



Town Board Regular Meetings February 12, 2019

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

Regular Meeting:

Supervisor Leggett opened the Regular Town Board Meeting at 7:06 pm with Steve Durkish leading the Pledge of Allegiance.

Mrs. DuRose asked to have the spelling correction for Jacob Sawyer-Jones.

RESOLUTION NO. 38 OF 2019: ACCEPT MINUTES OF THE ORGANIZATIONAL AND REGULAR MEETING JANUARY 8 AND THE SPECIAL MEETING FEBRUARY 7, 2019

RESOLVED, to accept the minutes of the Organization and Regular Meeting January 8 and the Special Meeting February 12, 2019 with spelling correction.

On a motion by Mrs. DuRose, seconded by Mr. Packer, Resolution No. 38 of 2019 was **ADOPTED**.

AYE 5 NO 0

Proposed Zoning Law Amendments Public Hearings:

Supervisor Leggett opened the Public Hearing on the Proposed Zoning Law Amendments at 7:08 pm.

Supervisor Leggett introduced members of the ZORC who were present at the meeting; Tom Thorsen, Mary Clark, John Nick and Karen DuRose and asked if anyone would like to make a comment.

Mr. Turcotte commented that he was still not in favor of the Town making the property line for dock use by use of the Long Lake Method under A. *General in Section 7.03 Docks, Moorings, Floats, Inflatable Platforms and Boathouses*. Mr. Turcotte would like to see the applicant come in with a determination and not leave it to the Town. Tom Thorsen stated that there are always the Riparian Rights to fall back on.

Mr. Thorsen commented that they changed the moorings on Friends Lake back to 50 ft. Supervisor Leggett asked if Loon Lake should be 50 ft as well. John Nick commented that there are a lot of places 50 ft of shore that are only 3 ft deep and that would not be appropriate for diving.

Mr. Turcotte asked the Attorney for the Town, Mark Schachner about the Long Lake Method. Mr. Schachner replied that the Town could have the applicant say this is my property line unless someone demonstrates otherwise and pointed out that it is extremely difficult to make these determinations and would not want the Zoning Officer be burden with that. Mr. Schachner added that it is not the Towns responsibility to confirm that what they have submitted is accurate; the Town is allowed to take it as face value unless anyone proves to us to the contrary. It is not up to the municipality to resolve the difference between the private parties.

Supervisor Leggett closed the Public Hearing on the Proposed Zoning Law Amendments at 7:24 pm.

Committee Reports:

Supervisor Leggett opened Committee Reports at 7:24 pm.

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

- Town Board Minutes for January 8 and February 7, 2019
- Zoning Administrator Activity Report for January 2019
- Planning Board Minutes for January 28, 2019

- Zoning Enforcement Report for January 2019
- Assessor's Report for February 2019
- Animal Control Monthly Report January 2019
- Town Clerk Monthly Report for January 2019
- Youth Commission Minutes for February 5, 2019
- Stratford on the Final Report dated January 25, 2019
- Town Court Report dated February 11, 2019

Town Clerk reported the following communication:

- Letter from the Library Board of Trustees appointing Trudy Walp to fill the unexpired term of Regina Chabarek effective March 1, 2019 – December 31, 2021
- Letter from the APA approving the Roach septic variance application #SV2018-03
- Letter from the APA approving the Rodzevik septic variance application #SV2018-04

Mr. Turcotte stopped by the highway garage to look over the truck that had been in an accident and attended a webinar about General Fund Balances from the State Comptroller's Office.

Mr. Packer has spent the last couple weeks in the basement with Bill Rowell. They now have the drains working a lot better than they were. Mr. Packer does not believe the wood boiler is running the way it should be and commented on the daily cleaning and recommends getting Bill a laptop so that adjustments can be made onsite. Supervisor Leggett replied that they are in the process of purchasing a tablet for Bill and they are in the process of getting the software setup in the basement. Mr. Leggett thanked Mike.

Mrs. DuRose signed up for a webinar on Local Sales Tax Growth through the State Comptroller's Office. Mrs. DuRose had a complaint about employees smoking in the vehicles. Karen also has been in contact with Adirondack Shredding which will come for a cost of \$300 to fill the truck or 2 hours. Karen suggested a charge of \$2-\$3 a carton. Karen suggested that the Town put together a committee to work on restoring the gymnasium since it was not able to be included in the AHI Grant so that the public could use it. Karen suggested asking the theater if they were still interested in the lights.

Supervisor Leggett stated that the AHI Grant was cut by about 50% so that it will not include the gymnasium. Incorporation with Warren County EDI a company came up to do phase II of the environmental assessment for the old Chester garage on Riverside Drive. The Warren County EDC has a Brownfield grant for evaluation but not money for cleanup. Warren County Real Property will be applying for grants from the DEC to clean up property on Pine Street.

Supervisor Leggett closed Committee Reports at 7:41 pm.

Privilege of the Floor:

Supervisor Leggett opened Privilege of the Floor at 7:41 pm.

No comment.

Supervisor Leggett closed Privilege of the Floor at 7:41 pm.

New Business:

Supervisor Leggett opened New Business at 7:42 pm.

RESOLUTION NO. 39 OF 2019: AUTHORIZE SUPERVISOR TO SIGN AMENDED AGREEMENT WITH WARREN COUNTY LOCAL TOURISM PROMOTION AND CONVENTION DEVELOPMENT (OCCUPANCY TAX)

WHEREAS, Warren County desires to amend the Local Tourism Promotion and Convention

Development Agreement for 2019 with the Town of Chester, and
WHEREAS, Warren County will provide the Town with additional funding in the amount of \$15,000 when amended,

BE IT RESOLVED, the Town Board authorizes the Supervisor to sign the County of Warren Local Tourism Promotion and Convention Development Amended Agreement for 2019 with the Town of Chester.

On a motion by Mrs. DuRose, seconded by Mr. Turcotte, Resolution No. 39 of 2019 was **ADOPTED**.

AYE 5 NO 0

RESOLUTION NO. 40 OF 2019: APPOINT TRUDY WALP AS LIBRARY TRUSTEE TO FILL THE UNEXPIRED TERM OF REGINA CHABAREK

WHEREAS, the Chester Library Board of Trustees recommends the appointment of Trudy Walp to fill the unexpired term of Regina Chabarek,

BE IT RESOLVED, the Town Board appoints Trudy Walp to fill the unexpired term of Regina Chabarek for a term to run from March 1, 2019 to December 2021 and direct Trudy Walp to take an oath of office with the Town Clerk within 30 days of appointment.

On a motion by Mr. Packer, seconded by Mr. Durkish, Resolution No. 40 of 2019 was **ADOPTED**.

AYE 5 NO 0

RESOLUTION NO. 41 OF 2019: SET REGULAR TOWN BOARD MEETINGS TO BE HELD AT THE POTTERSVILLE FIRE HOUSE ON MARCH 12, JUNE 11, AND SEPTEMBER 10, 2019

WHEREAS, the Town Board has requested of the Pottersville Fire Commissioners permission to hold three meetings during 2019 at the Pottersville Fire House and the Commissioners have granted permission,

BE IT RESOLVED, the Town Board will hold regular Town Board Meetings at the Pottersville Fire House on March 12, June 11 and September 10, 2019.

On a motion by Mr. Durkish, seconded by Mr. Turcotte, Resolution No. 41 of 2019 was **ADOPTED**.

AYE 5 NO 0

Surplus:

Supervisor Leggett commented that the County uses ebay to get rid of their smaller surplus items.

RESOLUTION NO. 42 OF 2019: DEEM SURPLUS EQUIPMENT FOR SALE

WHEREAS, the Town has extra copiers, faxes, and printers no longer needed,

BE IT RESOLVED, the Town Board declares assorted printers and copiers as surplus and to be made available for sale according Town policy.

On a motion by Mr. Durkish, seconded by Mrs. DuRose, Resolution No. 42 of 2019 was **ADOPTED**.

AYE 5 NO 0

SEQRA (Parts 1 and 2 of the Full Environmental Assessment Form):

Mr. Turcotte asked if the Town had to declare its self lead agency prior to starting. The Attorney for the Town replied yes and commented that he thought the Town did last year. Supervisor Leggett went through Part 2 of the SEQRA for the Town Board to answer the 18 questions.

RESOLUTION NO. 43 OF 2019: APPROVE SEQRA PART 1 AND 2 FOR ZONING AMENDMENTS

WHEREAS, the Town of Chester is revising its Zoning Local Law and must follow the process for amending local land use control for Towns with an Adirondack Park Agency-approved Local Land Use Program (ALLUP), and

WHEREAS, Step 4 of the Process is for the Town to complete Full Environmental Assessment Form and Step 5 is for the Town to make a "Determination of Significance" under SEQRA,

BE IT RESOLVED, the Town Board has filled out Parts 1 and 2 of the Full Environmental Assessment Form and has made a Negative Declaration regarding the proposed Zoning Local Law amendments.

On a motion by Mrs. DuRose, seconded by Mr. Turcotte, Resolution No. 43 of 2019 was **ADOPTED**.
AYE 5 NO 0

RESOLUTION NO. 44 OF 2019: APPROVE REQUEST OF OCCUPANCY TAX FUNDS FOR CAROL THEATER MUSIC SUMMER PROGRAM PROMOTION

WHEREAS, the Tri Lakes Business Alliance & Albert Tolomeo produce the Carol Theatre Summer Season each year and are requesting financial help with promotions for the musical series,
BE IT RESOLVED, the Town Board authorizes appropriation of up to \$5,000 to the Tri Lakes Business Alliance and Albert Tolomeo for the Carol Theatre Summer Music Series for promotions and other allowable expenses.

On a motion by Mr. Packer, seconded by Mrs. DuRose, Resolution No. 44 of 2019 was **ADOPTED**.
AYE 5 NO 0

RESOLUTION NO. 45 OF 2019: APPROVE REQUEST OF OCCUPANCY TAX FUNDS FOR ADIRONDACK DISTANCE FESTIVAL

WHEREAS, Adirondack Marathon, Inc is requesting financial help with promotions of the Adirondack Distance Festival and the Helpers Fun 5K-10K race,
BE IT RESOLVED, the Town Board authorizes appropriation of up to \$3,500 to Adirondack Marathon, Inc for the promotion and other allowable activities for the Adirondack Distance Festival and Helpers Fund 5k-10k race.

On a motion by Mr. Turcotte, seconded by Mrs. DuRose, Resolution No. 45 of 2019 was **ADOPTED**.
AYE 5 NO 0

Zoning Permit Renewal Process:

Supervisor Leggett asked Jeremy Little, Zoning Administrator, to explain the Zoning Permit Renewal Process.

Mr. Little explained that the Zoning Office has been sending out renewals to people with open permits for the last 15 - 20 years. Jeremy showed how on the bottom of the Zoning Certificates there was a statement stating that the permit expires in one year. Jeremy recommended the following statement; "If a project for which a Zoning Certificate/Permit has been issued is not in existence within 2 years after the issuance of such permit, said permit shall expire, and the project may not thereafter be undertaken or continued, unless a new permit has been applied for and issued in the same manner and subject to all provisions governing the initial application for and issuance of a permit, unless the terms of the initial land use and development permit for the project provide for a longer period of time, in which case the permit shall expire at the end of the longer period."

Mr. Schachner recommended that if the Town wanted an expiration date that they should included in the new zoning amendments to be part of our Zoning Law.

RESOLUTION NO. 46 OF 2019: APPROVE REVISION OF ZONING PERMIT RENEWAL PROCESS

WHEREAS, the Town of Chester has charged a renewal fee for a Zoning Certificate each year for all incomplete projects, and

WHEREAS, the Zoning Administrator recommends that Zoning Certificates (Permits) be issued with a 2 year expiration if no action has been taken on the permitted project and no renewal fee be charged for those projects who have commenced work within the 2 year period, and

BE IT RESOLVED, the Town Board sets a 2 year expiration time on all Zoning Certificates (Permits) issued after March 1, 2019, and

BE IT FURTHER RESOLVED, that projects with a Zoning Certificate (Permit) that have commenced before the 2 year expiration continue to be valid until completion of the project until further provided for in Town Zoning Law.

On a motion By Mr. Durkish, seconded by Mrs. DuRose, Resolution No. 46 of 2019 was **ADOPTED**.
AYE 5 NO 0

Friends Lake Aquatic Plant Control District:

Supervisor Leggett stated that the Town is one step closer to getting a permanent easement. Supervisor Leggett walked a piece of land on the north end of Friends Lake with the property owner, the president of the Friends Lake Property Owners Association, Tony Taverni, and past president Frank Capobianco, to look over the site to launch with some modification.

Flasher Request Study, US Route 9 @ Valley Farm Rd:

The Town Clerk read the following portion of the response from DOT Case #1170159. “Based on our findings, we have concluded a flasher is not warranted at this intersection. Due to the accident history at this intersection, we have determined it may be beneficial to install intersection warning signs on the northbound and southbound approaches (Route9). We will instruct our Warren County residency to install these signs as workload permits.”

Pat Powers recommended making improvements to the stop bar at the end of Valley Farm Rd.

Loon Lake Boat Registration Fee:

The Town Clerk said she would look into accepting credit cards and having online registrations.

John Nick said that there would be a onetime annual fee per boat. Mr. Turcotte commented that the committee was recommending a fee of \$20 per boat per season. The fee would help defray the costs of the Lake Safety Officer and boat wash attendants which would bring down the tax assessment for Loon Lake Park District. John Nick said that they also discussed selling the permits at the Town Clerk’s Office, online and the boat wash attendants.

Supervisor Leggett asked the Attorney for the Town is there were any issues with instituting the registration fee. Mark Schachner replied that if the Town was modeling the fee schedule after Lake George, the fee structure for Lake George is specifically authorized by State Statute. John Nick asked if they find another lake that imposes a fee for boat registration if he could forward the information on to the Attorney.

No action was taken.

Loon Lake Dam:

Supervisor Leggett went over the Civil Dynamics Preliminary Alternative Analysis for the Rehabilitation of Loon Lake Dam. The Town Board reviewed and discussed the Analysis and the recommended two methods Alternative B1 and Alternative B2. Mr. Packer asked who owned the Dam. Mr. Leggett replied that the Loon Lake Park District owns the Dam.

RESOLUTION NO. 47 OF 2019: DIRECT CIVIL DYNAMICS TO PROCEED WITH FURTHER CONSTRUCTION AND COST ANALYSIS OF RECOMMENDED ALTERNATIVE B1 WITH DECORATIVE CONCRETE LINER FOR THE LOON LAKE DAM

WHEREAS, Civil Dynamics has submitted Preliminary Alternative Analysis for the Rehabilitation of Loon Lake Dam and the Town Board has reviewed and discussed the Analysis,

BE IT RESOLVED, the Town Board directs Civil Dynamics to proceed with further construction and cost analysis of Recommended Alternative B1 with decorative concrete liner.

On a motion by Mr. Packer, seconded by Mr. Turcotte, Resolution No. 47 of 2019 was **ADOPTED**.

AYE 5 NO 0

Streetlight conversion to LED:

Supervisor Leggett received a response from National Grid and he had Marion Eagan call to find out what the bottom line was. They are not sure and we need to change at least 100 lights to make the program work. Supervisor Leggett will investigate more and report back.

Surplus Funds:

Supervisor Leggett received information on NYCLASS (New York Cooperative Liquid Assets Securities System), which is a local government investment pool that allows municipal corporations to pool funds together to collectively earn interest on investments. Mrs. DuRose asked if this was a “brick and mortar”. Mr. Turcotte said it was not FDCI insured. Supervisor Leggett will bring a plan to the Board before investing.

RESOLUTION NO. 48 OF 2019: AMEND RESOLUTION NO. 6 OF 2019 TO INCLUDE INVESTING SURPLUS FUNDS WITH NYCLASS

WHEREAS, Resolution No. 6 of 2019 empowers the Supervisor to invest surplus funds to draw interest for the accounts from which the funds were drawn and limits investments to only federally insured banks doing business in NYS, and

WHEREAS, New York General Municipal Law, Article 5-G, Section 119-o (Section 119-o) empowers municipal corporations [defined in Article 5-G, Section 119-n to include school districts, boards of cooperative educational services, counties, cities, towns and villages, and districts] to enter into, amend, cancel, and terminate agreements for the performance among themselves (or one for the other) of their respective functions, powers, and duties on a cooperative or contract basis; and

WHEREAS, the Town of Chester wishes to invest portions of its available investments funds in cooperation with other corporations and/or districts pursuant to the NYCLASS Municipal Cooperation Agreement Amended and Restated as of March 14, 2014; and

WHEREAS, the Town of Chester wishes to assure the safety and liquidity of its funds;

BE IT RESOLVED, the Town Board amends Resolution 6 of 2019 to include investments with NYCLASS, and

BE IT FURTHER RESOLVED, the Town Board hereby authorizes the Supervisor to execute and deliver the NYCLASS Municipal Cooperation Agreement Amended and Restated as of March 14, 2014 in the name of and on behalf of the Town of Chester.

On a motion by Mrs. DuRose, seconded by Mr. Packer, Resolution No. 48 of 2019 was **ADOPTED**.

AYE 5 NO 0

RESOLUTION NO. 49 OF 2019: ACCEPT DONATION OF LAND FROM JOSEPH GAMBLE AND APPROPRIATE FUNDS FOR APPRAISAL AND LEGAL FEES AND AUTHORIZE SUPERVISOR TO SIGN DEED AND RELATED FORMS NECESSARY FOR THE TRANSFER OF REAL PROPERTY FROM JOSEPH GAMBLE

WHEREAS, Joseph Gamble, owner of a 2.12 acre parcel on Gamble Beach Road and identified by Tax Map # 35.4-2-10, has donated the land to the Town of Chester with no restrictions, and

WHEREAS, such land is contiguous with the Pottersville Water District well field and pump house and the Town Board sees acceptance of such donation to be beneficial to the Town of Chester and the Pottersville Water District,

BE IT RESOLVED, the Town Board authorizes the Supervisor to sign the deed and related forms necessary for the transfer of real property (Tax Map #35.4-2-10) from Joseph Gamble, and

BE IT FURTHER RESOLVED, the funds for costs associated for costs associated for transfer of the said land be appropriated from budget code A1940.2.

On a motion by Mrs. DuRose, seconded by Mr. Durkish, Resolution No. 49 of 2019 was **ADOPTED**.

AYE 5 NO 0

RESOLUTION NO. 50 OF 2019: ACCEPT CHESTER – POTTERSVILLE TRAIL PLAN AS PRESENTED BY LA GROUP ON DECEMBER 13, 2018

WHEREAS, the Town Board held a public meeting to review the Chestertown to Pottersville Trail Linkage Plan as presented by The LA Group on December 11, 2018, and
WHEREAS, the Town Board has considered the plan as presented and no further comments,
BE IT RESOLVED, the Town Board accepts the Chestertown to Pottersville Trail Linkage Plan as presented.

On a motion by Mr. Turcotte, seconded by Mr. Durkish, Resolution No. 50 of 2019 was **ADOPTED**.

AYE 5 NO 0

RESOLUTION NO. 51 OF 2019: AUTHORIZE SUPERVISOR TO REAPPLY FOR CDBG GRANT FOR POTTERSVILLE WATER DISTRICT WHEN AVAILABLE

WHEREAS, the Town of Chester submitted a Community Development Block Grant in 2018 for improvements to the Pottersville Water District supply lines, and

WHEREAS, the Town of Chester did not receive an award for the grant application but is able to resubmit the grant application for consideration when possible in 2019,

BE IT RESOLVED, the Town Board authorizes the Supervisor to resubmit the CDGB grant application for water line improvement in the Pottersville Water District when the 2019 grant cycle is announced, and
BE IT FURTHER RESOLVED, the Town Board authorizes the Town Clerk to make public notice as needed and required by the CDBG grant process.

On a motion by Mr. Packer, seconded by Mr. Durkish, Resolution No. 51 of 2019 was **ADOPTED**.

AYE 5 NO 0

RESOLUTION NO. 52 OF 2019: APPROVE ABSTRACTS, BUDGET TRANSFERS AND ACCOUNTING REQUIREMENTS

WHEREAS, the Town of Chester is transitioning accounting software beginning with 2019 invoices and is experiencing difficulty during the transition,

WHEREAS, \$800.00 needs to be transferred from A1940.4 to A1940.2 for the costs associated for the transfer of real property (Tax Map #35.4-2-10) from Joseph Gamble,

BE IT RESOLVED, to accept abstracts, budget transfers and accounting requirements at presented and to allow the Town Clerk and Bookkeeper to make corrections as needed.

2019	
General A	\$217,989.05
Highway DA	\$104,962.92
Chestertown Water SW1	\$3,224.03
Pottersville Water SW2	\$19,418.02
Loon Lake Park District SP	\$4,785.50
Library L	\$518.97
Fire District SF1	\$12,000.00
North Creek Fire District SF2	\$30,000.00
Other TA	\$5,072.89
Total	\$397,971.38

On a motion by Mrs. DuRose, seconded by Mr. Packer, Resolution No. 52 of 2019 was **ADOPTED**.

AYE 5 NO 0

RESOLUTION NO. 53 OF 2019: APPROVE THE PURCHASE OF TITLE INSURANCE FOR THE DONATION OF LAND FROM JOSEPH GAMBLE

WHEREAS, in Resolution No. 49 of 2019, the Town Board authorized the Supervisor to sign the deed and related forms necessary for the transfer of real property (Tax Map #35.4-2-10) from Joseph Gamble,

BE IT RESOLVED, the Town approves the purchase title insurance for the donation of land from Joseph Gamble.

On a motion by Mrs. DuRose, seconded by Mr. Turcotte, Resolution No. 53 of 2019 was **ADOPTED**.

AYE 5 NO 0

RESOLUTION NO. 54 OF 2019: SET A PUBLIC HEARING ON THE PROPOSED PROPERTY MAINTENANCE LOCAL LAW AT THE REGULAR TOWN BOARD MEETING ON TUESDAY, MARCH 12, 2019 AT 7 PM

WHEREAS, a proposed Property Maintenance Local Law has been reviewed by the Town Board, and **WHEREAS**, a Public Hearing is required before adoption as a Local Law,

BE IT RESOLVED, the Town Board sets a Public Hearing on the proposed Property Maintenance Local Law at the regular Town Board meeting on Tuesday, March 12, 2019 at 7 pm.

On a motion by Mr. Turcotte, seconded by Mrs. DuRose, Resolution No. 54 of 2019 was **ADOPTED**.

AYE 5 NO 0

On a motion by Mr. Packer, seconded by Mrs. DuRose, the Board went into Executive Session at 9:13 pm to discuss proposed, pending or current litigation.

AYE 5 NO 0

On a motion by Supervisor Leggett, seconded by Mr. Packer, Board exited Executive Session at 9:24 pm.

AYE 5 NO 0

No action taken.

On a motion by Mrs. DuRose, seconded by Mr. Turcotte, meeting adjourned at 9:24 pm.

Respectfully submitted,

Town Clerk