

REGULAR MEETING  
BOLTON TOWN BOARD

June 1, 2021

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: 06:00PM.

Pledge: Supervisor Conover

Supervisor Conover appointed Jake Toney as the “Honorary K9 Mayor” of Bolton for the next year. Jake won out against many stellar pooches in the competition. The Town of Bolton thanks all the fantastic contestants who participated in this FUNdraiser for the Bolton Free Library.

Minutes:

- Approve the May 4, 2021 Regular Town Board Meeting Minutes.

**RESOLUTION #118**

Councilmember MacEwan moved, seconded by Councilmember Cleavland to approve the May 4, 2021 Regular Town Board Meeting Minutes. **All in Favor. Motion Carried.**

Public Hearings:

Sound Permit:

- Public Hearing regarding outdoor amplification permit for Catherine Persons and Jodi Petteys on 8/21/2021 from 3PM to 9PM at property location: 56 Edgecomb Pond Road.

**RESOLUTION #119**

Councilmember MacEwan moved, seconded by Councilmember Cleavland to approve an outdoor amplification permit for regarding outdoor amplification permit for Catherine Persons and Jodi Petteys

on 8/21/2021 from 3PM to 9PM at property location: 56 Edgecomb Pond Road. **All in Favor. Motion Carried.**

Public Hearing:

Public hearing concerning the enactment of a TOWN ORDINANCE # 86 entitled DUMPSTER/GARBAGE – REFUSE CONTAINER ORDINANCE #86

- Resolution to close the Public Hearing.

**RESOLUTION #120**

Councilmember MacEwan moved, seconded by Councilmember Cleavland to close the Public Hearing for Town Ordinance #86. **All in Favor. Motion Carried.**

- Resolution establishing Town of Bolton as Lead Agency.

**RESOLUTION #121**

Councilmember Wilson moved, seconded by Councilmember MacEwan to declare the Bolton Town Board as Lead Agency under SEQRA & LWRP for the Town Ordinance #86. **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 #122**

Councilmember Wilson moved, seconded by Councilmember Cleavland to make a negative declaration with regard to SEQRA & LWRP for proposed Ordinance #86. **All in Favor. Motion Carried.**

- Resolution for the proposed Ordinance #86.

**RESOLUTION #123**

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 to approve Ordinance #86.

**Public Hearing:**

Public hearing concerning the enactment of a TOWN ORDINANCE # 36 entitled NEW SEPTIC ORDINANCE # 36

**Correspondence:**

- Chris Navitsky, Lake George Waterkeeper email with items for consideration of the Board relative to proposed Ordinance #36.
- Resolution to close the Public Hearing.

**RESOLUTION #124**

Councilmember MacEwan moved, seconded by Councilmember Wilson to close the Public Hearing for proposed Town Ordinance #36. **All in Favor. Motion Carried.**

- Resolution establishing Town of Bolton as Lead Agency.

**RESOLUTION #125**

Councilmember Wilson moved, seconded by Councilmember Cleavland to declare the Bolton Town Board as Lead Agency under SEQRA & LWRP for the Town Ordinance #36. **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 #126**

Councilmember Wilson moved, seconded by Councilmember MacEwan to make a negative declaration with regard to SEQRA & LWRP for proposed Ordinance #36. **All in Favor. Motion Carried.**

- Resolution for the proposed Ordinance #36.

**RESOLUTION #127**

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 to approve Ordinance #36 as presented. **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.

**\* THIS ITEM HAS BEEN TABLED FOR ADDITIONAL INFORMATION FROM THE ADIRONDACK PARK AGENCY\***

Convene as Bolton Sewer District

**RESOLUTION #128**

Councilmember MacEwan moved, seconded by Councilmember Cleavland to convene as the Town of Bolton Sewer District. **All in Favor. Motion Carried.**

- Resolution to grant relocation of existing power lines and poles.

**RESOLUTION #129**

Councilmember Cleavland moved, seconded by Councilmember Wilson to grant relocation of existing power lines on tax map parcels # 171.1-1-3 & 5 as follows:

WHEREAS the Town of Bolton Sewer District ( herein referred to as Grantor) is the owner of record of certain lands more particularly described in a certain Deed recorded in the Warren County Clerk’s Office in Liber 820 of Deeds at Page 293 ( also known as Tax Map parcels 171.1-1-3 & 5) and upon such lands there currently exists utility power poles and power lines owned by NIAGARA MOHAWK POWER CORPORATION (NIMO) that are situated in such manner that the same require relocation to a more appropriate placement upon the same parcel to allow the installation and new construction of a land improvement by the TOWN OF BOLTON , and

WHEREAS NIMO has provided an instrument entitled GRANT OF EASEMENT and when approved and duly executed by the GRANTOR shall be recorded in the Warren County Clerk’s Office to indicate

to the fullest extent as provided for in such GRANT OF EASEMENT that NIMO shall be authorized to facilitate the relocation, re-installation and be permitted to maintain such utilities on the subject property

NOW and THEREFORE the BOLTON SEWER DISTRICT does by the express terms of this RESOLUTION authorize the approval of such terms and in all respects the execution of such instrument and recording thereof .

**All in Favor. Motion Carried.**

Reconvene as Bolton Town Board

**RESOLUTION #130**

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

Public in Attendance:

Pastor Scott Matthews said he had concerns with Ordinance #86 and the restaurants not wanting to conform to this due to space. He would like to see due diligence for conformity.

Jim Irwin questioned how it would be enforced. He stated that it has not been enforced before and wondered what the town planned on doing.

Correspondence:

- NYS DEC regarding extension of gate closure at Mossy Point and Rogers Rock boat launches.
- NYS Comptroller in regard to COVID-19 and financial impacts.
- Marshall Sterling regarding insurance amendment.
- Regional Economic Development Councils available CFA resources.
- Warren County Health Services regarding lead poisoning prevention program.
- NYS DEC regarding Engineering Planning Grant Application #105157.
- LaBerge Group congratulatory letter on planning grant award.

Committee Reports:

**Councilmember Rob MacEwan**

Justice Court:

During the month of May 2021, Justice Edward G. White collected \$2,179.00 in fines and Justice Joe Connally collected \$1,743.00. Total monies forwarded to the Town of Bolton amounted to \$3,922.00. Itemized lists are available in the Court should anyone desire to look them over.

## **Councilmember Tim Coon (Absent)**

### Wastewater:

- Total flow for the month 5,461,005 gallons for a daily average of 176,000 gallons.
- Casella hauled 64,000 gallons of sludge.
- We had both air compressors serviced at the plant. Both are working well and no issues.
- We had to replace our fuel pump on the generator at main pump station. We had to rent a temporary generator for a week in case of power outages. The generator is all fixed and working great.
- We conducted bio reactor sampling twice this month. The nitrate removal is around 20-50%. The bio reactor is continuing to work and is really helping with nitrate removal.
- We have attended two online training classes through NYWEA and rural water. One was a 2 day event.
- Cleaned several tanks around the plant and stations.
- Scheduled KPI to clean several lines around town that need to be done with a vacuum truck. They are also cleaning 20 manholes with their vacuum truck. They are also cleaning out all 3 pump stations before the summer season is here.
- We have cleaned several lines around town due to grease and rags plugging the lines.
- We have maintained the grounds around the plant and pump stations.
- We fixed several manholes around town with concrete and installed some new riser rings.
- We had all of the generators serviced around the plant and stations. No issues with any of them.

### Water:

- Total flow to distribution for the month of May is 12,471,680 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.
- Quarterly disinfection by product samples was taken according to the sampling schedule.
- Installed several new Neptune radio read heads to customers who require upgrades.
- On 5/9/21 we responded to water coming up out of the ground on Hidden Hills drive. Upon further investigation we found a broken service line which we shut off and notified the homeowner.
- On 5/10/21 we had NYRW here to leak detect the Sagamore Island. They found a sizeable leak on the island. Due to the new master meter we installed which is more accurate at low flow we are accounting for this leak. The Sagamore has been notified and will be fixing their leak.

- On 5/17/21 we flushed hydrants system wide.

Assessor:

- Grievance day was held on Thursday May 27<sup>th</sup>.
- Now that grievance is over, we will be finalizing the 2021 Assessment Roll.

**Councilmember Susan Wilson**

Planning Office:

- The Planning Office for the month of May collected fees in the amount of \$2,180.00 for various items including Certificates of Compliance, Variances, Site Plan Reviews, Stormwater Permits and After the Fact Fees.

**Councilmember Wanda Cleavland**

Police:

Library:

**Supervisor's Report:**

- Deposits: \$ 966,029.21
- Disbursements: \$ 349,797.96
- Rogers Park on schedule for June completion
- Pinnacle Parking Lot well underway expect completion in June.
- Review of Police Chief applications underway, hope to make selection by mid-June.
- Water detection company identified two leaks, one in vicinity of Red Gate and the other on Green Island (Sagamore has been notified).

New Business:

- Resolution to enter into an agreement with Commercial Paving Company, LLC for milling and paving of Alderbrook Road in an amount not to exceed \$229,999.00.

**RESOLUTION #131**

Councilmember Cleavland moved, seconded by Councilmember MacEwan to enter into an agreement with Commercial Paving Company, LLC for milling and paving of Alderbrook Road in an amount not to exceed \$229,999.00. **All in Favor. Motion Carried.**



- Resolution to ratify the Supervisor executing an agreement with Constellation Energy.

Supervisor Conover explained that the existing energy contract expires July 11<sup>th</sup> and it had to be signed by a certain date, and this plan will significantly lower our cost.

**RESOLUTION #132**

Councilmember Cleavland moved, seconded by Councilmember Wilson to ratify the Supervisor executing an agreement with Constellation Energy. **All in Favor. Motion Carried.**

- Resolution to “re-open” the Bolton Community Center.

Councilmember Wilson stated that New York State regulations must be followed at the time of rental.

**RESOLUTION #133**

Councilmember Wilson moved, seconded by Councilmember MacEwan to “re-open” the Bolton Community Center. **All in Favor. Motion Carried.**

- Resolution to appoint David Smith to the Bolton Planning Board to fill the unexpired term of Ann Marie Scheidegger with term to expire 12/31/2023.

Supervisor Conover stated they are sad to see Ms. Scheidegger leave as she was a valuable member of this board.

**RESOLUTION #134**

Councilmember Wilson moved, seconded by Councilmember MacEwan to appoint David Smith to the Bolton Planning Board to fill the unexpired term of Ann Marie Scheidegger with term to expire 12/31/2023. **All in Favor. Motion Carried.**

- Resolution to authorize the Supervisor to enter into a professional service agreement for the preparation of plans and specifications for work and bidding on the Town of Bolton Highway Garage roof with The Chazen Group including any related work associated with the project.

**RESOLUTION #135**

Councilmember MacEwan moved, seconded by Councilmember Cleavland to authorize the Supervisor to enter into a professional service agreement for the preparation of plans and specifications for work and bidding on the Town of Bolton Highway Garage roof with The Chazen Group including any related work associated with the project. **All in Favor. Motion Carried.**

- Resolution to authorize the Supervisor to enter into a professional service agreement with Tracey M. Clothier, AICP, CEP for the preparation of two grant applications to request funds through the CFA application process.

**RESOLUTION #136**

Councilmember Wilson moved, seconded by Councilmember Cleavland to authorize the Supervisor to enter into a professional service agreement with Tracey M. Clothier, AICP, CEP for the preparation of two to three grant applications to request funds through the CFA application process. **All in Favor. Motion Carried.**

- Resolution in Opposition to a Warren County Charter Review Commission.

**RESOLUTION #137**

Councilmember Wilson moved, seconded by Councilmember Cleavland to move in opposition to a Warren County Charter Review Commission as follows:

Whereas, it has been proposed that a Charter Review Commission be created to evaluate and ultimately change Warren County’s form of government, and

Whereas, a revision to a legislative form of government has been previously considered and rejected by the Warren County Board of Supervisors, and

Whereas, the Bolton Town Board representing the residents and taxpayers of Bolton wish to communicate their disapproval of this latest charter reform initiative, and

Whereas, the Bolton Town Board believes Warren County and the Towns of Warren County are well served by the existing Supervisor form of government, and

Whereas, such a legislative initiative would diminish the voice, access, and influence of rural Towns at the County level, and

Whereas, the Bolton Town Board believes the existing Supervisor form of government provides each municipality with local representation in County Government thereby preserving our home-rule, and

Whereas, the Bolton Town Board believes as Thomas Jefferson once stated that the government closest to the people serves its people best, and

Whereas, the Bolton Town Board is opposed to creating another layer of government increasing the cost of government and further separating residents from their local elected officials,

Now Therefore Be It Resolved that the Bolton Town Board would like to communicate its opposition to the charter review proposal, and

Be It Further Resolved; the Bolton Town Board instructs the Town Supervisor to communicate this resolution to the Board of Supervisors at the earliest opportunity.

**All in Favor. Motion Carried.**

Public in Attendance:

**RESOLUTION #138**

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

TRANSFERS FOR JUNE 2021

| To                     | From                         | Amount     |
|------------------------|------------------------------|------------|
| <u>HIGHWAY:</u>        |                              |            |
| 5110.2 Storm Damage EQ | 1440.4 Professional Services | \$2,100.00 |

ADDITIONAL TRANSFERS...

\$300,000.00 to be transferred to Rogers Park Capital Projects Account from General Fund

**RESOLUTION #139**

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

Pay the Bills:

|             | Vouchers | Amount |
|-------------|----------|--------|
| Abstract 5A |          |        |

|           |         |          |
|-----------|---------|----------|
| General   | 680-717 | 3,914.05 |
| Sewer     | 160-169 | 3,483.37 |
| Water     | 121-123 | 1,534.50 |
| St Lights | 21-23   | 49.35    |

Abstract 6

|                  |                 |            |
|------------------|-----------------|------------|
| General          | 597-679 718-743 | 48,733.33  |
| Highway          | 178-214         | 63,377.00  |
| Sewer            | 140-159 170-177 | 18,359.49  |
| Water            | 107-120 124-128 | 11,460.45  |
| B&G Bldg Project | 4               | 11,380.00  |
| Sewer Improve    | 9               | 450.00     |
| Tourism          | 6-7             | 13,075.00  |
| St Lights        | 24              | 371.02     |
| Rogers Park PH4  | 7-8             | 122,865.91 |
| Rogers Park PH5  | 8               | 130,947.05 |

Adjourn:

**RESOLUTION #140**

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

**Motion Carried.**

Adjourn: 6:53PM

Minutes respectfully submitted by:

Jodi Petteys  
Town Clerk

Katie Persons  
Minute Taker