel, bunkhouse etc.

With respect to a fee, that will be determined by the Town Board and once permit is issued it would be good for 3 calendar years.

Much of what constitutes penalties for noncompliance are not intended to be criminal penalties. There is a "Savings" clause that will not impair previously contractual rights that a short term rental owner may have entered into. They do say that anything that constitutes a STR that is entered into prior to the enactment and effective date of this Ordinance, still has to comply with the Warren County Occupancy Tax. This is not a Town of Bolton rule or law, but it is a County wide law.

Maximum Occupancy in a STR will be defined by first and foremost rules and regulations that pertain to septic systems. The maximum occupancy of that building is determined by sleeping rooms (which is defined as an accommodation for 2 persons). The septic tank must be sized and able to handle and meet the NYS DOH requirements. The other limiting factor will be the amount of sleeping rooms.

Maximum occupancy pertains to overnight occupants.

Supervisor Conover stated that the time frame for implementation has been moved from this year to next year.

Zandy Gabriels spoke on the following:

- Asked if there was information on the amount of STR's in the Town of Bolton. *The Board replied that the Warren County stated through the online Air BnB, that it is in the 80's right now. They suspect that it is much higher.*
- Septic Systems enforcement.
- Maximum occupancy and the enforcement of it.
- He does not see the problem here, that needs a solution just yet.
- Enacting this ordinance to solve one or two cases is overkill.
- Private covenants and the Towns issuance of permits. *Atty. Muller explained that part of the application process includes providing a copy of the deed.*

John Lasalandra expressed the following:

- Has sent several letters and have not received any replies from the Board.
- Questioned the basis for this ordinance and if there have been any impact studies.
- Why haven't issues or discussions been brought up in Board meetings.
- He is very interested in participating in any committee pertaining to this.
- Where is the empirical evidence for this?

Doreen Martin:

- Questioned description of guest cottages and the ability to rent them. *Atty. Muller explained that this pertained to Local Law #1, which they are still awaiting to hear from the A.P.A. on. A guest*

cottage is something that is not an additional principal dwelling. He explained the difference between principal residences and guest cottages. Supervisor Conover said she could send an email and they would be able to look into if she had a guest cottage or 2 principal dwellings. Atty. Muller stated a guest cottage does not have a kitchen, which essentially means no stove. He explained that the A.P.A. will not allow the town to grant additional density without considerations of variances and alternatives and things like that. The A.P.A. does acknowledge that there are pre-existing rights though.

- Some of the rules for STR owners seem to be stricter than they are for other town residents.

Anna Scaparana:

- Opposes what is being presented and wants more clarity on why this is being brought forth.
- She would like more clarity on fees etc.
- Most STR owners have above board standards.
- Overall, there needs to be consistency with all homeowners and not have unreasonable enforcement on people trying to make some money.
- There should not be an exemption for Employee Housing.
- They are looking for the answers that they deserve.

Robert Kirchner:

- This is an overreaction to a small problem.
- STR phrase that STR pose a threat to the public health safety and wellbeing is an overstatement.

David Shulman:

- Are the same restrictions to be imposed on STR owners being imposed on regular homeowners?
- He is baffled by the exclusion of employee housing.
- Questions how did the Ordinance come into effect?

Cliff Muzante of Mountain Drive:

- Questioned why are STR being targeted and not the year round rentals.
- The STR's drive the economy in this town.
- If STR's need to pay a tax, everyone in town needs to pay the tax.

Atty. Muller said the Town of Bolton has gone through a substantial amount of litigation that has involved STR's. He detailed some of the many complaints from the residents in these neighborhoods. He explained that the answer to the question as to why the town does not regulate how many people can go into a residential home is that there is no entrepreneurial aspect to this. This is like a little business transaction in a residential zone, week after week after week. This ordinance is not intended to prohibit or restrict STR's, but it is intended to organize, control and address STR's so they do not infringe upon the adjacent neighbors. The town is still taking comments on this, and they do not feel that there is no need for this ordinance, nor do they feel that STR's should be prohibited. They have heard requests for both. They are trying to find an answer somewhere in the middle.

David Shulman asked what the difference was between and STR and a residential homeowner having a failed septic from having guests all weekend. They are taxing the STR owner and not the homeowner. He also questioned employee housing. Atty. Muller stated that employee housing was not a short term rental and any problems that occur from them should be addressed by the town.

Doreen Martin asked if there are already laws, why haven't the police been called when these issues have arisen. She feels they are being penalized for a couple of bad eggs. They should fine the owners of these problem areas. To fine all of them and make them pay penalties does not make sense.

Supervisor Conover stated that he sees this ordinance as permitting people who have STR's to continue with. He said the goal here is to get this right and make sure it is permitted. They are trying to reach the right balance. He asked that anyone with questions or comments please send the Board correspondence.

- Resolution to close the Public Hearing.

RESOLUTION #107

Councilmember Coon moved, seconded by Councilmember Wilson to close the Public Hearing for Town Ordinance #47. **All in Favor. Motion Carried.**

Public Hearing:

Public Hearing regarding Local Law #1 of 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

- Atty. Muller explained that we are awaiting a response from the APA.
- Resolution establishing Town of Bolton as Lead Agency.

RESOLUTION #108

Councilmember Wilson moved, seconded by Councilmember Coon to declare the Bolton Town Board as Lead Agency under SEQRA & LWRP for the Local Law #1. **All in Favor. Motion Carried.**

Cliff Muzante asked if there would be a notice on the next meeting. He feels they should have a convenient time for everyone to have the Town Board meetings. Town Clerk, Jodi Petteys stated that these Public Hearings and meeting dates are posted on the Town of Bolton website and in the designated newspaper. She explained that these meetings were previously held via Zoom due to Covid-19 regulations, but our Town Board meetings are always held the first Tuesday of the month with the exception of Election Day. They have now returned to the regularly scheduled time of 6:00PM for

Town Board meetings, which are held in the Town Hall meeting room as they were pre Covid-19 protocols. All posting legal requirements for the meetings are followed.

John Lasalandra asked why the town could not have both a Zoom and a Public meeting. Kate Persons explained that the town does not have the technology in the meeting room at this time.

Zandy Gabriels said if they closed the Public Hearing and he had a brilliant idea it would not be included as part of the public record. Atty. Muller stated on the proposition that he had a brilliant idea and it was incorporated into the Ordinance; the Public Hearing would have to be reopened.

- Resolution to close the Public Hearing.

RESOLUTION #109

Councilmember Coon moved, seconded by Councilmember MacEwan to table the Public Hearing for Local Law #1. **All in Favor. Motion Carried.**

Public in Attendance:

- John Gaddy asked if the town could utilize funds collected for recreation fees to move into a contract for porta johns at the new Pinnacle parking lot. *Supervisor Conover said that this had been discussed and they have also discussed the possibility of permanent restrooms.*

Correspondence:

- Elizabeth Brainard & John Maier regarding tax map #200.14-1-20
- Carol Collins with an update on lake-wide septic system inspection initiative.
- Wayne Smith in support of Ordinance #47.
- Bonnie Becker regarding ARPA regulations.
- Suzanna Bernd, Sembrich Museum thank you letters.
- Mortimer Keane, resignation letter. *Accepted with Regret. We wish him well*
- Invitation to dedication ceremony for Elizabeth “Betty” O’C. Little Boulevard.
- Charlotte Blumenthal regarding mural.
- Cushman and Wakefield regarding commercial property
- Santore Fireworks regarding fireworks at the Sagamore on 5/15/2021.

Committee Reports:

Councilmember Rob MacEwan

Transfer Station:

Justice Court:

- During the month of April 2021, Justice Edward G. White collected \$1,430.00 in fines and Justice Joe Connally collected \$2,195.00. Total monies forwarded to the Town of Bolton amounted to \$3,625.00. Itemized lists are available in the Court should anyone desire to look them over.

EMS:

EMR report regarding billing activity for March 2021:

Calls: 12 of which 10 were billable. In March 2020 we had 22 calls of which 19 were billable

Gross Charges Billed in March:	\$ 14,786.00
Gross Charges billed thru March:	\$ 37,600.00
Payments Received in March:	\$ 8,575.89
Payments Received thru February:	\$ 20,029.04

In 2020 we billed \$60,714.00 and received payments of \$30,412.67 thru March.

- Payroll Expenses thru March were \$79,086.96 versus \$72,838.87 thru March 2020.
- Received notice that New York State has issued new Unemployment Insurance rates retroactively to January 1, 2021. This will necessitate a back charge of \$774.67 based on the 2021 payrolls processed to date.
- Due to the decrease in fee for service revenue thru the 1st Quarter of 2021, we are submitting an application for another forgivable Payroll Protection grant to be processed thru Adirondack Trust thanks to Steve von Schenck's contacts at the bank.
- New York State Department of Health Bureau of EMS circulated a list of agencies approved as Community Paramedicine agencies for vaccinations. Thanks to Tony Lipari, Bolton EMS is one of only 30 throughout New York State and one of the few in all of the North Country currently approved. Only Glens Falls Fire & EMS is currently the only other agency approved in Warren County. In addition to providing vaccinations to home bound residents of Bolton, Tony and Bernie Marki have worked at the New York State vaccination site in the Aviation Mall. Although there are plans in place to set up a vaccine distribution site in at the Bolton

Community Center, we have been unable to obtain a supply of vaccines from Warren County Public Health or Hudson Headwaters Health Network at this time.

- You should know about our efforts to get as many Bolton residents vaccinated as possible. In addition to the home bound residents being vaccinated that I reported to you previously, last Wednesday we vaccinated 15 people at the Bolton Community Center and another 17 workers at the Sagamore Resort with the Moderna vaccine. Today, subsequent to a last minute call from Warren County Public Health, we vaccinated 4 students at BCS with the Pfizer vaccine. Presently we do not have any outstanding requests for additional vaccines; although some people have indicated they may be interested if we get access to a supply of J&J vaccines.

Councilmember MacEwan and Supervisor Conover stated that their response and effort in identifying and vaccinating the homebound has been tremendous and should be applauded.

Councilmember Tim Coon

Wastewater:

- Total flow for the month 4,443,965 gallons for a daily average of 148,000 gallons.
- Casella hauled 8,000 gallons of sludge.
- We have had several plugged lines around town. This is from grease and rags.
- We have conducted bio sampling twice this month. The nitrate removal rate has been around 40%.
- All of the pump station and plant pumps have had the yearly service and repairs completed. All of the pumps are working great and are ready for the busy season.
- We cleaned all the tanks around the plant and got everything ready for the summer season.
- On 4/14 we had the sewer line plug going into the north station. We had hometown sewer remove 4000 gallons of sewage from manhole so we could use sewer jet to clean the line going into the station. No overflows occurred.
- On 4/20 the power at the main pump station was removed and new underground wire was installed. We were on generator power for 4 hours. Hometown sewer was on standby incase the generator quit working.
- The check valve at the main pump station for pump #1 was replaced by Kinsley excavation. It took several weeks to receive the valve. We were running on one pump until this was replaced.

Water:

- Total flow to distribution for the month of April is 9,654,010 gallons.
- Responded to several U.F.P.O. requests.
- Conducted all general maintenance at the water plant and P.R.V. stations.
- Monthly total coli-form tests were taken according to the sampling schedule.
- Installed several new Neptune Radio Read Heads to customers who require upgrades.
- 4/7/21 we fixed a broken curb key on 9n at twin Bay Village.

- 4/13/21 we replace the master meter on the bridge going to Green Island. The 8 inch turbine meter was replaced with a compound meter.
- We scheduled hydrant flushing for 5/17/21.
- Quarterly meter readings were conducted.

Assessor:
N/A

Councilmember Susan Wilson

Planning Office:

- The Planning Office for the month of June collected fees in the amount of \$1,112.85 for various items including Certificates of Compliance, Variances, Site Plan Reviews, Stormwater Permits and After the Fact Fees.

Councilmember Wanda Cleavland

Police:

- 34 patrol shifts, 173 reportable activities & 165 property checks.

Library:

- The library has made some upgrades 3 new computers, new lighting, new front door and windows. The attic main floor and basement have all been insulated and a new worktable added.
- Book Club will be getting together May 18 to discuss Unto the Wild by Jon Krakower. If it is nice out, bring a lawn chair. Even if you are vaccinated you must wear a mask.
- There will be a raffle for a doll house. \$2 per ticket or \$5 for three.
- Don't forget to enter your dog in the first "Honorary Mayor" contest. Some of the duties are the Memorial Day Parade, inspecting fire hydrants, establishing a dog park, walking the town and looking for treats.

Supervisor's Report:

- Deposits: \$ 43,588.21
- Disbursements: \$ 738,067.77
- Rogers Park project on time and on budget.
- New Pinnacle Parking lot taking shape.
- New building and grounds building project.
- Big thank you to Bolton EMS for reaching out to homebound residents and providing COVID vaccinations.

- Grant application to LGLC Regional Planning Board for main pump station authorizing preparation and submittal.
- Rural water will be surveying our water distribution system in May. Continue to look for leaks or unmetered water issues.
- Veterans will not be having a Memorial Day Parade this year.
- Town Hall is now fully open. Request visitors to enter through the front of the building and sign in. At present all our Town employees that choose to be vaccinated have been vaccinated. COVID Guidance is often changing these days, and we are at present making plans to be fully operational with our summer events and programs. All our boards are now back to in person meetings. Only facility not open is the Conservation Club Building, which hopefully we can open very soon, at least for some events.

New Business:

- Resolution to enter into an agreement with Edmunds GovTech for website upgrades.

Supervisor Conover stated that it was time to upgrade the website and make it more user friendly for all electronic devices.

RESOLUTION #110

Councilmember Coon moved, seconded by Councilmember Cleavland to enter into an agreement with Edmunds GovTech for website upgrades. **All in Favor. Motion Carried.**

- Resolution to ratify the Supervisor executing an agreement with Santore Fireworks.

Supervisor Conover explained that this contract had to be signed by a certain date, which is why they are asking to ratify it.

RESOLUTION #111

Councilmember MacEwan moved, seconded by Councilmember Coon to ratify the Supervisor executing an agreement with Santore Fireworks. **All in Favor. Motion Carried.**

- Resolution to authorize the Bolton Chamber of Commerce to utilize Rogers Park for the 4th annual Bolton Live Music Festival on September 18, 2021 from noon until 9PM.

RESOLUTION #112

Councilmember Cleavland moved, seconded by Councilmember MacEwan to authorize the Bolton Chamber of Commerce to utilize Rogers Park for the 4th annual Bolton Live Music Festival on September 18, 2021 from noon until 9PM. **All in Favor. Motion Carried.**

- Resolution to authorize the waiver of the 30-Day advanced notice for liquor license applications from David Shulman for New Beginnings 19, LLC d/b/a 32 Mile Café located at 4959 Lake Shore Drive.

RESOLUTION #113

Councilmember Coon moved, seconded by Councilmember Wilson to authorize the waiver of the 30-Day advanced notice for liquor license applications from David Shulman for New Beginnings 19, LLC d/b/a 32 Mile Café located at 4959 Lake Shore Drive. **All in Favor. Motion Carried.**

- Resolution designating authorized representative to make and sign the application to the northern border regional commission for state economic & infrastructure development investment program grant.

RESOLUTION #114

Councilmember Cleavland moved, seconded by Councilmember Coon to designate authorized representative to make and sign the application to the northern border regional commission for state economic & infrastructure development investment program grant for the Bolton main pump station upgrade project - designating the authorized representative to sign all NBRC investment documents that bind the applicant, and SEQRA determination:

WHEREAS the Northern Border Regional Commission (NBRC) is accepting applications under the State Economic and Infrastructure Development Investment Program through the 2021 NBRC application process; and

WHEREAS, the Town of Bolton is seeking a 2021 NBRC Grant through the State Economic and Infrastructure Development Investment Program in the amount of \$500,000; and

WHEREAS, the NBRC requires that the Town designate an Authorized Representative for the project with the authority to submit the application, execute and deliver 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 for distressed counties, unless the Town requests a “no match” application if the Town indicates that matching funds are not available because of the impacts of COVID-19; and

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

WHEREAS, this action is a grant application for the purposes of upgrading the main pump station in the Town’s wastewater collection system,

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Bolton hereby authorizes the Town Supervisor, Ronald Conover, or the designated representative, KSPE, PLLC to submit the application to the NBRC through the NBRC application process and to act in connection with the submission of the application, including execution of all required certification forms, and to provide such additional information as may be required; and

THEREFORE, BE IT FURTHER 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 Northern Border Regional Commission and any and all other contracts documents and instruments necessary to bring about the project and to fulfill the Town’s obligations under the NBRC 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 \$100,000, as required by the NBRC Grant Program, for the project and authorizes the Town Supervisor to complete the “no match” request indicating that the Town’s matching funds are not available because of the impacts of COVID-19; and,

THEREFORE, BE IT FURTHER RESOLVED that the Town Board of the Town of Bolton hereby determines that the proposed grant application to the NBRC for funds to upgrade the Town’s main wastewater pump station is a Type II action in accordance with 6 NYCRR Section 617.5(c0(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 review under 6 NYCRR Part 517. **All in Favor. Motion Carried.**

Public in Attendance:

Zandy Gabriels commented on the following.

- Wastewater Department pipe jetting for grease etc. Glad they are on top of things and wondered if there was a need for this increase in jetting.

- Lack of a Water Department report to the Town Board. *Supervisor Conover stated they did have one and he would happily give Mr. Gabriels a copy.*

RESOLUTION #115

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

TRANSFERS FOR MAY 2021

To	From	Amount
<u>GENERAL:</u>		
7997.4 Cultural Activities CE	7550.4 Celebrations CE	\$750.00
<u>HIGHWAY:</u>		
5110.2 Storm Damage EQ	5110.4 General Repairs CE	\$1,230.00
<u>SEWER:</u>		
8120.4 Sanitary Sewers CE	8130.2 Sewage Treatment EQ	\$23,000.00

ADDITIONAL TRANSFERS:

\$20,000.00 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 #116

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

Pay the Bills:

Amount		Vouchers
Abstract 4A		
General	528-569	5,371.12
Sewer	120-129	4,476.99
Water	96-98	1,506.39
St Lights	17-19	54.61

Abstract 5

General	469-527 570-596	64,042.38
Highway	133-177	44,908.25
Sewer	103-119 130-139	19,188.89
Water	84-95 99-106	10,867.12
Water Improve	3	585.00
B&G Bldg Project	3	9,735.00
Sewer Improve	7-8	600.00
Tourism	5	4,489.04
St Lights	20	469.86

Adjourn:

RESOLUTION #117

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

Adjourn: 7:29 PM

Minutes respectfully submitted by:

Jodi Petteys
Town Clerk

Katie Persons
Minute Taker