



# Town Board

## Regular Meetings

### July 10, 2018

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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, Karen DuRose, Larry Turcotte, Mike Packer and Attorney for the Town, Mark Schachner. Steve Durkish absent.

#### **Regular Meeting:**

Supervisor Leggett opened the Regular Town Board Meeting at 7:02 pm with the Pledge of Allegiance.

#### **RESOLUTION NO. 121 OF 2018: ACCEPT THE MINUTES OF THE REGULAR MEETING JUNE 12, 2018**

**RESOLVED**, to accept the minutes of the Regular Meeting June 12, 2018 as presented.

On a motion by Mrs. DuRose, seconded by Mr. Turcotte, Resolution No. 121 of 2018 was **ADOPTED**.

AYE 4 NO 0

#### **Public Hearing:**

Supervisor Leggett opened the Public Hearing for the **Pottersville Water District Upgrades and the Consolidated Funding Application** at 7:02 pm.

Supervisor Leggett introduced Wayne LaMothe from the Warren County Planning Department. Mr. LaMothe stated that holding a public hearing is a requirement of the Consolidated Funding Application (CFA) process. Mr. LaMothe told the Town Clerk he will need a copy of the affidavit of publication for the Public Hearing and a copy of the sign in sheet for the application. Mr. LaMothe covered the eligible activities: Public Infrastructure, Public Facilities, Microenterprise and Community Planning. Mr. LaMothe stated that the eligibility for these programs is based on income of the residents of the district. Mr. LaMothe thanked the Town and Marion Eagan for conducting the door to door income survey. The New York State Drinking Water Revolving Fund and the USDA Rural Development Funding use the same survey process so the information can be used again. Mr. LaMothe stated if the Town received funding there would have to be a MOU with Warren County to help with administration, SEQR requirements and consult with the three Native American Tribes that have a historical legacy.

Mr. LaMothe opened the meeting up for questions. Supervisor Leggett asked about the match portion of the grant being zero. Mr. LaMothe stated that any amount contributed by the Town or work done by the Town strengthens the application. Mr. LaMothe stated we would know in the fall if this was funded and the date on the letter of award starts the two year period for completion.

Supervisor Leggett closed the public hearing at 7:16 pm.

#### **Committee Reports:**

Supervisor Leggett opened Committee Reports at 7:16 pm.

Mr. Turcotte stated that he performed the field work for an ADA Audit on the Town Hall and is working on Dynamite Hill. Mr. Turcotte met with the Tree Committee and described a 3 year grant process from the state. Mr. Turcotte also spoke about an Arbor Day Grant.

Mr. Packer recommended cleaning the drains, steam value and oil lines in the basement of the Town Hall.

Mrs. DuRose attended the ZORC Meeting and the Loon Lake Park District Association Meeting.

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

- Town Board Minutes for June 12, 2018
- Supervisor's Monthly Cash Report as of June 30, 2018
- Audited Abstract for July 10, 2018
- Zoning Administrator & Sanitary Code Enforcement Officer's Activity Report for June 2018
- Zoning Board of Appeals Minutes for June 26, 2018
- Planning Board Minutes for June 18, 2018
- Assessors Report for July 2018
- Animal Control Report June 2018
- Town Clerk Monthly Report for June 2018
- DOH Beach Inspection for June 19, 2018

Town Clerk reported the office has received the following communication:

- Letter from DOH that the bathing beach safety plan was approved
- Letter of Resignation from the Zoning Administrator and Sanitary Code Enforcement Officer, Walter Tennyson
- Letter from the APA approving the Bradley septic variance application
- Letter from Al Muench concerning zoning regulations
- Loon Lake milfoil harvest daily reports from June 13<sup>th</sup> to July 3<sup>rd</sup> from Aqualogic

Supervisor Leggett asked the Town Clerk to comment on the DOH Beach Inspection. The Town Clerk stated that the DOH is requiring we drill a well at the beach, turn the water off to the outdoor shower when the beach is closed and would like the Town to enforce the beach is closed when there was no lifeguard on duty. Mrs. DuRose asked if we could use bed tax money to drill a well at the beach. The Attorney for the Town stated there are cases where other towns have used bed tax money for recreational use. Supervisor Leggett stated that he would look into more.

David Gross, Town of Chester NWEMS Representative handed the Board Members "June 2018 North Warren Emergency Squad Update" and a copy of the By-Laws. Mr. Gross stated there were 59 calls in June, the EMS meetings have been changed to the second Thursday of the month and ambulance drivers must be 21 years of age or older for insurance purposes. NWEMS is working on a Mutual Intercept Agreement and a Mutual aid Agreement with Schroon Lake. Mr. Packer asked about the EMS budget. David said it was looking good so far. Supervisor Leggett thanked the EMS for their service.

Jason Monroe, Highway Superintendent stated that the Highway Department will be working on paving Blythewood Island Road and Bird Pond Road this summer.

Brett Hitchcock, Working Foreman for Parks and Rec. stated that the "welcome" signs and the Pottersville triangle are finished and they will be working on the triangle on Church Street and Riverside Drive.

Rich Konig reported that he has logged over 120 hours on the lake so far and that jet skiers out on Loon Lake after 7 pm seems to be the biggest problem.

Tom Thorsen reported that the ZORC was ready to present the zoning changes to the Board to answer questions.

Supervisor Leggett reported the following the Town assessment was up over last year by over two million due to new construction.

Supervisor Leggett closed Committee Reports at 7:40 pm.

**Privilege of the Floor:**

Supervisor Leggett opened Privilege of the Floor at 7:40 pm.

Supervisor Leggett introduced Gina Mintzer, Executive Director of the Lake George Regional Chamber of Commerce and Convention and Visitors Bureau to give an update on the first quarter of Consumer Events and explain how County monies are utilized. Ms. Mintzer handed the board members the following literature: a Travel/Destination Guide, Consumer Shows results, Information Centers update and the Adirondack Beverage Trail. Ms. Mintzer when on to explained the literature in detail. One of the highlights will be high end vending machines holding products from the local farming communities at the Adirondack Welcome Center, projected to open mid-September. They have purchased an Economic Impact Calculator (EIC) to help evaluate the return on events. Ms. Mintzer stated that Christkindlmarkt will be a new event this December and Adventure Travel Trade Association ELEVATE Conference in June 2019. Supervisor Leggett asked where the county monies go. Ms. Mintzer stated they have to show the number of attendees and heads in beds and how it fits in the budget. Supervisor Leggett thanked Ms. Mintzer.

Debra Eves spoke about Summerfest and the Economic Development Initiative (EDI), thanked the Sun for the nice article on EDI and stated that the Chamber will continue to work on membership, EDI and the website over the summer.

Supervisor Leggett closed Privilege of the Floor at 8:07 pm.

**New Business:**

Supervisor Leggett opened New Business at 8:07 pm.

**RESOLUTION NO. 122 OF 2018: ACCEPT RESIGNATION OF ZONING ADMINISTRATOR**

**WHEREAS**, Zoning Administrator Walter Tennyson has submitted a letter of resignation effective July 31, 2018, and

**WHEREAS**, Mr. Tennyson has served the Town of Chester as Zoning Administrator for 30 years,

**BE IT RESOLVED**, the Town Board accepts the resignation of Walter Tennyson as Zoning Administrator, with regrets, and

**BE IT FURTHER RESOLVED**, the Town Board recognizes the dedication Walt has given the Town of Chester and thanks him for his contribution to the community in overseeing the duties the Zoning Office through the years and the Town Board wishes him well in his retirement.

On a motion by Mrs. DuRose, seconded by Mr. Turcotte, Resolution No. 122 of 2018 was **ADOPTED**.

AYE 4 NO 0

**RESOLUTION NO. 123 OF 2018: AUTHORIZE SUBMITTAL OF NYS DOS LOCAL WATERFRONT REVITALIZATION PROGRAM GRANT APPLICATION**

**WHEREAS**, the Chester Town Board wishes to prevent the introduction and manage the growth of aquatic invasive species in the waters of Schroon Lake; and

**WHEREAS**, the Chester Town Board seeks to coordinate efforts to prevent and eliminate the introduction of aquatic invasive species into the waters of Schroon Lake with the towns of Horicon and Schroon; and

**WHEREAS**, Round VIII of the New York State Consolidated Funding Application (CFA) is accepting applications through July 27, 2018; and

**WHEREAS**, the New York State Department of State (NYS DOS) has announced the availability of funds through the Environmental Protection Fund — Local Waterfront Revitalization Program (EPF-LWRP) to implement priorities identified in approved watershed management plans; and

**WHEREAS**, the project partners must provide evidence that a local match of twenty-five percent (25%) of the total project cost for the EPF-LWRP application will be available; and

**WHEREAS**, the Warren County Department of Planning & Community Development has agreed to apply on behalf of the towns of Chester, Horicon, and Schroon; and

**WHEREAS**, the Chester Town Board wishes to authorize the submission of an application for EPF-LWRP funds.

**NOW, THEREFORE,**

**BE IT RESOLVED**, that the Chester Town Board further authorizes and directs submission of Warren County's application for Environmental Protection Fund — Local Waterfront Revitalization Program (EPF-LWRP) grant funds through the New York State Department of State (NYSDOS), with such application due by July 27, 2018; and

**BE IT FURTHER RESOLVED**, that should the project be awarded funds by NYSDOS, the Town Board pledges to work in cooperation with the partnering communities to provide the required twenty-five percent (25%) local match share of the total project cost; and

**BE IT FURTHER RESOLVED**, that the Town Board authorizes and directs the Town Supervisor and Warren County staff to sign any necessary documents in connection with the submission, including all applications, certifications and forms and further authorizes and directs the Town Supervisor and Warren County staff to take such other and further action as may be necessary to effectuate the terms of this resolution.

On a motion by Mr. Packer, seconded by Mrs. DuRose, Resolution No. 123 of 2018 was **ADOPTED**.

AYE 4 NO 0

**RESOLUTION NO. 124 OF 2018: AUTHORIZE MOU REGARDING REDUCTION IN ROAD SALT USE**

**WHEREAS**, AdkAction Road Salt Working Group has produced a "Pledge to Reduce Road Salt" and a Memorandum of Understanding of Municipal Governments In The Adirondacks Regarding the application of Road Salt For Winter Maintenance and De-Icing,

**BE IT RESOLVED**, the Supervisor is authorized to sign the MOU (see below) and send to AdkAction.

*Pledge to Reduce Road Salt*

**MEMORANDUM OF UNDERSTANDING OF  
MUNICIPAL GOVERNMENTS IN THE ADIRONDACKS  
REGARDING THE APPLICATION OF ROAD SALT  
FOR WINTER MAINTENANCE AND DE-ICING**

The purpose of this Memorandum of Understanding (MOU) is to describe an agreement among the municipal governments in the Adirondack Park regarding a program to address the levels of chlorides in Adirondack ground and surface waters by reducing the application of road salt for winter road maintenance and de-icing practices. This MOU is not a binding commitment, but is rather a pledge of intent of the municipalities signing this document to work in good faith to create an effective program to reduce the levels of road salt application in recognition of the following:

- **WHEREAS**, there has been a measureable increase in the use of road salts in the Adirondacks to assist in winter road maintenance and de-icing; and,
- **WHEREAS**, within the Adirondacks there are a total of approximately 10,555 lane miles of local, county, state and federal roads and an estimated 192,700 metric tons of salt is used per year; and,
- **WHEREAS**, there are numerous studies documenting the significant increases in road salt in Adirondack surface waters resulting from road runoff; and,
- **WHEREAS**, median lake chloride concentrations in watersheds without paved roads were nearly identical to background (natural, untouched) concentrations and lakes in watershed with paved roads show chloride concentrations that are, on average, 14 times higher than watersheds without paved roads; and,

- **WHEREAS**, recent concentrations of chlorides in many Adirondack lakes are at thresholds that can alter the composition of the phytoplankton, periphyton and macroinvertebrate communities altering the food web and hence potentially changing the biological productivity; and,
- **WHEREAS**, continued increases in salt loading in the watershed may also affect the physical circulation of the lake by increasing vertical density gradients that are more difficult to mix; and,
- **WHEREAS**, elevated salt concentrations in potable water is a health concern to individuals who drink water from private wells in some parts of the Adirondacks because increased sodium consumption is linked to high blood pressure and if salt levels are allowed to continue rising at the current rate, within the next one to two decades, the lake's water will become a health hazard; and,
- **WHEREAS**, road salt application is linked to leaching of calcium and magnesium from soil, which makes Adirondack lakes more hospitable for aquatic invasive species colonization; and,
- **WHEREAS**, some of the most obvious toxic effects of road salt are observed in roadside vegetation where high concentrations of salt accumulates and persists and damage is observed with the browning of foliage, premature defoliation, suppression of flowers and die back of terminal roots and the erosion problems that occur when vegetation is affected; and,
- **WHEREAS**, road salt is responsible for the increased corrosion of road infrastructure and vehicles.

**NOW, THEREFORE, IT IS HEREBY**

**AGREED** that the undersigned Towns, Village and Counties recognize the significant adverse impacts of excessive application of road salt for winter maintenance and de-icing; and it is further

**AGREED** that the undersigned Towns, Village and Counties intend to reduce the salt loading into Adirondack Lakes through the reduced application of road salt; and it is further

**AGREED** that the undersigned Towns, Village and Counties will curtail the increase of road salt through proven methods of road salt application (as demonstrated in New Hampshire and Vermont) and through utilizing Best Management Practices); and it is further

**AGREED** that the undersigned Towns, Village and Counties will, subject to research supporting their use, consider alternative de-icing materials that minimize the application of road salt; and it is further

**AGREED** that the undersigned Towns, Village and Counties help to document the effectiveness of alternative road salt materials and/or substitutes; and it is further

**AGREED** that the undersigned Towns, Village and Counties will investigate and consider equipment to better manage and monitor the application of road salt; and it is further

**AGREED** that the undersigned Towns, Village and Counties will have highway department superintendents, collect data using consistent methods on the quantities and application rates of road salts within their jurisdictions, as well as truck loading and route distribution information in using this data for improved application methods and it is further

**AGREED** that the undersigned Towns, Village and Counties will have highway department supervisors assess and tailor road salt application rates based on level of surface, road grades and proximity to water bodies and runoff systems; and it is further

**AGREED** that the undersigned Towns, Village and Counties will establish an education and training program for all highway department employees on the impacts of road salt in the Adirondacks and proven methods to reduce road salt application; and it is further

**AGREED** that the undersigned Towns, Village and Counties intend to designate sections of public roads as "Priority Abatement Areas" where roads are located along or in close proximity to Adirondack Lakes and/or tributaries that are determined to be critical runoff areas impacting water quality; and it is further

**AGREED** that the undersigned Towns, Village and Counties will participate in an annual "Road Salt Summit" to discuss new technologies, application methods, best management practices and research aimed at minimizing the usage of road salt for winter maintenance and de-icing; and it is further

**AGREED** that the undersigned Towns, Village and Counties will together achieve road salt reductions that through ongoing scientific monitoring; and it is further

**AGREED** that this Memorandum of Understanding may be signed in counterparts.

On a motion by Mrs. DuRose, seconded by Mr. Turcotte, Resolution No. 124 of 2018 was **ADOPTED**.

AYE 4 NO 0

#### **Friends Lake Aquatic Plant Growth Control:**

The Town still needs to obtain an easement for access to Friends Lake to move forward in the process of forming a district. If the district is formed the Town would be reimbursed the \$6,600 from the district.

#### **RESOLUTION NO. 125 OF 2018: APPROPRIATING MONIES TO PAY COST OF PREPARING MAP, PLAN AND REPORT FOR PROVIDING AQUATIC PLANT GROWTH CONTROL SERVICES WITHIN PROPOSED FRIENDS LAKE AQUATIC PLANT GROWTH CONTROL DISTRICT**

**WHEREAS**, although a 2015 aquatic plant survey of Friends Lake found no current established population of invasive species, many of the property owners who have lakefront property or rights to access the Lake have requested that the Town of Chester establish an Aquatic Plant Growth Control District under Town Law Article 12-A to provide for funding by the District of the prevention and control of invasive species if they are detected in the Lake; and

**WHEREAS**, the Chester Town Board (the "Board") is considering forming the Friends Lake Aquatic Plant Growth Control District (the "District") in accordance with Article 12-A of New York Town Law for the purpose of controlling milfoil and other non-native, invasive aquatic plant species in Friends Lake; and

**WHEREAS**, the Friends Lake Property Owners Association (FLPOA), on behalf of its members, has requested that the Town Board form such a District and has prepared a Map, Plan and Report (the "Map, Plan and Report") concerning the proposed District;

**NOW, THEREFORE,**

**BE IT RESOLVED**, that, subject to permissive referendum as provided below, the sum of Six Thousand Six Hundred Dollars (\$6,600) is hereby appropriated to pay the cost of preparation of the Map, Plan and Report for providing aquatic plant growth control services in the portion of the Town of Chester where the District is proposed to be established; and

**BE IT FURTHER RESOLVED**, that the amount appropriated by the Town Board to pay the cost of preparation of the Map, Plan and Report shall be used to reimburse the Friends Lake Property Owners Association for \$4,600 of the amount it has expended in connection with preparation of the Report and the survey which will be given to the Town and to pay additional costs that may be incurred by the Town for that purpose, including updating the survey; and

**BE IT FURTHER RESOLVED**, that if the Town Board establishes the District, the expenses incurred by the Town for preparation of the Map, Plan and Report shall be deemed to be part of the cost of the District services and the Town shall be reimbursed by the District for the full amount paid; and

**BE IT FURTHER RESOLVED**, that upon completion of the final Map, Plan and Report it shall be filed in the office of the Chester Town Clerk; and

**BE IT FURTHER RESOLVED**, that this Resolution shall be subject to permissive referendum pursuant to Article 7 of New York Town Law and shall not take effect until such time as provided therein. The Town Clerk is hereby authorized and directed to post and publish the notice required for Resolutions subject to permissive referendum.

On a motion By Mrs. DuRose, seconded by Mr. Packer, Resolution No. 125 of 2018 was **ADOPTED**.

AYE 4 NO 0

#### **Zoning Board of Appeals:**

Supervisor Leggett asked Al Muench to discuss his request that the Town Board suspend consideration of variance request for project #433-V of the Zoning Board of Appeals (ZBA). Mr. Muench asked what was going to be done with all of the decks that do not have permits and asked that action be taken where there is a clear violation of the Zoning Law to suspend any consideration before a variance could be given. Supervisor Leggett stated that the decks were in compliance at the time of inspection. Supervisor Leggett referred to the Attorney for the Town for suspending a variance presented to the ZBA. The Attorney for the Town stated the Town would have to make changes to the Zoning Law if the Town wanted to change the Law, now they have the right to apply to the ZBA for a variance if they are proposing to do something that is opposed to the Zoning Law or have already done something that opposes the Zoning Law and the ZBA is supposed to look at specific cases in accordance with the applicable criteria under the Chester Zoning Law and New York State Town Law. Mary Jane, acting ZBA Chairperson, spoke about project #433-V and asked what should be done. The Attorney for the Town stated that the Town Board should not be discussing, debating or telling the ZBA how to review a pending application. Karen DuRose stated that complaints should be written and brought to the Zoning Office. **No action taken.**

**RESOLUTION NO. 126 OF 2018: AUTHORIZE SUBMITTAL OF ARBOR DAY FOUNDATION GRANT FOR TREE PLANTING AT POTTERSVILLE PLAYGROUND**

**RESOLVED**, to authorize the submission of a grant to the Arbor Day Foundation on behalf of Town of Chester Tree Committee and seek other funding for planting of certain trees at the Pottersville Playground.

On a motion by Mr. packer, seconded by Mrs. DuRose, Resolution No. 126 of 2018 was **ADOPTED**.  
 AYE 4 NO 0

**RESOLUTION NO. 127 OF 2018: AUTHORIZE THE ESTABLISHMENT OF A VOUCHER ACCOUNT AT GLENS FALLS NATIONAL BANK FOR BOOKKEEPING PURPOSES**

**WHEREAS**, in the effort to streamline accounting and bookkeeping tasks, the creation of a checking account to be a "voucher account" will allow all approved payments from various funds to be made out of one account and eliminate the need to hand write checks, among other things,

**BE IT RESOLVED**, the Supervisor is authorized to create a new checking account with Glens Falls National Bank for the purpose of paying claims.

On a motion by Mr. Packer, seconded by Mr. Turcotte, Resolution No. 127 of 2018 was **ADOPTED**.  
 AYE 4 NO 0

**Zoning Administrator:**

Supervisor Leggett spoke about dividing the duties of Zoning Administrator and Code Enforcement Officer. **No action taken.**

**RESOLUTION NO. 128 OF 2018: AUTHORIZE PAYMENT OF ABSTRACTS**

**RESOLVED**, the Town Board accepts the Abstract of Claims and accounting requirements.

General A	\$64,627.37	259-311
Highway DA	\$70,106.66	157-188
Chestertown Water CW	\$328.73	32-38
Pottersville Water PW	\$3,530.09	23-28
Loon Lake Park District SP	\$15,019.19	10-15
Library L	\$430.95	19-21
Schroon Lake Park District SX	\$1,162.50	6-7

On a motion by Mr. Turcotte, seconded by Mrs. DuRose, Resolution No. 128 of 2018 was **ADOPTED**.  
 AYE 4 NO 0

**Privilege of the Floor:**

Supervisor Leggett opened Privilege of the Floor at 8:42 pm.

Mary Clark thanked Brett Hitchcock for removing the dead tree in the triangle in Pottersville and the cemeteries. David Gross said the triangle does look good. David thinks that the metal box in the tennis court is a hazard. Supervisor Leggett said the Board had given permission for the box. Al Muench asked if the agenda could be posted on the website sooner.

On a motion by Mrs. DuRose, seconded by Mr. Turcotte, the Board went into Executive Session at 9:05 pm to discuss the employment history of a particular person.

On a motion by Mr. Packer, seconded by Mr. Turcotte, Board exited Executive Session at 9:20 pm. No action taken.

**RESOLUTION NO. 129 OF 2018: APPOINT JEREMY LITTLE AS ZONING ADMINISTRATOR**

**RESOLVED**, to appoint Jeremy Little as Zoning Administrator affective August 1, 2018, with a term ending December 31, 2018, and

**BE IT RESOLVED**, with authorization to increase wage by \$1.00 per hour.

On a motion by Supervisor Leggett, seconded by Mrs. DuRose, Resolution No. 129 of 2018 was **ADOPTED**.

AYE 4 NO 0

**RESOLUTION NO. 130 OF 2018: ESTABLISH THE POSITION OF PART TIME ENFORCEMENT OFFICER**

**RESOLVED**, to establish the position of Part Time Enforcement Officer for up to 20 hours per week at \$15 per hour, and

**BE IT RESOLVED**, the Town Board authorizes the Town Clerk to advertise for the position.

On a motion by Supervisor Leggett, seconded by Mrs. DuRose, Resolution No. 130 of 2018 was **ADOPTED**.

AYE 4 NO 0

**RESOLUTION NO. 131 OF 2018: SPECIAL MEETING JULY 27, 2018 AT 2 PM**

**RESOLVED**, to set a Special Meeting July 27, 2018 at 2 pm to review the ZORC's Proposed Amendments to the current Zoning Local Law and to discuss the appointment of an Enforcement Officer.

On a motion by Mr. Turcotte, seconded by Mr. Packer, Resolution No. 131 of 2018 was **ADOPTED**.

AYE 4 NO 0

On a motion by Supervisor Leggett, seconded by Mr. Packer, meeting adjourned at 9:30 pm.

Respectfully submitted,

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Town Clerk