

Regular meeting of the Town of Chester Town Board was held on **September 13, 2016** at 7:00 pm at the Town of Chester Municipal Center, 6307 State Route 9, Chestertown, New York.

Roll Call: Supervisor Craig Leggett, Edna Wells, Mike Packer, Steve Durkish, Karen DuRose and Attorney for the Town, Mark Schachner.

RESOLUTION #151: ACCEPT MINUTES OF THE AUGUST 9, 2016 MEETING WITH CORRECTION TO DATE OF FIREWORKS.

Introduced by Mr. Packer, seconded by Mrs. DuRose, accept minutes of the August 9, 2016 meeting with correction to date of fireworks.

AYE 5 NO 0

Public Hearings:

Supervisor Leggett opened the Public Hearing with the Town Board acting as the Local Board of Health in the matter of Karen Dixon, 94-96 Dixon Road at 7:04 pm. Applicant parcel identified as Tax Map # 87.16-1-5. Applicant was represented by Zach Monroe of Winchip Engineering. Mr. Monroe listed the three septic wastewater treatment system variances requested for a three bedroom house.

Introduced by Mrs. Wells, seconded by Mr. Packer, the Public Hearing closed at 7:08 pm.

AYE 5 NO 0

RESOLUTION # 152: APPROVE THE DIXON APPLICATION FOR SEPTIC WASTEWATER TREATMENT SYSTEM VARIANCE ACCORDING TO THE FOLLOWING FINDINGS:

A. THAT THERE ARE SPECIAL CIRCUMSTANCES OR CONDITIONS, FULLY DESCRIBED IN THE FINDINGS OF THE LOCAL BOARD OF HEALTH, APPLYING TO SUCH LAND AND THAT SUCH CIRCUMSTANCES OR CONDITIONS ARE SUCH THAT STRICT APPLICATION OF THE PROVISIONS OF THIS ORDINANCE WOULD DEPRIVE THE APPLICANT OF THE REASONABLE USE OF SUCH LAND.

B. THAT THE VARIANCE WOULD NOT BE MATERIALLY DETRIMENTAL TO THE PURPOSES AND OBJECTIVES OF THIS ORDINANCE, OR TO OTHER ADJOINING PROPERTIES, OR OTHERWISE CONFLICT WITH THE PURPOSE OR OBJECTIVES OF ANY PLAN OR POLICY OF THE TOWN.

C. THAT FOR REASONS FULLY SET FORTH IN THE FINDINGS OF THE LOCAL BOARD OF HEALTH, THE GRANTING OF THE VARIANCE IS NECESSARY FOR THE REASONABLE USE OF THE LAND AND THAT THE VARIANCE, AS GRANTED BY THE LOCAL BOARD OF HEALTH, IS THE MINIMUM VARIANCE WHICH WOULD ALLEVIATE THE SPECIFIC UNNECESSARY HARDSHIP FOUND BY THE LOCAL BOARD OF HEALTH TO AFFECT THE APPLICANT.

D. IN GRANTING ANY VARIANCE, THE LOCAL BOARD OF HEALTH SHALL PRESCRIBE AND ATTACH ANY REASONABLE CONDITIONS THAT IT DEEMS TO BE NECESSARY OR DESIRABLE. ADDING THE NEW WELL IS WITHIN THE REQUIRED SETBACK FROM THE SEPTIC AS PROPOSED.

Introduced by Mr. Packer, seconded by Mrs. Wells, approve the Dixon application for Septic Wastewater Treatment System Variance according to the following findings:

A. That there are special circumstances or conditions, fully described in the findings of the Local Board of Health, applying to such land and that such circumstances or conditions are such that strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of such land.

B. That the variance would not be materially detrimental to the purposes and objectives of this Ordinance, or to other adjoining properties, or otherwise conflict with the purpose or objectives of any plan or policy of the Town.

C. That for reasons fully set forth in the findings of the Local Board of Health, the granting of the variance is necessary for the reasonable use of the land and that the variance, as granted by the Local Board of Health, is the minimum variance which would alleviate the specific unnecessary hardship found by the Local Board of Health to affect the applicant.

D. In granting any variance, the Local Board of Health shall prescribe and attach any reasonable conditions that it deems to be necessary or desirable. Adding the new well is within the required setback from the septic as proposed.

AYE 5 NO 0

Supervisor Leggett opened the Public Hearing to amend Local Law No. 1 of 2002 relating to Loon Lake Constable Residency Requirements at 7:13 pm. Mr. Leggett read a letter submitted by Penny Redmond requesting the Town of Chester continue to hire employees within the Town. Mrs. Redmond feels that if an employee has a connection or could benefit from the area that is being served there would be interest, caring and dedication in fulfilling that position. John Nick, LLPDA President, recommended on behalf of the Loon Lake Park District Association Board that the Law be passed, which would allow us to look at a broader range of applicants. Harold Townley believes that if there is not someone qualified in the Town you should be able to look outside the Town. June Maxam wrote a letter to the Board. Ms. Maxam would like for residents of the town to be hired. In this case, a resident of the Town and lives on Loon Lake should be hired. Mary Clark thinks it should be a resident. Arnold Jensen agrees that ideally the position should be held by someone in the town. Unfortunately there was not one available. Pat Powers thinks you should be hired based on your qualifications. Supervisor Leggett stated that hiring locally is the best option and is the overall goal, however if there is not a qualified applicant the Town should be able to go outside the Town to find a qualified applicant. Sheri Cleveland asked if one of the boat wash attendants could be lake constable. John Nick stated that a constable has to have 40 hours of training.

Introduced by Mr. Leggett, seconded by Mrs. Wells, Public Hearing closed at 7:26 pm.

RESOLUTION #153: ADOPT LOCAL LAW NO. 1 OF 2016 AMENDING LOCAL LAW NO. 1 OF 2002 RELATING TO LOON LAKE CONSTABLE RESIDENCY REQUIREMENTS.

Introduced by Mr. Durkish, seconded by Mrs. Wells, adopt Local Law No. 1 of 2016 amending Local Law No. 1 of 2002 Relating to Loon Lake Constable Residency Requirements.

TOWN OF CHESTER

LOCAL LAW NO. 1 OF 2016

**LOCAL LAW AMENDING LOCAL LAW NO. 1 OF 2002
RELATING TO LOON LAKE CONSTABLE RESIDENCY REQUIREMENT**

Section 1 — Purpose and Intent.

It is the purpose and intent of this Local Law to amend Local Law No. 1 of 2002, which authorized appointment of a Loon Lake Constable, to exempt the Constable from the residency requirements prescribed by New York Town Law Section 23 and Public Officers Law Section 3.

Section 2 — Authority.

This Local Law is adopted pursuant to Municipal Home Rule Law which grants to every local government the power to adopt and amend local laws not inconsistent with any general law relating to its affairs or government and grants to the local government of a Town the power to adopt and amend Local Laws relating to the qualifications of its officers and employees and to supersede any provision of the Town Law in its application to the Town. This Local Law recognizes that Town Law Section 23 and Public Officers Law Section 3 are special laws in relation to any appointed Town official.

Section 3 — Amendment.

Town of Chester Local Law No. 1 of 2002, which authorized the appointment of a Loon Lake Constable, is hereby amended by adding the following new Section 6 and all subsequent Sections are renumbered accordingly:

Section 6. Residency; Supersession

The person holding the office of Loon Lake Constable need not be an elector or resident of the Town of Chester. This provision is intended to supersede the requirements of Town Law Section 23 that a non-elective officer of a town must be an elector of the town at the time of his or her appointment and throughout his or her term and Public

Officers Law Section 3 that a person holding a local civil office must be a resident of the political subdivision within which his or her official functions are required to be exercised.

Section 4 — Inconsistency, Supersession.

Any other Local Laws or Ordinances of the Town of Chester that are inconsistent with the provisions of this Local Law are hereby repealed to the extent of such inconsistency. As noted above, Town of Chester Local Law No. 1 of 2002 is specifically amended by this Local Law. This Local Law is specifically intended to supersede the requirements of Town Law Section 23 that a non-elective officer of a town must be an elector of the town at the time of his or her appointment and throughout his or her term and Public Officers Law Section 3 that a person holding a local civil office must be a resident of the political subdivision within which her or her official functions are required to be exercised

Section 5 — Severability.

The invalidity of any clause, sentence, paragraph or provision of this Local Law shall not invalidate any other clause, sentence, paragraph or part hereof.

Section 6 — Effective Date.

This Local Law shall take effect upon filing by the New York Department of State.

Mrs. DuRose stated she does not object to the Local Law because it is in the best interest of the Town, however she is a strong advocate of hiring within and suggests that the Loon Lake Constable position be advertised on a yearly basis. Mr. Durkish would also like to see the position posted yearly.

AYE 5 NO 0

RESOLUTION #154: ACCEPT RESIGNATION LETTER FROM JASON MONROE, BUILDING MAINTENANCE MECHANIC.

Introduced by Mrs. DuRose, seconded by Mrs. Durkish, accept Resignation letter from Jason Monroe, Building Maintenance Mechanic. The Board thanked Jason for all of his hard work.

AYE 5 NO 0

One application was received for the part-time building maintenance mechanic position.

RESOLUTION #155: APPOINT WILLIAM ROWELL BUILDING MAINTENANCE MECHANIC AT \$15 PER HOUR.

Introduced by Mr. Packer, seconded by Mrs. Wells, appoint William Rowell Building Maintenance Mechanic at \$15 per hour.

AYE 5 NO 0

Privilege of the Floor:

JoAnn Nick asked the Town Board to consider raising the Loon Lake Park District tax to continue with the milfoil. Linda Saunders would like to thank John West, Supervisor Leggett, former Supervisor Fred Monroe and Julie Butler from Warren County Purchasing for the progress that was made on recycling at the transfer station. All plastics are now being recycled. Pat Powers revisited the questions asked at last month's meeting. Supervisor Leggett said there was no information on the new bridge in Pottersville having a sidewalk. Mr. Leggett spoke to the Adirondack Park Invasive Plant Program about the Japanese knot weeds by the Black Bear Restaurant and there is no grant money available at this time. There is now a stop line at the end of Valley Farm Road. Mr. Leggett spoke to Rob Fitch from NYS DOT about a sidewalk by All Brands in Pottersville. The brush was cut down by the stop sign on Olmstedville Road. Mr. Powers asked about the curbing on the triangle in Pottersville. Jason Monroe stated the triangle is owned by the Wells House. Mr. Powers asked about the neighboring property. Karen DuRose went through Pottersville with Rick Bump and discussed the sidewalk with Joe Brand and a few street lights. They took notice that the top of the tree in the triangle was dead and the 53' tractor trailer on the side of Route 9 has been moved. Karen stated that improvements have been made. Al Muench stated they play pickle ball 3-4 times a week with 18-25 people. Most people are from out of town. Al has received one estimate from O'Connor Construction and will try to get more. Arnold Jensen stated that the Loon Lake Marv Cole Golf Tournament was very successful this year. Arnold recommends limiting comments. Mary Clark asked about Roger Peet's property. Craig stated the town has been receiving complaints about Pottersville Garage since 1987. Sheri Cleveland asked if a privacy fence could be constructed. Mr. Powers asked the Town to look at enforcement of the Zoning Laws.

Old Business:

RESOLUTION #156: AUTHORIZE SUPERVISOR LEGGETT SIGN CONTRACT WITH TFR FOR BIOMASS BOILER INSTALLATION IN A FORM ACCEPTABLE WITH THE ATTORNEY FOR THE TOWN AND RICK HANDLEY.

Introduced by Mr. Packer, seconded by Mrs. Wells, authorize Supervisor Leggett sign contract with TFR for biomass boiler installation in a form acceptable with the Attorney for the Town and Rick Handley.

AYE 5 NO 0

Trane Building Services is under state contract.

RESOLUTION #157: DIRECT THE ATTORNEY FOR THE TOWN DRAW UP A CONTRACT BETWEEN THE TOWN OF CHESTER AND TRANE FOR THE BIOMASS BOILER OPERATIONS, MONITORING AND EVALUATION.

Introduced by Mr. Leggett, seconded by Mr. Packer, direct the Attorney for the Town draw up a contract between the Town of Chester and Trane for the biomass boiler operations, monitoring and evaluation.

AYE 5 NO 0

RESOLUTION # 158: SET DATE FOR TENTATIVE BUDGET MEETING TO BE HELD MONDAY, OCTOBER 3, 2016 AT 7:00 PM.

Introduced by Mr. Leggett, seconded by Mrs. DuRose, set date for tentative budget meeting to be held Monday, October 3, 2016 at 7:00 pm.

AYE 5 NO 0

RESOLUTION #159: APPOINT WILLIAM R. FOSDICK AND GEORGE STANNARD AS PLANNING BOARD ALTERNATES FOR A 7 YEAR TERM AS STATED IN LOCAL LAW #1 OF 2000.

Introduced by Mrs. Wells, seconded by Mr. Durkish, appoint William R. Fosdick and George Stannard as Planning Board Alternates for a 7 year term as stated in Local Law #1 of 2000. Term will expire December 31, 2023.

AYE 5 NO 0

RESOLUTION #160: REAPPOINT ARNOLD JENSEN TO THE BOARD OF ASSESSMENT REVIEW FOR A 5 YEAR TERM BEGINNING OCTOBER 1, 2016.

Introduced by Mr. Leggett, seconded Mr. Durkish, reappoint Arnold Jensen to the Board of Assessment Review for a 5 year term beginning October 1, 2016.

AYE 5 NO 0

RESOLUTION #161: AUTHORIZE KAREN DUROSE ATTEND ACCOUNTING PRINCIPLES AND PROCEDURES CLASS IN UTICA, NEW YORK.

Introduced by Mr. Leggett, seconded by Mr. Durkish, authorize Karen DuRose attend Accounting Principles and Procedures Class in Utica, New York.

Mrs. DuRose abstained. AYE 4 NO 0

On a motion by Mr. Leggett, seconded by Mr. Durkish, amend to approve reimbursement for hotel, mileage and meals. All necessary expenses for same to be lawful claim against the Town of Chester.

Mrs. DuRose abstained. AYE 4 NO 0

RESOLUTION #162: AUTHORIZE NORTH WARREN CENTRAL SCHOOL CLASS OF 2019 TO COLLECT BOTTLES FROM THE TRANSFER STATION FOR THE MONTHS OF OCTOBER, NOVEMBER AND DECEMBER 2016.

Introduced by Mrs. Wells, seconded by Mr. Packer, authorize North Warren Central School Class of 2019 to collect bottles from the transfer station for the months of October, November and December 2016.

AYE 5 NO 0

RESOLUTION #163: AUTHORIZE BID FOR PREMIUM HARDWOOD PELLETS.

Introduced by Mr. Leggett, seconded by Mr. Packer, authorize bid for premium hardwood pellets.

AYE 5 NO 0

Dump Truck Box:

Jason Monroe presented two quotes, Body King for \$37,400.00 and Arrowhead for \$36,216.00.

RESOLUTION #164: ACCEPT QUOTE FOR A NEW DUMP TRUCK BOX FROM ARROWHEAD IN THE AMOUNT OF \$36,216.00.

Introduced by Mrs. Wells, seconded by Mrs. DuRose, accept quote for a new dump truck box from Arrowhead in the amount of \$36,216.00. Delivery time is eight weeks.

AYE 5 NO 0

Truck Wing:

Jason recommends replacing wing before winter. Jason currently has one quote and will contact another vendor for an additional quote.

RESOLUTION #165: ACCEPT LOWEST QUOTE AND APPROVE PURCHASE FOR TRUCK WING AFTER TWO QUOTES ARE RECEIVED.

Introduced by Mr. Durkish, seconded by Mrs. Wells, accept lowest quote and approve purchase for truck wing after two quotes are received.

AYE 5 NO 0

1994 CAT Loader:

Loader for parks and recreation is currently broke down. Mr. Leggett stated this is about the sixth time. Jason Monroe explained how the loader for parks and rec. is used during snow plowing saving the Town money. Jason recommends replacing the loader for parks and rec. Mrs. Wells asked if the loader needed to be repaired for the trade. Jason replied "yes" and also stated it was a good price for the trade. The Board believes the loader should be repaired for the trade. Nortrax is state contract. Mrs. Muench asked if payments were allowed for purchase. Jason stated 3 years.

Paper Shredding Day:

Mrs. DuRose spoke to Linda Marsella, Councilwoman for Warrensburg, about who they are currently using and combining services in the future. Alternating towns every year and splitting the cost allowing residence from both communities to participate. The cost of the shredder is \$450.00 for 3 hours plus advertising and residences would pay \$2.00 per box.

RESOLUTION #166: AUTHORIZE SUPERVISOR LEGGETT REQUEST WITH COUNTY AND STATE DOT TO SET A 45 MPH SPEED LIMIT ON WHITE SCHOOLHOUSE ROAD.

Introduced by Mrs. Wells, seconded by Mr. Packer, authorize Supervisor Leggett request with County and State DOT to set a 45 mph speed limit on White Schoolhouse Road.

AYE 5 NO 0

Planes on Friends Lake:

There is a concern about planes landing on Friends Lake for safety reasons. Al Muench said it is a good idea for any lake to prohibit planes, but how do you enforce it. Arnold Jensen feels people like seeing planes land on Loon Lake. Mr. Leggett said the concern is about the planes carrying invasive species. No action taken.

American Legion Post #964:

Supervisor Leggett read a letter received from American Legion Post #964 requesting a donation to improve building.

Planning and Zoning Training:

Mr. Leggett would like to host a training session presented by Mark Schachner. Al Muench would like to see a class offered on Site Plan Review.

RESOLUTION #167: AUTHORIZING SUPERVISOR LEGGETT TO ORGANIZE PLANNING AND ZONING TRAINING PROGRAMS.

Introduced by Mrs. Wells, seconded by Mrs. DuRose, authorizing Supervisor Leggett to organize planning and zoning training programs. Two, two hour training programs inviting other towns.

AYE 5 NO 0

Planning Board:

Al Muench stated that Paul Little had not filed his oath of office in the required 30 days . Paul Little does not currently have his 4 hours of required training for reappointment. Mr. Little stated he was not aware of a 30 day requirement for filing an oath of office. Mr. Schachner will look into it and discuss with Supervisor at a later date. No action taken.

Tech Plus Contract:

Mr. Leggett read the changes Tech Plus would like to make to the contract. Mr. Schachner recommended Craig speak to the engineer.

RESOLUTION #168: AMEND TECH PLUS CONTRACT IN ACCORDANCE WITH RECOMMENDATIONS FROM THE ENGINEER.

Introduced by Mrs. Wells, seconded by Mrs. DuRose, amend Tech Plus contract in accordance with recommendations from the engineer.

AYE 5 NO 0

Mr. Little read a letter from Mr. Muench dated January 25, 2016 in which Mr. Muench told Mr. Little that an executive session was not allowed. Discussion ensued. Mr. Little offered to resign. Supervisor Leggett stated that everyone needs to get along. No action taken.

RESOLUTION #169: AMEND 2016 BUDGET, INCREASE ESTIMATED REVENUES A2001 (YOUTH FEES) \$355.00 AND INCREASE APPROPRIATIONS A7310.4 (YOUTH CONTRACTUAL EXPENSES) TOTALING \$355.00.

Introduced by Mr. Leggett, seconded by Mrs. Wells, amend 2016 budget, increase estimated revenues A2001 (youth fees) \$355.00 and increase appropriations A7310.4 (youth contractual expenses) totaling \$355.00.

AYE 5 NO 0

RESOLUTION #170: AUTHORIZE PAYMENT OF ABSTRACTS AND CLAIMS PAID PRIOR TO AUDIT.

Introduced by Mrs. Wells, seconded by Mrs. Wells, authorize payment of abstracts and claims paid prior to audit.

There is an ad in the Sun thanking Chestertown Mini Mart for the fireworks.

	2016	
General A	\$ 45,322.88	400 - 450
General HB	\$ 16,852.26	22 - 25
Highway	\$ 33,629.63	223 - 251
Chestertown Water	\$ 1,328.92	39 - 46
Pottersville Water	\$ 2,001.38	35 - 41
Library	\$ 934.75	26 - 30
Loon Lake Park District	\$ 5,984.00	13 - 13
Schroon Lake Park District	\$ 9,242.86	11 - 15

AYE 5 NO 0

Mrs. DuRose spoke about a storage shed for the highway department and purchasing a new tractor/mower. Karen also stated the book *The Underground Railroad in the Adirondack Town of Chester* is now available for sale in the Town of Chester Museum.

On a motion by Mrs. DuRose, seconded by Mrs. Wells, Board went into Executive Session at 9:42 pm to discuss matters pertaining to collective negotiations pursuant to article 14 of the civil service law.

On a motion by Mrs. Wells, seconded by Mr. Durkish, Board out of Executive Session at 10:09 pm. No action taken.

On a motion by Mr. Durkish, seconded by Mr. Leggett, meeting adjourned at 10:10 pm.

Respectfully submitted,

Town Clerk

DRAFT