

REGULAR MEETING  
BOLTON TOWN  
BOARD

May 3, 2022

Regular Meeting:

Supervisor: Ronald Conover  
Councilmember: Robert MacEwan  
Councilmember: Brendan Murnane  
Councilmember: Wanda P. Cleavland  
Councilmember: Susan Wilson  
Town Clerk: Jodi Petteys  
Counsel: Brian Reichenbach  
Director of Planning & Zoning: Richard Miller

Meeting Called to Order: 6:00PM.

Pledge: Councilmember Murnane

Minutes:

- Approve the April 5, 2022, Regular Town Board Meeting Minutes.

**RESOLUTION #101**

Councilmember Cleavland moved, seconded by Councilmember Murnane to approve April 5, 2022 Regular Town Board Meeting Minutes. **All in Favor. Motion Carried.**

**PUBLIC HEARINGS:**

- **To Amend Ordinance #40 Regulating Parking within the Town of Bolton**

**Proposed Amendment To Town Of Bolton Ordinance #40 Regulating Parking within the Town of Bolton as follows:**

TO ADD

SECTION 3 subparagraphs F & G

- F. 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 intersection of Maple Street and Stewart Avenue and along the northerly side of Stewart Avenue running in an easterly direction and terminating at a distance of 65 feet from the starting point measured along the northerly side of Stewart Avenue.
- G. No person shall cause or permit a motor vehicle to be parked or left standing between the hours of 12:00 a.m. and 6:00 a.m. along the south side of Horicon Avenue beginning at the edge of the sidewalk at the intersection of State Route 9N and along the south side of Horicon Avenue to Maple Street.

David Becker of 6 Horicon Avenue asked if there was any leeway over the winter season and off-season parking for residents such as permits. Supervisor Conover stated that could be looked into and asked Mr. Becker to call and set up a meeting to come into the office so they could discuss some solutions to consider such as permits. Mr. Becker stated that would be much appreciated.

- Resolution to close the Public Hearing

**RESOLUTION #102**

Councilmember MacEwan moved, seconded by Councilmember Wilson to close the Public Hearing to amend Ordinance #40. **All in Favor. Motion Carried.**

- Resolution to amend Ordinance 40 as follows:

**RESOLUTION #103**

Councilmember Wilson moved, seconded by Councilmember Cleavland to amend Ordinance #40 as follows:

TO ADD SECTION 3 subparagraphs F & G

- F. 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 intersection of Maple Street and Stewart Avenue and along the northerly side of Stewart Avenue running in an easterly direction and terminating at a distance of 65 feet from the starting point measured along the northerly side of Stewart Avenue.
- G. No person shall cause or permit a motor vehicle to be parked or left standing between the hours of 12:00 a.m. and 6:00 a.m. along the south side of Horicon Avenue beginning at the edge of the sidewalk at the intersection of State Route 9N and along the south side of

Horicon Avenue to Maple Street. **All in Favor. Motion Carried.**

Public in Attendance:

Michael Muller Esq. representing the Bolton Fire District presented the following:

The Fire District Commissioners are proposing to develop a 9.07acre vacant parcel situated on Horicon Avenue as a site for a new firehouse for the Town of Bolton. The site is situated partially in an RM 1.3 zoning district and partially in a RL 3 zoning district. Only the RM 1.3 zoning district allows a community facility (firehouse) as a permitted use by Type II Site Plan approval. The RL 3 portion of the property does not provide for “community facilities”.

If this were a “non-governmental” project zoning code procedures would require a Zoning Board of Appeals variance review for any portion of the project situated in the RL 3 zoned area. New York State zoning laws, however, do acknowledge and allow a municipality to afford a community firehouse project “*limited immunity*” from the strict application of zoning requirements in recognition of the fact that such a proposal provides an essential government service to the community.

It is therefore appropriate for the Bolton Fire District Commissioners to seek the Town Board’s approval for the granting of available “*limited immunity*” from the strict application from any variances requirements otherwise imposed by the local zoning code.

I am requesting that the Town Board confer “*limited immunity*” for this project with the understanding that the project sponsors will still be complying with all Site Plan Review requirements imposed by the local zoning code, State Environmental Quality review criteria and Local waterfront revitalization compliance standards.

He went through the 9 factors for consideration in granting “limited immunity.”

Donald Roessler, Chairman of the Board of Commissioners stated they have outgrown the existing building and it no longer meets their needs. The current regulations and codes for new fire houses require 3 different zones. They did look at expanding the firehouse in its current location and the blasting alone would be a cost of \$500,000 and another \$200 to \$300 thousand for the removal of the rock. Supervisor Conover asked about the EMS. Mr. Roessler said that the building they are currently using could be used by them with some improvements and possibly the Bolton Police using the other side. The school owns the land that the building sits on right now. The contract with them states that the Fire District can use that land providing that it is used for either fire or ambulance services. If it is ever not used for either of those, then the

land and any improvements (the building) would revert back to the school. They feel this would be a good solution for the EMS. Supervisor Conover stated that he liked that idea.

Atty. Muller stated that there was a reverter clause in the school's contract if the building is not used for emergency services.

**RESOLUTION #104**

Councilmember Wilson moved, seconded by Councilmember Murnane to grant a limited immunity from strict application of the Bolton Zoning Law as regards the proposed construction of a new firehouse for the Bolton Fire District:

**WHEREAS**, residents and visitors to the Town of Bolton are protected from fire and other public safety calamities by the Bolton Fire District ("District"); and

**WHEREAS**, the District has outgrown its current home and the current firehouse on Lakeshore Drive is wholly inadequate for the District's fire protection function and public safety needs within the Town of Bolton; and

**WHEREAS**, the District has located a parcel of land within the Town that would be suitable for construction of a new firehouse and that would enable the District to maintain its equipment and respond timely to emergencies within the Town; and

**WHEREAS**, the location is partially within two different zoning districts within the Town, RM 1.3 and RL 3; and

**WHEREAS**, strict compliance with the Bolton Zoning Law would require the District to apply for and obtain a use variance to be able to construct the project within the RL 3 zone; and

**WHEREAS**, the District has asked the Bolton Town Board to confer upon it a grant of limited immunity from strict compliance with the Bolton Zoning Law so that the District would not need a use variance but would comply with the site plan review portions of the Zoning Law; and

**WHEREAS**, the Town Board has performed a balancing test consisting of nine separate factors, to wit:

1. The nature and scope of the instrumentality seeking immunity (*the entity is the Town-wide Fire District*).
2. The encroaching government's legislative grant of authority (*the District is created by State statute*).
3. The kind of function or land use involved (*fire protection and emergency response*).
4. The effect local land use regulation would have on the enterprise concerned (*strict compliance would add cost and delay to the project without significant benefit*).

5. Alternative locations for the facility in less restrictive zoning areas (*few if any have been identified or exist*).
6. The impact upon legitimate local interests (*the benefits of the new firehouse are significant for the District, the taxpayers that support the District and the visitors who rely upon the services*).
7. Alternative methods of providing the proposed improvement (*no feasible alternatives have been identified over the many years such solutions have been sought*).
8. The extent of the public interest to be served by the improvement (*an updated and conveniently-located firehouse to enable the District to properly care for its equipment and timely respond to calls for emergency services*); and
9. Intergovernmental participation in the project development process and an opportunity to be heard (*the Town government and residents will have opportunities to consider the plan through site plan review and the matter will be subject to public referendum*).

**NOW UPON CONSIDERATION OF THE ABOVE, BE IT HEREBY RESOLVED** THAT the Town Board of the Town of Bolton determines that the best interests of the public involved compel a grant of limited immunity from strict application of the Bolton Zoning Law as regards the proposed construction of a new firehouse for the Bolton Fire District upon a 9.07 acre parcel within the Town's RM 1.3 and RL 3 zoning districts known as Tax Map Parcel 171.15-1-94 such that the project will not be subject to application for and receipt of a use variance as would otherwise be required within the RL 3 zone, but that such project shall remain required to meet and comply with any other criteria imposed by local law including Chapter 200 Zoning for Site Plan Review, compliance with the Local Waterfront Revitalization Program, compliance with the State Environmental Quality Review Act and in conformity with Chapter 125 Stormwater and Erosion Control Regulations and any Adirondack Park Agency regulations that may apply.

**BE IT FURTHER RESOLVED** that the Town Supervisor is authorized to take any actions and execute any documents or instruments necessary to implement the intent of this Resolution in a form approved by Town Counsel. **All in Favor. Motion Carried.**

- Deb Gaddy & Don Russel representing the Bolton Recreation Commission spoke on the following.
  1. Construction and promotion of a dog park. *Supervisor Conover stated that this was something that they have been contemplating for some time. Sally Defty was a big proponent of this idea. There is a section near the little league field that may be doable. They will look at making this happen.*

2. Installation of swings at Rogers Park. *Supervisor Conover stated he would ask the consultant for input on this and recommended that they have the Recreation Director set up a meeting for the Board with Tim Larson so they could look at the master plan for Veterans Park.*
3. Outhouses at all of the trail heads. *Supervisor Conover explained that the Town already has a porta john and dog station at the Pinnacle parking lot, and they could absolutely add this to the Edgecomb Pond parking lot immediately, but as to the others, the town does not own them.*

Correspondence:

- Santore's World Famous Fireworks
- Bank of Green County regarding municipal needs.
- Lake George Waterkeeper regarding LGPC usage of herbicide.
- Assemblyman Simpson regarding grant opportunities.
- Robert J. Muller regarding re-election to Supreme Court.
- NYS DOT CHIPS funding notification.

Committee Reports:

**Councilmember Rob MacEwan**

Highway:

- Plowed, sanded and salted several small snow and ice storms.
- Thawed out several frozen culverts.
- Picked up and chipped up several downed trees from wind.
- Repaired several washouts from heavy rain.
- Brush work on Finkle Road.

Justice Court:

- During the month of April 2022, Justice Edward G. White collected \$3,068.00 in fines (check to Town of Bolton # 550) and Justice Joe Connally collected \$3,172.00 (check to Town of Bolton # 526). Total monies forwarded to the Town of Bolton amounted to \$6,240.00. Itemized lists are available in the Court should anyone desire to look them over.

Transfer Station:

- Total for the month: \$6,002.

- Spring Clean Up cards: \$3,542.

1. Recreation:

Recreation Center

A. Attendance:

Year	2018-19	2019-20	2020-21	2021-22
# BSC Students	195	201	183	167
Calendar Year	2019	2020	2021	2022
January	191	247	164	66
Feb	157	165	102	78
March	239	Closed 3/16. 149	130	175
April	153	COVID	45	YTD 98
May	224	COVID	76	
June	152	COVID	61	
July	Closed	Closed	Closed	Closed
Aug	Closed	Closed	Closed	Closed
Sept	256	83	83	
Oct	275	140	86	
Nov	258	158	149	
Dec	237	83		

B. Calendar-See attached. Rec Center will be closed on Saturdays beginning in May until September.

C. Rec Attendant- Elaine B., has been working FT since late November, but will have her last day on April 30 and resume her work as usual in late September early October.

2. Summer

A. Day Camp Dates 7/5-8/12/22.

**Total BCS registration=34**, of these 34, 30 are registered for the entire 6 weeks. **11 are requesting full scholarships for the entire 6 weeks.**

**Non BCS registration =9**, with 3 more interested applicants. I am confident I will be able to offer them at least one week of participation. This is the largest group I have been able to accommodate since 2019.

B. Still seeking THREE full time Lifeguards who can work through Labor Day.

C. There will be no free programming offered on July 4 or 5<sup>th</sup> in 2020 due to anticipated high crowds in the parks and on the beaches.

D. Due to staffing concerns, at this time, public swim lessons will not be offered this season. Swim lessons will still be available for Day Camp participants.

E. Beaches will Open on Memorial Day Weekend, weekends in June, and open Full Time on June 24.

3. Other

- A. Bolton Resident Boat Cruise: Wednesday, June 15, 2022
- B. Fourth of July fireworks have been scheduled, along with DJ, Magician, and musical guest on July 3 outside of Town Hall for the Craft Show.
- C. Summer Calendar-This will be printed as usual this year and can be expected in mailboxes in mid-June. A PDF will be available in late May on the website.
- D. Public CPR class-I am working with my contact at REMESCO to offer a CPR class to the public this summer, more information to follow.

Monthly Meetings: I would propose that we resume meetings, but only meet 6 times/year instead of 12.

EMS:

Calls: 19 of which 14 were billable.

Gross Charges Billed in March:	\$ 19,392.00
Gross Charges Billed Year to Date	\$ 56,042.00
Payments Received in March:	\$ 9,634.45
Payments Received Year To Date:	\$ 21,937.58

In 2021 we had billed \$37,600 and received payments of \$20,020.44 thru March.

Payroll Expenses thru March were \$79,872.36 versus \$79,086.96 in 2021.

The Bolton Fire Commissioners have agreed to allow Bolton EMS to install a shower facility in the upstairs sleeping area in a room currently used for overflow cleaning and kitchen supplies. A contractor has inspected the area to be modified and will be able to do the renovation/installation this Spring.

**Councilmember Brendan Murnane**

Assessor:

N/A

Wastewater:

- Total flow for the month 5,970,116 gallons for a daily average of 199,000 gallons.
- Casella hauled 16,000 gallons of sludge.



- We have assisted water department with turning on curb stops with them. We assisted them with the valve repair near North Pump Station. Matt hauled 2 loads of stone with highway tandem to fill back in hole.
- We had issues with our alarm dialer at sewer plant with no dial tone. Verizon came out and fixed a few issues in the building.
- We have had several alarms due to heavy rain and a snowstorm with wind damage. There was no power for almost 10 hours at the plant and stations.
- We had all our pump maintenance done at the plant and stations. All the pumps are working great with no issues.
- We checked all manholes around town before the summer season starts to make sure there were no issues. A few had to be cleaned out from rags and grease building up around end of pipes and in bottom of manhole.
- We have had several meetings to go over grant information and upcoming water stuff. We have had several meetings about the new design on the bio reactors with Kathy Suozzo and Ron.
- We have had several issues with pumps at the plant. We have repaired the issues and are working well.
- We maintained the grounds around the plant and pump stations.

Water:

- The total flow to the distribution system for the month of April was 14,139,526 gallons with an average of 403,439 gallons per day. These numbers are slightly artificially high due to malfunction with the flow recorder chart. April 3-5 the plant was recording 1250 gallons per minute which is not possible.
- The monthly total coliform tests were taken according to the sampling schedule.
- The monthly Total Organic Carbon tests were taken in accordance with DOH regulations and sampling schedule.
- Took yearly nitrate test in accordance with DOH regulations and sampling schedule.
- Gathered final readings for multiple properties that were sold.
- Performed quarterly water meter reads throughout town.
- Conducted general maintenance and grounds work around the plant and P.R.V. stations.
- Sold several Neptune radial meters to replace non-working meters.
- Responded to several dig safe requests.

- 4/3 Raw water flow meter and chart recorder began recording 1250 gallons per minute even while plant was off.
- 4/4 Discolored water reported at 54 Braley Hill Rd. Advised to run line to flush discolored water. Continued to investigate throughout the month.
- 4/5 Furnace circulation pump smoking and furnace itself was rattling aggressively Jack Hall came same day to replace pump and filter.
- 4/5 Aqualogics on site to replace broken raw water flow meter and recorder.
- 4/11 Water pump for in-house water usage would not fill pressure tank to shut itself off. Recorded 5000 gallons of flow overnight. Manually turned power to the pump off.
- 4/12 Water pump for in-house water continues to run uncontrolled when powered on. Called Jack Hall for emergency replacement of house water system.
- 4/13 Jack Hall completed installation of new ½ hp well pump for in-house water usage.
- 4/19 Power outage due to heavy snow at 2:45 am.
- 4/21 Power restored to building approximately 3:00 pm.
- 4/26 Dig and replace curb shutoff for Sawmill Bay Marina at the northern wastewater pump station.
- 4/28 Met with town council to discuss alterations to town water ordinance.

### **Councilmember Susan Wilson**

#### Planning / Zoning:

- The Planning Office for the month of September collected fees in the amount of \$5,270.00 for various items including Certificates of Compliance, Variances, Short Term Rental Permits, Site Plan Reviews, Stormwater Permits and After the Fact Fees.

### **Councilmember Wanda Cleavland**

#### Police:

- 41 patrol shifts, 279 reportable activities & 259 property checks.

#### Town Clerk:

- Total Local Shares Remitted: \$ 16,726.86
- Total Non-Local Revenue: \$ 145.14
- Total State, County and Local: \$ 16,872.00

### **Supervisor's Report:**

- Deposits: \$ 54,164.71

- Disbursements: \$ 481,617.08
- Big thank you to the Highway Department for their quick removal of downed trees and having the roads accessible during the past storm.
- Great work by Parks, Water and Wastewater Departments on water leak adjacent to North Pump Station.
- First quarter meter reads completed.
- Thanks to everyone in Town for their patience during the recent power outage, these events are never easy.
- Finkle Road repaving on schedule for early June.
- Occupancy Tax revenues up year over year, mainly due to STR collections.
- Spring Water flushing set for May today and tomorrow.
- Memorial Day Parade will happen this year, Monday, May 30 with refreshments to follow at Veterans Park. Big thank you to all that are helping to make it happen.

New Business:

- Resolution to approve suspension and dissolution of The Bolton Terrestrial Invasive Plant Program Inc. (BTIPP) and that any remaining financial assets shall be transferred to and become an asset of the Town of Bolton Veterans Memorial Fund.

Councilmember Wilson stated that when this program started, they made quite a bit of headway, and then NYS advised them they could no longer function in the same capacity, and it became exceedingly difficult to operate under their new guidelines. Jodi Petteys has been very involved since the beginning of this program. Jodi Petteys stated that it has grown beyond the town's capabilities and remediation needs to be done by a certified pesticide applicator. Supervisor Conover thanked Jodi and the committee for all that they have done.

**RESOLUTION #105**

Councilmember MacEwan moved, seconded by Councilmember Murnane to approve suspension and dissolution of The Bolton Terrestrial Invasive Plant Program Inc. (BTIPP) and that any remaining financial assets shall be transferred to and become an asset of the Town of Bolton Veterans Memorial Fund. **All in Favor. Motion Carried.**

- Resolution to authorize the request from property owner, Ara Krafian, for the naming of private road name "Camber Drive" to be assigned to Parcel ID # 186.00-1-1.2.

**RESOLUTION #106**

Councilmember Wilson moved, seconded by Councilmember Cleavland to authorize the request

from property owner, Ara Krafian, for the naming of private road name “Camber Drive” to be assigned to Parcel ID # 186.00-1-1.2. **All in Favor. Motion Carried.**

- Resolution appointing Lorraine Wilson – Lefevre to the Zoning Board of Appeals (Alternate) with a term expiration date of 12/31/2024.

Councilmember Wilson stated that the alternates serve a term of 3 years and the Board thanked her continuous for her service.

### **RESOLUTION #107**

Councilmember Cleavland moved, seconded by Councilmember Murnane to appoint Lorraine Wilson – Lefevre to the Zoning Board of Appeals (Alternate) with a term expiration date of 12/31/2024. **All in Favor. Motion Carried.**

- Resolution to authorize KSPE, PLLC & Town Clerk to solicit bids for a new Building & Grounds facility prepared by KSPE, PLLC on the grounds of the Town’s Wastewater Treatment Plant.

Councilmember Cleavland stated that it was long overdue.

### **RESOLUTION #108**

Councilmember Murnane moved, seconded by Councilmember MacEwan to authorize KSPE, PLLC & Town Clerk to solicit bids for a new Building & Grounds facility prepared by KSPE, PLLC on the grounds of the Town’s Wastewater Treatment Plant as follows:

WHEREAS, the Town of Bolton has initiated a capital improvement project for the construction of a new Buildings and Grounds facility on the grounds of the Town’s Wastewater Treatment Plant.

WHEREAS, the Town of Bolton entered into an agreement with KSPE, PLLC (Project Engineer) to prepare Engineering Plans and Specifications for the construction of a pre-engineered building for the new facility, pursuant to the requirements of the Town and in compliance with the NYS Building Code.

WHEREAS, KSPE, PLLC has completed the Engineering Plans and Specifications for the Project and has submitted the Project Plans and Specifications to the Town of Bolton Codes Officer for review and approval.

NOW AND THEREFORE, IT BE RESOLVED, that the Town of Bolton Town Board, acting as the Owner and project sponsor, accepts the Town Code Officer's approval of the Project Plans and Specifications and authorizes the Project Engineer to solicit competitive bids from Contractors for the completion of the project. **All in Favor. Motion Carried.**

- Resolution accepting the Record of Activities result of 22.59 for Town Clerk, Jodi Petteys from her 3-month 2022 calendar submitted in April 2022.

**RESOLUTION #109**

Councilmember Cleavland moved, seconded by Councilmember Wilson to accept the Record of Activities result of 22.59 for Town Clerk, Jodi Petteys from her 3-month 2022 calendar submitted in April 2022. **All in Favor. Motion Carried.**

- Resolution to declare 4 old portable radios chargers from the Bolton Police Department as surplus and donate them to the Lower Adirondack Search and Rescue K9 team.

**RESOLUTION #110**

Councilmember Murnane moved, seconded by Councilmember Cleavland to declare 4 portable radios chargers from the Bolton Police Department as surplus and donate them to the Lower Adirondack Search and Rescue K9 team. **All in Favor. Motion Carried.**

- Resolution accepting the Record of Activities result of 30.98 for Highway Superintendent, William Sherman from his 3-month 2022 calendar submitted in April 2022.

**RESOLUTION #111**

Councilmember MacEwan moved, seconded by Councilmember Murnane to accept the Record of Activities result of 30.98 for Highway Superintendent, William Sherman from his 3-month 2022 calendar submitted in April 2022. **All in Favor. Motion Carried.**

- Resolution accepting the Recertifications of the Record of Activities for Town Justice, Edward G. White and Animal Control Officer, Brett Moulton submitted in April 2022.

**RESOLUTION #112**

Councilmember Cleavland moved, seconded by Councilmember Wilson to accept the

Recertifications of the Record of Activities for Town Justice, Edward G. White and Animal Control Officer, Brett Moulton submitted in April 2022. **All in Favor. Motion Carried.**

- Resolution to post factum authorize the Supervisor to sign the 2022 contract for services with Everbridge for the Mass Notification System.

**RESOLUTION #113**

Councilmember Murnane moved, seconded by Councilmember MacEwan to post factum authorize the Supervisor to sign the 2022 contract for services with Everbridge for the Mass Notification System. **All in Favor. Motion Carried.**

Public in Attendance:

**RESOLUTION #114**

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

TRANSFERS FOR MAY 2022

To	From	Amount
<u>GENERAL:</u>		
7110.2 Parks EQ	7110.4 Parks CE	\$1,980.00
<u>HIGHWAY:</u>		
5142.4 Snow Removal CE	5142.1 Snow Removal PS	\$3,193.00
<u>WATER:</u>		
8310.4 Administration CE	8340.4 Trans/Distribution CE	\$18,000.00

**RESOLUTION #115**

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

Abstract 4A

General	546-587	5,023.93
Sewer	104-112	3,599.84

Water	95-97	1,329.67
St Lights	14-16	47.12

Abstract 5

General	478-545 588-643	60,706.11
Highway	114-137	19,162.97
Sewer	95-103 113-124	15,424.38
Water	84-94 98-109	27,958.02
B&G Building Project	4	3,125.00
St Lights	17	325.02
Tourism	4	37,000.00
Sewer EPG Infiltration Project	3	1,035.00
Sewer Improve	7	1,515.00

Executive Session:

**RESOLUTION #116**

Councilmember Cleavland moved, seconded by Councilmember Wilson to enter into executive session to discuss the employment history of a particular individual. **All in Favor. Motion Carried.**

NO ACTION TAKEN: 7:03 PM

Minutes respectfully submitted by:

Jodi Petteys  
Town Clerk

Katie Persons  
Minute Taker