

REGULAR MEETING  
BOLTON TOWN  
BOARD

August 2, 2022

Regular Meeting:

Supervisor: Ronald Conover  
Councilmember: Robert MacEwan  
Councilmember: Brendan Murnane  
Councilmember: Wanda P. Cleavland  
Councilmember: Susan Wilson  
Town Clerk: Jodi Petteys  
Counsel: Robert Hafner

Meeting Call to Order: 6:00PM.

Pledge: Supervisor Conover

Minutes:

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

**RESOLUTION #175**

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

- Approve the July 19, 2022 Special Town Board Meeting Minutes.

**RESOLUTION #176**

Councilmember Cleavland moved, seconded by Councilmember Wilson to approve July 19, 2022 Special Town Board Meeting Minutes with the following correction: Atty. Reichenbach was absent from the meeting. **All in Favor. Motion Carried.**

**PUBLIC HEARINGS:**

**Public Hearing for consideration of commencing the process of creating a special EMS District follows:**

**WHEREAS**, the Bolton Town Board (the "Board") is considering forming the Bolton Ambulance District (the "District") covering the entire area of the Town in accordance with

Article 12-a of New York Town Law for the purpose of providing emergency medical and ambulance services within the Town; and

**WHEREAS**, the purpose of establishing the District is to ensure the health and safety of those in Bolton who may find themselves in need of emergency medical care. This is not only a crucial but potentially lifesaving endeavor which will benefit the people of the Town in any event that emergency medical services are required; and

**WHEREAS**, upon formation of the District, tax dollars acquired through the Bolton Ambulance District shall only be used by that District going forward.

**WHEREAS**, the Town feels that having a specific budget item to designate funds dedicated to the newly established Ambulance District is paramount in terms of transparency and accessibility of such information to the people of the Town of Bolton; and to provide the funds necessary for such services; and

**WHEREAS**, a Map, Plan and Report (the “Map, Plan and Report”) has been prepared concerning the proposed District; and

**WHEREAS**, the Map, Plan and Report has been filed in the Town Clerk's Office and is available for public inspection; and

**WHEREAS**, the Map, Plan and Report is relevant to the entire area of the Ambulance District which will encompass the Town of Bolton in its entirety; and

**WHEREAS**, establishment of the proposed District has been determined not to be an Action under the State Environmental Quality Review Act (SEQRA);

**NOW, THEREFORE, IT IS HEREBY**

**ORDERED:**

1. The boundaries of the proposed District will encompass the Town of Bolton in its entirety. The map is attached to the Map, Plan and Report filed in the Town Clerk’s Office.
2. Services to be provided include Basic Life Support transport and treatment and arranging for or providing Advanced Life Support Treatment in compliance with the Regulations of the New York State Department of Health, Bureau of Emergency Medical Services. These services will be provided by contract for the Bolton Ambulance District with the Bolton EMS Services, Inc.
3. For the first year of operation of the Bolton Ambulance District, the maximum cost to be expended is estimated to be \$425,000 for the contract for services.

4. No capital improvement costs are anticipated for the proposed District, so there will be no debt service costs related to the proposed District.

5. The estimated cost to the typical property in the District, which typical property is a one or two family residence having an assessed value of \$459,000 for the first year of operation of the District is \$102.36 as it relates to sixty-nine (69) parcels of land throughout the Town. This estimated cost is based on a total cost for the first year of \$425,000 divided by a total taxable assessed value of property in the Town of \$1,909,521,707, resulting in a tax rate of \$.223 per \$1,000 of taxable assessed value. Therefore, the estimated annual cost to the typical property is \$102.36.

6. A detailed explanation of how the estimated cost of the District was computed is included in the Map, Plan and Report which has been filed with the Town Clerk and is available for public inspection.

7. The Town Board shall meet and hold a public hearing at the Town Hall, 4949 consider the Map, Plan and Report and to hear all persons interested in the proposed District and to take such other and further action as may be required or authorized by law.

8. The Town Board hereby authorizes and directs the Town Clerk to duly publish and post this Order not less than ten (10) days nor more than twenty (20) days before the Public Hearing date as required by Town Law §209-d, and to complete or arrange for the securing of two (2) Affidavits of Publication and two (2) Affidavits of Posting required hereby and to file a certified copy of this Order with the State Comptroller on or about the date of publication. Posting shall include placing on the Town's website.

- Resolution to close the Public Hearing for the commencement of the process of creating a special EMS District.

Earl Mikoloski asked if the Town Board would be the Board for the tax district. Atty. Hafner stated the Town Board controls all the special districts. Mr. Mikoloski stated the estimate they put in with respect to establishing the district is relatively adequate for present day, but it will need to be addressed in the budget process due to continuing economic pressures.

Zandy Gabriels stated this district was a long time coming. He asked who the taxing authority belonged to. Supervisor Conover stated the taxing authority lies with the Town Board, but it creates its own line on the tax bill. Mr. Gabriels stated he did not see where the town budget would be reduced in this amount. He discussed the need for knowledge of the definition of pickup lines for mutual aid boundaries. He does not believe this needs to be done this year and he hopes they would take some time to go over them.

**RESOLUTION #177**

Councilmember Cleavland moved, seconded by Councilmember Wilson to close the Public Hearing for the commencement of the process of creating a special EMS District. **All in Favor. Motion Carried.**

Councilmember Wilson stated it was a long time coming. Councilmember Cleavland stated she thought it was wise to have it on its own line on the tax bill. Supervisor Conover stated that from a transparency point of view the people should be able to see the actual cost.

- Resolution regarding the Establishment of Bolton Ambulance District.  
This resolution is subject to permissive referendum.

**RESOLUTION #178**

Councilmember Wilson moved, seconded by Councilmember Cleavland to approve the establishment of the Bolton Ambulance District as follows:

**WHEREAS**, the Bolton Town Board is considering forming a Bolton Ambulance District in accordance with Article 12-A of New York Town Law for the purpose of providing emergency medical and ambulance services within the Town; and

**WHEREAS**, the Town Board adopted a Resolution authorizing the preparation of a Map, Plan and Report for the purpose of analyzing the formation of the District; and

**WHEREAS**, a Map, Plan and Report was prepared concerning the proposed District and was filed in the Town Clerk's Office and made available for public inspection; and

**WHEREAS**, the Map, Plan and Report describes the boundaries of the proposed District, the proposed method of operation, the maximum amount proposed to be expended for the ambulance services and the cost of the proposed District to the typical property and, if different, the typical one or two family home; and

**WHEREAS**, on July 19<sup>th</sup>, 2022, subsequent to the filing of the Map, Plan and Report with the Town Clerk, the Town Board adopted an Order reciting (a) the boundaries of the proposed District; (b) the proposed services and proposed method of operation; (c) the maximum amount proposed to be expended for the services; (d) the cost of the District to the typical property and the typical one or two family home (if not the typical property); (e) that no capital improvements are anticipated for the proposed District and, therefore, no financing will be employed; (f) the fact that a Map, Plan and Report describing the proposed District, services and capital improvements is on file in the Town Clerk's Office; and (g) the time and place of a public hearing on the proposed District; and

**WHEREAS**, copies of the Public Hearing Order were duly published and posted and were filed with the Office of the State Comptroller, all as required by law; and

**WHEREAS**, prior to publication of the Public Hearing Order, a detailed explanation of how the estimated costs of the District to the typical property and typical one or two family home (if not the typical property) were computed was filed with the Town Clerk for public inspection as part of the Map, Plan and Report; and

**WHEREAS**, a public hearing on the proposed Bolton Ambulance District was duly held on August 2<sup>nd</sup>, 2022 and the Town Board has considered the evidence given together with other information, and

**WHEREAS**, establishment of the proposed District was determined not to be an Action under the State Environmental Quality Review Act (SEQRA),

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board hereby determines that:

Notice of the Public Hearing was published and posted as required by law and is otherwise sufficient,

All of the property and property owners within the District are benefited thereby;

All of the property and property owners benefited are included within the limits of the District;

It is in the public interest to establish the District as described in the Map, Plan and Report; and

**BE IT FURTHER RESOLVED** that the Town Board hereby approves the establishment of the District in accordance with the boundaries and descriptions set forth in the Map, Plan and Report, and providing of the services described in the Map, Plan and Report, subject to the following:

Permissive referendum in the manner provided in Town Law Article 7; and

Adoption of a Final Order by the Town Board; and

**BE IT FURTHER RESOLVED**, that this Resolution is subject to permissive referendum in accordance with the provisions of Town Law Articles 7 and 12-A and the Town Board authorizes and directs the Town Clerk to file, post and publish such Notice of this Resolution as may be required by law and if no Petition is duly filed within 30 days after adoption of this Resolution to file a Certificate to that effect in the Office of the County Clerk. **All in Favor. Motion Carried.**

**PUBLIC HEARING**

**NEW ORDINANCE #48 ENTITLED**

**ALLOWANCE OF BICYCLES WITH ELECTRIC ASSIST EVERYWHERE BICYCLES WITHOUT ELECTRIC ASSIST ARE ALLOWED FOR THE TOWN OF BOLTON**

**BE IT ENACTED as follows:**

**§87-1 Intent, Authority**

The purpose of this Ordinance is to allow class one and class two bicycles with electric assist to operate everywhere a bicycle without electric assist can lawfully operate within the Town. This Ordinance is adopted pursuant to New York Vehicle and Traffic Law Section 1242 and New York State Town Law Section 130. In particular, Vehicle and Traffic Law Section 1242 authorizes the Town Board to further regulate the time, place, and manner of the operation of bicycles with electric assist by Ordinance.

**§87-2 Definitions**

The terms “bicycle with electric assist”, “class one” and “class two” shall have the same definition as contained in New York Vehicle and Traffic Law Section 102-c.

**§87-3 Allowance of Bicycles with Electric Assist**

The use of class one and class two bicycles with electric assist are hereby allowed to be operated anywhere bicycles without electric assist are legally allowed within the Town including roads with speed limits over 30 miles per hour.

**§87-4 Repealer; Supersession**

All Local Laws or Ordinances or parts of Local Laws or Ordinances in conflict with any part of this Ordinance are hereby repealed.

**§87-5 Severability**

The invalidity of any clause, sentence, paragraph or provision of this Ordinance shall not invalidate any other clause, sentence, paragraph or part thereof.

**§ 87-6 Effective Date**

This Ordinance shall take effect immediately upon passage by the Town Board.

- Resolution to close the Public Hearing for proposed Ordinance #48.

### **RESOLUTION #179**

Councilmember Cleavland moved, seconded by Councilmember Murnane to close the Public Hearing for proposed Ordinance #48. **All in Favor. Motion Carried.**

Councilmember MacEwan asked if they needed to be licensed. Supervisor Conover stated that the Class I & Class II e-bikes did not need to be licensed and were treated like regular bikes. He explained that when the State of New York passed their laws they left the jurisdiction to the municipalities. Atty. Hafner stated that was correct for things like this. This is incorporating parts of the States rules allowing Class I & Class II e-bikes to operate on certain town roads. Councilmember MacEwan asked what the purpose of this ordinance would be. Supervisor Conover stated that it would basically permit the e-bikes they already see out there. Councilmember Wilson stated that right now e-bikes are not permitted on roads with a speed limit over 30. Councilmember MacEwan said he sees them as a hazard. Atty. Hafner stated that this only pertains to Class I & II e-bikes.

JP Fasano from the public stated that Class I & Class II e-bikes motor shuts off at 20 mph. The current state law is that e-bikes are only on NYS roads that have a speed limit under 30 mph. This will allow people that can currently ride their regular bicycle into town now ride their e-bike into town. It is a crazy way to make a law. Any road that are 25 – 30 mph are legal. You can legally ride a bicycle on a sidewalk in Bolton which then allows e-bikes on sidewalks in Bolton. He suggested the use of language that was written by a professor from Cornell. Supervisor Conover stated they really needed to look into this subject in more depth to answer all the Board's questions.

### **RESOLUTION #180**

Councilmember Cleavland moved, seconded by Councilmember Murnane to table proposed Ordinance #48 for more information. **All in Favor. Motion Carried.**

#### **Public in Attendance:**

#### **Correspondence:**

- Geoffrey R. Louis regarding the Jacobi Point Owners septic variance request.
- Santore's World Famous Fireworks, LLC on 7/24/2022 at 9:15 PM for the Sagamore Resort.
- The Sembrich benefactor reception.
- Historical Society book launch event *Stewards of the Water*.
- Association of Towns membership dues.

#### **Committee Reports:**

**Councilmember Rob MacEwan**

Highway:

N/A

Justice Court:

- During the month of July 2022, Justice Edward G. White collected \$2,265.00 in funds (check to Town of Bolton # 554) and Justice Joe Connally collected \$2,600.00 (check to Town of Bolton # 530). Total monies forwarded to the Town of Bolton amounted to \$4,865.00. Itemized lists are available in the Court should anyone desire to look them over.

Transfer Station:

Total for the month \$12,036.

Clean up Cards \$4,356.

EMS:

Calls: 34 of which 20 were billable.

Gross Charges Billed in June:	\$ 31650.40
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Gross Charges Billed Year to Date	\$ 142,450.40
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Payments Received in June:	\$ 18,192.20
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Payments Received Year To Date:	\$ 67,902.25
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In 2021 we had billed \$124,956.00 and received payments of \$43,357.42 thru June.

Payroll Expenses thru June were \$165,748.82 versus \$142,917.50 in 2021.

**Councilmember Brendan Murnane**

Library:

N/A

Assessor:

N/A

Wastewater:

- Total flow for the month was 6,204,619 gallons for a daily average of 200,000 gallons.
- Casella hauled 56,000 gallons of sludge.

- We have changed a few chemical points of addition around the plant, and it has helped tremendous. We have been able to cut some of the chemicals in half from past years saving a lot of money. The plant is running very well.
- We cleaned a bunch of lines around town with the sewer jet.
- We have assisted water dept. with several issues around town and at the plant.
- We have maintained the grounds around the pump stations and the plant.
- We had a new flow meter installed on the plant effluent. The old paddle meter wasn't recording proper flow and was affecting our chemical pumps. It has really helped with operating the plant.
- We had the generator repaired at Norowal pump station. They had to re-core the old radiator since it was really complicated to get a new one. The generator is working great.
- We have had several alarms at the plant and pump stations.
- We cleaned several tanks around the plant and jetted some lines to prevent issues.

Water:

- The total flow to the distribution system for the month of July was 16,490,850 gallons with an average 531,962 gallons per day.
- 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.
- Gathered final readings for multiple properties that were sold.
- Conducted general maintenance and grounds work around the plant and P.R.V. stations.
- Sold several Neptune radio meters to replace non-working meters.
- Read water meters throughout the month.
- Responded to several dig safe requests.
- 7/6 – Broken water pipe at 964 Trout Lake rd, shut off water to house.
- 7/7 – Blasting begins at the Finkle Brook bridge construction site. Continued to monitor throughout process.
- 7/8 -Second and final day of blasting at Finkle Brook bridge construction sight.
- 7/11 – Installed bubble traps on instant read turbidimeter lines to improve accuracy of readings.
- 7/18 – Tap water line at 4654 Lakeshore drive with T. K. Flaherty Associates for new home.
- 7/24 – Edgecomb pond treated with copper sulfate.
- 7/25 – Replaced faulty pump for turbidimeters.

## **Councilmember Susan Wilson**

### Planning / Zoning:

- The Planning Office for the month of May collected fees in the amount of \$1,520.00 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:

- 34 patrol shifts, 182 reportable activities & 115 property checks.
- The Bolton Police Department has welcomed its newest Officers to its ranks. Police Officer Shawn Lamouree and Police Officer James Neumann have begun their patrol and court security assignments. Both officers attended the annual firearms training and qualification course, along with Taser training and certification.
- As you all know the Town of Bolton and the Bolton Police Department have partnered with Lexipol for its department wide policy creation, maintenance, and training services. We have conducted the preliminary stages and soon we will be engaged in weekly policy meetings. As we move forward, we will keep the board apprised of our progress.
- It was a busy month that included several traffic details to address complaints of speeding and unsafe vehicle operation on 9N from Braley Hill Rd. south to Veterans Park. Also, we are engaging NYS DOT to assist with overgrown vegetation along the shoulders of the road. The vegetation creates hazards regarding obscured traffic control signage and safe passage for pedestrian traffic.

### Town Clerk:

- Total local share remitted \$33,205.56
- Total non-local revenues \$407.94
- Total state, county & local revenues remitted \$33,613.50

## **Supervisor's Report:**

- Deposits: \$ 782,555.60
- Disbursements: \$ 1,160,425.59
- Rogers swim area was closed Saturday the 23<sup>rd</sup> due to high coliform count. It was reopened on the Monday 25<sup>th</sup> after a retest, the latest water quality test result was excellent. Weekly water quality tests at Veterans have been excellent.

- Town busy and looks beautiful, our Town employees continue to do excellent work.
- Water main bypass due to the Horicon bridge project operating as planned. Bridge project required some blasting of rock which was well handled and had no effect on the temporary main. PRV stations are operating as expected. We do have some water repairs that we are planning to address after Columbus Day.
- Sewer District recently received a satisfactory review by NYSDEC during its recent on-site audit.

New Business:

- Resolution to update the Town of Bolton Sexual Harassment Policy to include the newly mandated hotline to obtain free legal counseling.

**RESOLUTION #181**

Councilmember Murnane moved, seconded by Councilmember MacEwan to update the Town of Bolton Sexual Harassment Policy to include the newly mandated hotline to obtain free legal counseling. **All in Favor. Motion Carried.**

- Resolution to authorize the Supervisor to enter into a professional service agreement for the Town of Bolton Historical Museum Exterior improvements with Titan Roofing Inc. in an amount not to exceed \$361,910.00.

Supervisor Conover explained that this structure is owned by the Town of Bolton and this project will include painting and cleaning along with the new roof.

**RESOLUTION #182**

Councilmember Wilson moved, seconded by Councilmember Murnane to authorize the Supervisor to enter into a professional service agreement for the Town of Bolton Historical Museum Exterior improvements with Titan Roofing Inc. in an amount not to exceed \$361,910.00 as follows:

**WHEREAS**, the Town of Bolton has solicited bids in accordance with Resolution #157 of 2022 for the initial phase of the Town of Bolton Historical Museum Exterior Improvements, and

**WHEREAS**, on July 22, 2022, bids were received and opened by the Town's Deputy Clerk and witnessed by the Acting Director of Planning and Zoning and consulting architect Oldenquist Design, and

**WHEREAS**, the bids and bid documents were reviewed by Acting Director of Planning and

Zoning and Oldenquist Design and a roofing contractor was selected, and

**WHEREAS**, the selected contractor underwent a phone interview with the Acting Director of Planning and Zoning and Oldenquist Design and both interviewers were satisfied with the Contractors understanding of the Project Scope; and

**WHEREAS**, Oldenquist Design, in their scope as consulting architect, provided a letter of recommendation for award contract to the Town Board for Titan Roofing, and to include within the Contract Base Bid, Alternate Number 1 and Alternate Number 2, as follows:

- Base Bid. Provide a new Architectural asphalt shingle roof with a fifty-year warranty, associated carpentry, and new stain at the Museum Addition: \$295,910.
- Alternate Number 1. Provide synthetic slate with a fifty-year warranty in place of the asphalt shingle roof: ADD \$52,000. This represents a construction cost increase of about 17%. The slate-look roof would be more impervious to hail similar weather damage, have at least a fifty-year life, will give a more historic look to the building, and is a lighter system than the asphalt shingles.
- Alternate Number 2. Scrape and paint the eave and gable trim on the Main Building: ADD \$14,000. This represents a construction cost increase of 4.7%. This work is building maintenance that can be done more easily while scaffolding is in place for roof work.

**NOW LET IT BE RESOLVED** that the Town of Bolton Town Board hereby authorize the Supervisor to enter into an agreement with the Titan Roofing.

**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. **All in Favor. Motion Carried.**

- Resolution to authorize a Public Hearing to be set to consider amending ordinance #40, entitled REGULATING PARKING WITHIN THE TOWN OF BOLTON at the regularly scheduled 6:00 pm, September 6, 2022 Town Board meeting, and to authorize the Town Clerk to advertise such public hearing.

Supervisor Conover explained that this was for greater clarity for certain parking regulations for enforcement purposes.

**RESOLUTION #183**

Councilmember Wilson moved, seconded by Councilmember Murnane to authorize a Public Hearing to be set to consider amending ordinance #40, entitled REGULATING PARKING WITHIN THE TOWN OF BOLTON at the regularly scheduled 6:00 pm, September 6, 2022

Town Board meeting, and to authorize the Town Clerk to advertise such public hearing. **All in Favor. Motion Carried.**

Public in Attendance:

Zandy Gabriels spoke on the following:

- The difference in the water and sewer meter flows.

**RESOLUTION #184**

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

TRANSFERS FOR AUGUST 2022

To	From	Amount
<u>WATER:</u>		
8310.4 Administration CE	8340.2 Trans/Dist EQ	\$7,730.00
8340.4 Trans/Dist CE	8340.2 Trans/Dist EQ	\$834.00
<u>SEWER:</u>		
8120.4 Sanitary Sewers CE	8110.4 Administration CE	\$4,215.00

ADDITIONAL TRANSFERS:

\$150,000.00 to be transferred to Veterans Park Capital Projects account from Rogers Park Capital Projects account.

Pay the Bills:

**RESOLUTION #185**

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

Abstract 7A

General	1094-1136	4,394.30
Sewer	210-218	2,739.16
Water	175-178	1,367.28
St Lights	29-31	51.20

Abstract 8

General	999-1093 1137-1163	66,512.89
Highway	225-253	46,868.89
Sewer	193-209 219-221	17,349.71
Water	160-174 179-184	31,505.20
B&G Building Project	7	2,060.00
St Lights	32	329.92
Tourism	34	3,221.38
Sewer Infiltration/Bioreactor Proj	6-7	4,675.00
Water Improve	2	1,719.00
Vets Park Enhance Project	2	1,733.35

Adjourn:

**RESOLUTION #186**

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

Meeting Adjourned: 6:35 PM

Minutes respectfully submitted by:

Jodi Petteys  
Town Clerk

Katie Persons  
Minute Taker