



Town Board Regular Meetings February 14, 2017

The Town Board of the Town of Chester convened at the Town of Chester Municipal Center, 6307 State Route 9, Chestertown, New York, at 7:00 pm.

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

Regular Meeting:

Supervisor Leggett opened the Regular Town Board Meeting at 7:06 pm.

RESOLUTION NO. 29 OF 2017: AMEND MINUTES OF THE ORGANIZATIONAL AND REGULAR MEETING JANUARY 10, 2017 AND ACCEPT MINUTES OF THE ORGANIZATIONAL AND REGULAR MEETING JANUARY 10, 2017 WITH AMENDMENTS.

RESOLVED, to amend the minutes of the Organizational and Regular Meeting January 10, 2017 to reflect the update in schedule of pay rate and holidays, and

RESOLVED, to accept the minutes of the Organizational and Regular Meeting January 10, 2017 with amendments.

On a motion by Mrs. DuRose, seconded by Mrs. Wells, Resolution No. 29 of 2017 was **ADOPTED**.

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RESOLUTION NO. 30 OF 2017: ACCEPT MINUTES OF THE SPECIAL WORKSHOP MEETING JANUARY 25, 2017.

RESOLVED, to accept the minutes of the Special Workshop Meeting January 25, 2017 as presented.

On a motion by Mrs. Wells, seconded by Mr. Durkish, Resolution No. 30 of 2017 was **ADOPTED**.

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Privilege of the Floor:

Supervisor Leggett opened up the privilege of the floor at 7:17 pm, introducing Brian Bearor, CEO of the Family YMCA of the Glens Falls area.

Mr. Bearor introduced Dan and Beth Smith as the caretakers of the facility in the Town of Horicon, former Suzie Q's location, donated to the YMCA by the Himoff Family. The goal of the Center is to provide year round, multi generational programming. Tammie LaGuerre is the full time Center Director. Mr. Bearor recommended the YMCA Facebook page and website, www.glensfallsymca.org for future activities and events for all ages. Supervisor Leggett thanked the YMCA for coming to our community.

Dan Smith presented the total trail registers for 2016, based on the number of signatures and a trail plan for the Dynamite Trail System.

Rand Fosdick presented part 2 of "A Citizen's State of the Town." Rand discussed how the rules for privilege of the floor should be followed by everyone to ensure fairness and equal treatment. Then Rand went on to cover the many recreation opportunities in our town and recommended canoeing on Chester Creek and starting a Chester Tri-Lakes Triathlon.

Supervisor Leggett stated that during privilege of the floor Town Board Members are not required to respond.

John Nick, Loon Lake Park District Association President stated that amount of motorized boats launched from the Loon Lake Boat Launch has increased by 22% over the last three years. Many are asking why there is not a launch fee to assist in monitoring the lake.

Supervisor Leggett closed Privilege of the Floor at 7:46 pm.

Committee Reports:

Mrs. DuRose reported the highway is putting in a lot of hours and doing a great job.

Mr. Durkish reported that he went to the Library Board of Trustee Meeting with Mrs. DuRose.

Mrs. DuRose attended a meeting at North Warren Central School concerning the speed limit in a school zone. Moving the beacons, speaking to local law enforcement and keeping the crosswalk well painted were a few suggestions.

Supervisor's Report:

Supervisor's Leggett reported the Biomass Project is moving forward. The electricians and install contractors have been working and the room is insulated. The propane service for the transfer station, meal site and health center has been changed over to G.A. Bove. Mr. Leggett met with Town of Chester Assessor, Town of Horicon Supervisor and Assessor and the Town of Queensbury Assessor to discuss the pros and cons of a reevaluation. It is a two year process. The auditor has finished and the Town will receive a draft report in several months.

Town Clerk reported the following were enclosed in the Board packets:

- Assessors Report for February 2017
- Zoning Administrator & Sanitary Code Enforcement Officer's Activity Report for January 2017
- Zoning Office Yearly Summary for 2016
- Minutes of the Planning Board Meeting January 23, 2017
- Town Clerk Monthly Report for January 2017

Oaths of Office:

Name	Office	Oath Taken	Term Expires
Ronald Lauzon	Library Board of Trustees	28-Dec-16	31-Dec-21
Jessica Phillips	Deputy Town Clerk	17-Jan-17	31-Dec-17
Jason Monroe	Water Superintendent	23-Jan-17	31-Dec-17
Michael S. Peet	Deputy Highway Superintendent	23-Jan-17	31-Dec-17
Walter Tennyson	Zoning Administrator and Sanitary Code Enforcement Officer	25-Jan-17	31-Dec-17
Karen DuRose	Deputy Supervisor	25-Jan-17	31-Dec-17

Privilege of the Floor for Resolutions:

Supervisor Leggett opened privilege of the floor for resolutions at 8:05 pm.

Mr. Durkish asked about Memorial Park. Supervisor Leggett stated it was in the Town wide recreation plan and will have more details at the next meeting.

Todd Waldron spoke on behalf of the Adirondack Marathon, which is a qualifier for the Boston Marathon asking for \$4000.00 Occupancy Tax. The Adirondack Marathon supports the Helper Fund 5k and 10k races with promotion. This is the first they have applied for Occupancy Tax. The Town agreed on \$2000.00.

Attorney for the Town suggested the Warren County contracts should add, if there is damage as a result of County action or failure to act.

John Nick, spoke on behalf of the Loon Lake Park District Association, they will be using suction harvesting technique to control the milfoil this year.

Supervisor Leggett said we need to appeal to the county for a no parking sign on Olmstedville Road in order to keep the driveways clear at the intersection with State Route 9.

Supervisor Leggett stated the timber sale was intended to fund the biomass boiler.

Rand Fosdick asked about term limits for zoning board appointments.

Supervisor Leggett presented the following Resolutions:

RESOLUTION NO. 31 OF 2017: AMEND LOCAL LAW #3 OF 2016 TO READ LOCAL LAW NO. 1 OF 2017.

WHEREAS, the Town Board adopted Local Law No. 3 of 2016 on December 13, 2016, and **WHEREAS**, the NYS Department of State did not receive the Local Law until January of 2017 and **WHEREAS**, the NYS Department of State sent the Town Clerk a letter stating that all Local Laws must be numbered according to the year received by the DOS,

BE IT RESOLVED, the Town Board reauthorizes and readopts Local Law No. 3 of 2016 and amends the numbering of Local Law No.3 of 2016 to read Local Law No.1 of 2017 to satisfy the request of the NYS Department of State.

RESOLUTION NO. 32 OF 2017: RESOLUTION AUTHORIZING SIGNING OF AGREEMENT WITH WARREN COUNTY REGARDING LOCAL TOURISM PROMOTION AND CONVENTION DEVELOPMENT AMENDED AGREEMENT FOR 2017 (A.K.A. OCCUPANCY TAX).

WHEREAS, Warren County and the Town of Chester entered into an agreement dated November 7, 2007 for purpose of providing annual funding to the Town for tourism promotion and activities, and **WHEREAS**, the County has agreed to provide the Town with an additional amount of \$15,000 for the same purpose during 2017, and

WHEREAS, the County agrees to pay the sum within 30 days of receipt of the signed contract and the Town agrees to accept the funds and use them according the terms of the agreement,

BE IT RESOLVED, Supervisor Leggett is authorized to sign and return the COUNTY OF WARREN LOCAL TOURISM PROMOTION AND CONVENTION DEVELOPMENT AMENDED AGREEMENT FOR 2017 WITH THE TOWN OF CHESTER and deposit the money, when received, into the General Fund Revenue code A1113, Hotel Occupancy Tax.

RESOLUTION NO. 33 OF 2017: RESOLUTION AUTHORIZING SIGNING OF INTERMUNICIPAL AGREEMENT BETWEEN WARREN COUNTY AND TOWN OF CHESTER FOR COMBATING AQUATIC INVASIVE SPECIES IN PUBLICLY ACCESSIBLE WATER BODIES WITHIN THE TOWN OF CHESTER.

WHEREAS, Warren County Board of Supervisors Resolution No 30 of 2017 allocated \$41,666,67 to the Town to combat aquatic invasive species in publicly accessible water bodies within the Town during 2017, and

WHEREAS, the Town agrees to accept the funds and use them accordingly and within the guidelines provided within the agreement,

BE IT RESOLVED, Supervisor Leggett is authorized to sign and return the 2017 INTERMUNICIPAL AGREEMENT BETWEEN WARREN COUNTY AND TOWN OF CHESTER FOR COMBATTING AQUATIC INVASIVE SPECIES IN THE PUBLICLY ACCEESSIBLE WATER BODIES WITHIN THE TOWN OF CHESTER and deposit the money, when received, into the Loon Lake Park District Fund Revenue code SP2389, Misc Rev – Other Govts.

RESOLUTION NO. 34 OF 2017: RESOLUTION AUTHORIZING SIGNING OF AGREEMENT BETWEEN WARREN COUNTY ACTING ON BEHALF OF THE WARREN-HAMILTON COUNTIES' OFFICE FOR THE AGING AND THE TOWN OF CHESTER.

WHEREAS, Warren County is authorized to contract for services and programs for the elderly, and **WHEREAS**, Warren County desires to contract with the Town of Chester to provide transportation to residents of the Town of Chester who are sixty years or older for the amount of \$3,771, and

WHEREAS, the Town of Chester has advertised for bids on providing transportation and has accepted the bid from Warren-Hamilton Counties Community Action Agency (ACEO Inc), Glens Falls, NY in the amount of \$11,220.00 for 51 Trips.

BE IT RESOLVED, Supervisor Leggett is authorized to sign and return the AGREEMENT BETWEEN THE COUNTY OF WARREN ACTING ON BEHALF OF THE WARREN-HAMILTON COUNTIES' OFFICE FOR THE AGING AND TOWN OF CHESTER and deposit the money, when received, into the General Fund Revenue code A2351, Prog/Aging, Other Govts.

RESOLUTION NO. 35 OF 2017: RESOLUTION AUTHORIZING SIGNING OF PROFESSIONAL SERVICES CONTRACT WITH CEDARWOOD ENGINEERING AS ENGINEER FOR THE TOWN.

WHEREAS, the Town of Chester deems it beneficial to contract with an engineering firm to provide general engineering support and services for capital and non-capital projects, and

WHEREAS, the Town of Chester has contracted with Cedarwood Engineering Services, PLLC in prior years and has found their work to be satisfactory and economical,

WHEREAS, Cedarwood Engineering, PLLC has submitted a contract with terms and rate schedule for 2017,

BE IT RESOLVED, Supervisor Leggett is authorized to sign and return the CONTRACT FOR ENGINEERING SERVICES BETWEEN TOWN OF CHESTER, NEW YORK AND CEDARWOOD ENGINEERING SERVICES, PLLC.

RESOLUTION NO. 36 OF 2017: RESOLUTION AUTHORIZING SIGNING OF AGREEMENT BETWEEN THE TOWN OF CHESTER AND GLENS FALLS ANIMAL HOSPITAL.

WHEREAS, the Town of Chester is authorized by NYS Agriculture and Markets Law Article 7 and Local Law #2 of 2006 to seize dogs running at large and are otherwise a threat to the health, safety and welfare of the general population, and

WHEREAS, the Town has kennels at the Transfer Station property to accommodate a certain number of dogs for a limited period of time, and

WHEREAS, there may be a need by the Town to use various veterinary services and additional boarding, and

WHEREAS, the Town has contracted with Glens Falls Animal Hospital in prior years and has found their services to be satisfactory and beneficial,

BE IT RESOLVED, Supervisor Leggett is authorized to sign an AGREEMENT BETWEEN THE TOWN OF CHESTER AND GLENS FALLS ANIMAL HOSPITAL for the calendar year of 2017.

RESOLUTION NO. 37 OF 2017: RESOLUTION AUTHORIZING TOWN CLERK TO ADVERTISE FOR POSTING OF WEIGHT LIMITS ON TOWN ROADS AS SET BY HIGHWAY SUPERINTENDENT.

WHEREAS, it is necessary to limit the weight of vehicles on Town Roads during periods of spring thaw to avoid damage to the roads,

BE IT RESOLVED, Highway Superintendent Monroe has the authority to post weight restrictions at his discretion and Town Clerk Conway has the authority to advertise such restrictions.

RESOLUTION NO. 38 OF 2017: RESOLUTION AUTHORIZING SIGNING OF LOON LAKE MANAGEMENT OVERSIGHT AGREEMENT WITH LOON LAKE PARK DISTRICT ASSOCIATION FOR SERVICES IN 2017.

WHEREAS, the Town formed the Loon Lake Park District to protect and improve the Lake and the surrounding watershed, and

WHEREAS, the Town has established a water quality and safety program that involves water quality testing, boat inspections and boat washing for aquatic invasive species control, aquatic invasive species removal, and placement of buoys, and

WHEREAS, the Town has contracted with the Loon Lake Park District Association in prior years to carry out this water quality and safety program and has found their services to be satisfactory and beneficial,

BE IT RESOLVED, Supervisor Leggett is authorized to sign and return the LOON LAKE MANAGEMENT OVERSIGHT AGREEMENT BETWEEN THE TOWN OF CHESTER AND THE LOON LAKE PARK DISTRICT ASSOCIATION for 2017 when in a form acceptable to the Attorney for the Town.

RESOLUTION NO. 39 OF 2017: RESOLUTION AUTHORIZING SUBMISSION OF REQUEST TO THE NYS DOT AND WC DPW FOR NO PARKING SIGN TO BE POSTED ON THE WEST SIDE OF THE OLMSTEDVILLE RD FROM THE CAFÉ ADIRONDACK BUILDING TO THE STOP SIGN WITH SR 9.

WHEREAS, there are residences with driveways between #5 Olmstedville Rd (Café Adirondack) and 7915 SR 9, Pottersville, and

WHEREAS, these driveways tend to get blocked by patrons to local businesses, as does a fire hydrant and a stop sign,

BE IT RESOLVED, Supervisor Leggett is authorized to apply for a NO PARKING sign to be appropriately placed by the Warren County DPW and/ or NYS DOT.

RESOLUTION NO. 40 OF 2017: RESOLUTION AUTHORIZING TOWN CLERK TO ADVERTISE FOR BOAT WASH ATTENDANT FOR SUMMER OF 2017.

WHEREAS, the Boat Wash Station at Loon Lake is staffed by 3 persons hired by the Town from mid-May to mid-October, and

WHEREAS, there is a need to hire and train a Boat Wash Attendant for the 2017 season,

BE IT RESOLVED, Town Clerk Conway is authorized to advertise to fill the position of Boat Wash Attendant.

RESOLUTION NO. 41 OF 2017: RESOLUTION AUTHORIZING SUBMISSION OF DEC SMART GROWTH GRANT BY THE LA GROUP.

WHEREAS, the Department of Environmental Conservation (DEC), in cooperation with the Department of State and Adirondack Park Agency, is soliciting smart growth grant applications from Adirondack Park and Catskill Park communities and organizations, and

WHEREAS, DEC seeks proposals for capital projects and community development initiatives that link environmental protection, economic development and community livability within the special conditions of the parks, and

WHEREAS, the Town contracted The LA Group of Saratoga Springs in 2016 to submit a proposal titled “Town of Chester Affordable Housing Pilot Project”, which did not get accepted, and

WHEREAS, the LA Group is willing to adjust the proposal based on new information and resubmit at no cost to the Town before the March 12, 2017 deadline,

BE IT RESOLVED, the LA Group is authorized to submit an updated version of the “Town of Chester Affordable Housing Pilot Project” to the Smart Growth Implementation Grant program.

RESOLUTION NO. 42 OF 2017: RESOLUTION TO ACCEPT RESIGNATION OF UNSAFE BUILDING INSPECTOR, RUSSELL LAIL, SR.

WHEREAS, Russell has been serving the Town as Unsafe Building Inspector, and

WHEREAS, he has submitted his resignation of the position,

BE IT RESOLVED, the Town Board accepts the resignation of Russell Lail, Sr. as Unsafe Building Inspector and thanks him for his service over the years.

RESOLUTION NO. 43 OF 2017: RESOLUTION TO ADVERTISE FOR A PERSON TO CARRY OUT UNSAFE BUILDING INSPECTIONS.

WHEREAS, the position of Unsafe Building Inspector is open and the Town has need of an Unsafe Building Inspector,

BE IT RESOLVED, the Town Clerk is authorized to advertise for a person to carry out Unsafe Building Inspections.

RESOLUTION NO. 44 OF 2017: RESOLUTION TO REAPPOINT JOHN MACMILLEN TO THE ZBA FOR A 5 YEAR TERM ENDING DECEMBER 31, 2021.

WHEREAS, the Town Board reappointed John MacMillen to the Zoning Board of Appeals on December 13, 2016 for a 5 year term beginning January 1, 2017, and

WHEREAS, John MacMillen suffered an injury and was not able to take the oath of office within 30 days,

BE IT RESOLVED, John MacMillen is appointed to the Zoning Board of Appeals for a term beginning upon appointment and ending December 31, 2021.

RESOLUTION NO. 45 OF 2017: RESOLUTION TO ACCEPT RESIGNATION OF ZONING ORDINANCE REVIEW MEMBER KEN MARCHESELLI.

WHEREAS, Ken Marcheselli has been serving on the Zoning Ordinance Review Committee as a citizen representative, and

WHEREAS, he has submitted a letter of resignation from the Zoning Ordinance Review Committee,

BE IT RESOLVED, the Town Board accepts the resignation of Ken Marcheselli from the Zoning Ordinance Review Committee.

RESOLUTION NO. 46 OF 2017: RESOLUTION TO APPOINT BARBARA KEARNEY TO THE ZONING ORDINANCE REVIEW COMMITTEE AS A CITIZEN REPRESENTATIVE.

WHEREAS, there is a vacant seat for citizen representative on the Zoning Ordinance Review Committee, and

WHEREAS, upon recommendation of the ZORC chairman, Thomas Thorsen,

BE IT RESOLVED, the Town Board appoints Barbara Kearney to fill the vacant citizen's seat on the Zoning Ordinance Review Committee for an undefined term.

RESOLUTION NO. 47 OF 2017: RESOLUTION AUTHORIZING APPLICATION FOR 60 DAY EXTENSION FOR SUBMISSION OF 2016 AUD (FINANCIAL REPORT) TO THE OSC.

WHEREAS, the Town is required to submit an Annual Update Document to the NYS Office of the State Comptroller within 60 days of year end, and

WHEREAS, the Town may received an extension of 60 days to submit the AUD, and

WHEREAS, historically the Town has needed the extra time to prepare and submit the AUD,

BE IT RESOLVED, Supervisor Leggett is authorized to request from the OSC a 60 day extension to submit the AUD for 2016.

RESOLUTION NO. 48 OF 2017: RESOLUTION AUTHORIZING ACCEPTANCE OF JUSTICE COURT ASSISTANCE PROGRAM AWARD FOR AIR CONDITIONER GRANT IN THE AMOUNT OF \$3,000.

WHEREAS, the Town Justice Court applied for a grant to replace air conditioners in the Court Room and Offices, and

WHEREAS, the Court was awarded a grant for \$3,000 for such purpose,

BE IT RESOLVED, the Town of Chester accepts the grant and the funds are to be deposited in General Fund Revenue Code A3089 Justice Court Assistance Grant and appropriated to General Fund Expense Code A1110.43 JCAP Grant Expend.

RESOLUTION NO. 49 OF 2017: RESOLUTION TO APPROPRIATE \$44,213 FROM A917 UNAPPROPRIATED FUND BALANCE TO A9901.92 TRANSFER TO CAPITAL PROJECT FUND – BIOMASS BOILER.

WHEREAS, the Town received payment from Prentice-Carlisle for the timber sale contract, and

WHEREAS, the Town intended to use proceeds from the timber sale to offset the cost of the Biomass Boiler Project,

BE IT RESOLVED, to appropriate \$44,213 from the General Fund Code A917 Unappropriated Fund Balance and debit General Fund Code A599 Appropriated Fund Balance and credit General Fund Code A960 Appropriations with the subsidiary code being A9901.92 Transfer to Capital Project Fund – Biomass Boiler.

RESOLUTION NO. 50 OF 2017: RESOLUTION AUTHORIZING USE OF OCCUPANCY TAX FUNDS TO THE ADIRONDACK MARATHON IN THE AMOUNT OF \$2,000.

WHEREAS, Adirondack Marathon, Inc. has submitted a request of Occupancy Tax funds of \$4,000 to help support the promotion of the Adirondack Marathon Distance Festival, September 22-24, 2017, and **WHEREAS**, the event takes place in the Town of Chester and adjacent towns and meets the criteria for Occupancy Tax Funding,

BE IT RESOLVED, the Town of Chester awards \$2,000 to the Adirondack Marathon, Inc out of General Fund Code A6410 Publicity for promotional support of the Adirondack Marathon Distance Festival to be paid as reimbursement upon submission of final report and invoices.

On a motion by Supervisor Leggett, seconded by Mrs. Wells, Resolutions No. 31 - 50 of 2017 were **ADOPTED** as presented and amended.

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RESOLUTION NO. 51 of 2017: AUTHORIZE PAYMENT OF ABSTRACTS AND CLAIMS PAID PRIOR TO AUDIT.

RESOLVED, to authorize payment of abstracts and claims paid prior to audit.

2016		
General A	\$ 7,148.03	659-677
Capital Project - Biomass HB	\$ 6,200.00	48
Highway DA	\$ 4,823.36	382-383
Chestertown Water CW	\$ 230.63	62-63
Pottersville Water PW	\$ 230.63	62-63
Library L	\$ 414.42	46
Loon Lake Park District SP	\$ 5,171.00	24

2017		
General A	\$ 111,652.96	22-64
Capital Project - Biomass HB	\$ 14,500.66	1-3
Highway DA	\$ 73,611.47	5-42
Chestertown Water CW	\$ 1,315.59	2-5
Pottersville Water PW	\$ 1,350.19	2-7
Library L	\$ 2,187.80	2-4
Schroon Lake Park District SX	\$ 2,202.00	1
Riverside Fire Protection District SA	\$ 12,000.00	1-2
North Creek Fire Protection District SB	\$ 30,000.00	1

On a motion by Mr. Packer, seconded by Mrs. DuRose, Mrs. Wells abstained from General #32, Resolution No. 51 of 2017 was **ADOPTED**.

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Supervisor Leggett is trying to schedule a presentation on community forest with Northern Forest Center.

RESOLUTION NO. 52 OF 2017: APPROVE HISTORICAL SOCIETY TO REARRANGE FURNITURE IN THE MUSEUM.

WHEREAS, at the request of Nancy Tennyson to rearrange furniture in the Historical Society Museum and to relocate a bookcase to the collections room, and

WHEREAS, in accordance to the bylaws there needs to be a permission from the Town Board, and **BE IT RESOLVED**, the Town Board approved the changes made to the museum.

On a motion by Supervisor Leggett, seconded by Mrs. DuRose, Resolution No. 52 of 2017 was **ADOPTED**.

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RESOLUTION NO. 53 OF 2017: APPROVE ST. PATRICK'S DAY PARADE.

WHEREAS, the Tri-Lakes Business Alliance requested permission to hold the St. Patrick's Day Parade on March 11, 2017, and

WHEREAS, requested permission to line up participants on Foster Flat Road, and

BE IT RESOLVED, the Town Board approved the request from the Tri-lakes Business Alliance to lineup participants on Foster Flats Road for the St. Patrick's Day Parade.

On a motion By Mr. Leggett, seconded by Mr. Durkish, Resolution No. 53 of 2017 was **ADOPTED**.

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RESOLUTION NO. 54 of 2017: WORKSHOP MEETING.

WHEREAS, the Town Board needs to further discuss the Employee Handbook, and

WHEREAS, the Town needs to work on a computer policy and a credit card policy,

BE IT RESOLVED, that the Town Board scheduled a Workshop Meeting, March 2nd at 4:30 pm.

On a motion by Mr. Leggett, seconded by Mrs. Wells, Resolution No. 54 of 2017 was **ADOPTED**.

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Mr. Durkish recommends requiring a driver's abstract be added to the employee handbook.

On a motion by Supervisor Leggett, seconded by Mr. Packer, meeting adjourned at 9:07 pm.

Respectfully submitted,

Town Clerk