



## Town Board Regular Meeting March 8, 2022

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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 – Present  
Councilman Chris Aiken - Present  
Councilwoman Karen DuRose – Present  
Councilman Mike Packer – Present  
Councilman Larry Turcotte – Present  
Deputy Supervisor Marion Eagan – Present  
Attorney for the Town, Mark Schachner – via Zoom  
Town Clerk, Mindy Conway - Present

### Regular Meeting:

Supervisor Leggett **opened** the Regular Town Board Meeting at 7:00 pm with Councilman Packer leading the Pledge of Allegiance.

### **RESOLUTION NO. 46 OF 2022: ACCEPT THE MINUTES FROM THE FEBRUARY 8, 2022 TOWN BOARD MEETING**

**RESOLVED**, to accept the minutes from the February 8, 2022 Town Board Meeting as presented.

On a motion by Mr. Aiken, seconded by Mrs. DuRose, Resolution No. 46 of 2022 was **ADOPTED**.

AYE 5 NO 0

### Committee Reports:

Supervisor Leggett **opened** Committee Reports at 7:01 pm.

The Town Clerk reported the following documents were emailed to all Board Members:

- Town Board Minutes for the Regular Meeting February 8, 2022
- Abstract No. 3
- Zoning Administrator Activity Report for February 2022
- Planning Board Minutes for January 24, 2022
- Assessors Report for March 2022
- Town Clerk Monthly Report for February 2022
- Town Court Report dated March 1, 2022
- Communication Report for March 2022
- Letter from Cedarwood Engineering regarding the review of Feeney Property
- Letter from Chestertown Farmers' Market Committee notifying the Board that the Market will run from Wednesday, June 15<sup>th</sup> – Wednesday, September 28<sup>th</sup> (16 weeks)
- Copy of the newsletter of the Friends of the Town of Chester Library
- Copy of Warren County Connection for February 2022

Town Board Reports:

Mr. Aiken reported that he met with the Supervisor and the Loon Lake Park District Association (LLPDA) President to go over the invasive species data that they had compiled, their budget, their expectations going forward through the year, and the boat launch, met with the Supervisor and the two members from the Short Term Rental Committee to look at their proposal that they are putting together for the Board to be looking at at some point, attended a couple of webinars, and did a quick follow up in the countertop for the Senior Center, which is held up in the supply chain somewhere.

Mr. Packer said that he pattered in the gymnasium on the seats and then the Parks Department took over.

Mrs. DuRose reported that she had a very good meeting with Marion and Michael Temps about Christmas decorations, attended the Historical Society Meeting and the focus is still on the Sumy Project, attended 4 or 5 sessions of the Association of Towns (AOT) Meeting, and she asked Craig to get her information about outside auditors.

Mr. Turcotte said that he spoke with the Highway Superintendent just to check in and Mr. Monroe said that he had just picked up a new plow blade that will contour to the road, attended a Capital Planning and Improvement Webinar run by the State Comptroller's Office and they went over why it is important to have a Capital Assets List, and he also interviewed a Zoning Assistant Candidate for the Zoning Office.

Supervisor Leggett reported the following:

- Met with Chris and John Nick to review the proposed Short Term Rental regulations and items for the Loon Lake Park District (LLPD)
- Went to several North Warren Chamber Commerce Meetings lining up the year
- Talked with Leslie Carosand, with the Northern Forest Center, to gather an advisory group to begin tacking the new resident strategy
- Went out to the Adirondack Inter-County Legislative Meeting held in Fulton County this month
- Met with Chris and Carol Confer about filling in the Christmas season
- Hosted a breakout session at the Common Ground Alliance Winter Meeting for community recreation and how to create a better volunteer system

Supervisor Leggett **closed** Committee reports at 7:09 pm.

**Public Hearing for Septic Variance Application (#SV2022-01) Feeney Family Trust:**

Supervisor Leggett **opened** the Public Hearing for Septic Variance Application #SV2022-01 Feeney Family Trust at 7:09 pm.

Councilman Turcotte recused himself and left the room at 7:10 pm.

Bret Winchip spoke on behalf of the Feeney Family seeking variances for a holding tank system in leu of a cesspool. Bret read the following chart:

Setback Schedule Feeney SV2022-01							
Setback	Required Distance	Existing Distance	Existing Non-Conformity		Proposed Distance	Proposed Variance	
			Distance	Percent		Distance	Percent
Existing Wastewater to Neighboring Shallow Well	225'	118.7'±	106.3'±	47.2%±	-	-	-
Existing Wastewater to Drilled Well	150'	42.3'±	107.7'±	71.8%±	-	-	-
Existing Wastewater to Property Line	10'	3.2'±	6.8'±	68.0%±	-	-	-
Existing Wastewater to Building	20'	4.9'±	15.1'±	75.5%±	-	-	-
Proposed Holding Tank to Drilled Well	50'	-	-	-	36.8'	13.2'	26.4%
Proposed Holding Tank to Property Line	10'	-	-	-	7.6'	2.4'	24.0%
Proposed Holding Tank to Building	10'	-	-	-	5.7'	4.3'	43.0%

Then Bret addressed the comments from Cedarwood Engineering (in italics):

- On Sheet 2, Notes 1 and 13, it says to use compacted sand backfill, but the detail states compacted sand or pea gravel. For this application, pea gravel is recommended. *No problem putting pea gravel under the tank.*
- Since there may be times when the tanks will be emptied during high groundwater/perched water table periods, buoyancy calculations should be shown on the plans. *Grade at the lowest tank is 11½ ft above knee high water, so there is no ground water from the lake that is going to raise the tanks.*
- The fourth note under Holding Tank Notes on Sheet 2 states “Connect float to two level alarm panel location on or adjacent to dwelling.” The Tank alert unit should be an outside rated unit with both an audible alarm and light located outside in a highly visible location. *The unit is rated for outside use and will be on the outside wall on the north side.*

Supervisor Leggett asked if there were any questions from the public.

Hearing none, asked if there were any questions from the Board.

Hearing none, Supervisor Leggett **closed** the Public Hearing for Septic Variance Application #SV2022-01 at 7:14 pm.

Councilman Turcotte returned to the meeting at 7:14 pm.

**Public Hearing for the Friends Lake Aquatic Plan Growth Control District Formation:** Supervisor Leggett **opened** the Public Hearing for the formation of the Friends Lake Aquatic Plant Growth Control District at 7:14 pm.

Supervisor Leggett gave Tony Taverni, President of the Friends Lake Property Owners Association, the opportunity to speak first via Zoom.

Mr. Taverni thanked Supervisor Leggett and gave a brief history leading up to tonight's public hearing. In 2015, the Board of the Friends Lake Property Owners Association started to become concerned about the outbreak of milfoil on adjoining lakes and soon thereafter Bernice McPhillips, an attorney, met with the previous Town Supervisor, Fred Monroe, and they had a discussion on the terms of a social contract between the Town and the Property Owners on Friends Lake. Fred was willing to work with us but told us about Article 12-A of the Town Law and he also imposed upon us that we need to provide the Town an easement so with a potential outbreak of invasive species the Town would have unfettered access, only in that situation to address that problem. We worked on reading deeds, getting a petition signed, which is required under 12-A, and drafting the plan that is required. The process took a couple of year and we got close to getting an easement but were unsuccessful. Michael DeLuke and his wife offered an easement. The Town has significant power as guardians of these lakes, the Town enforces the Zoning Regulations, the Health Regulations, and the Highway Department is responsible for the culverts that empty water into the lakes. All of them can and have had significant impact on the lakes. Tony is asking the Board tonight to act as the guardian of this resource and pass this action. Tony thanked the Board.

Supervisor Leggett asked who else would like to speak.

Frank Cappabianca, as past President of the Friends Lake Property Owners Association, Lake resident, and Town of Chester voter, he strongly supports the formation of the district. Most everyone is aware of the negative impacts of invasive plants, negative effects on recreation, and negative effects on the ecosystem. The collective costs of controlling them since their appearance in area lakes goes into the millions of dollars and there is no way the Lake Association can find that kind of money. We have no idea what the future holds for invasive species in Friends Lake, and it is true that we have done a lot of education measures throughout the years to try to prevent an invasion. Many of us feel that we have been lucky so far and that it is only a matter of time before it happens. The best defense is a good offence and by having the funds immediately available if something happens reduces the chance of the plants taking hold and getting out of hand. The formation of the district will be an investment in the future of the lake and the funds will be collected in small increments in the beginning and slowly build a balance. The survey and mitigation costs if necessary, will be borne fairly by all the lake

residents that enjoy the lake, not just sixty-five or so percent that are members of the Property Owners Association. Frank thanked the Board for the opportunity to address the Board.

Declan O'Dea thanked the Board for letting him speak. Declan said that after listening to Mr. Taverni it sounds like the lake is doomed, which he feels is a little drastic. Declan had a few questions: 1. Is there still support for it as there was 181 of 380 in support from a survey in 2015, there was only supporting arguments for the district in the survey; 2. Cost, it seems like the cost has gone up since 2015 and would like to know what those costs are for and if there is going to be a cap, how the costs are going to be divided up; 3. Couldn't there be a continued effort instead of establishing a district without getting the Town involved.

Supervisor Leggett asked if anyone else in the room would like to speak. Hearing none, asked the attendees on Zoom to raise their hand or just speak out.

Mr. Setcavage spoke via Zoom about enjoying the lake and would like to preserve the lake. This is for a common benefit and not a tax burden and they strongly support the formation of a district.

Thomas Kinsley, via Zoom, has an issue with the public hearing being held in March when most residents on the lake are not in Town and it would have been nice to have more people at your meeting tonight. Mr. Kinsley does not have an issue with taking care of our lake, he has an issue with the moneys being controlled by the Town of Chestertown Board and there is no representation from anyone from Friends Lake that would be on this Board of Directors for the district. Supervisor Leggett commented that the Town Board is the governing body, yes. Thomas said that 80% of the people do not live full time on Friends Lake so they do not have the right to vote in Town elections, so if there were ever an issue with this district we have no recourse. We cannot vote out a particular member on the Town Board if they disagreed with some of the positions of the members who live on the lake and he feels that they can continue to maintain the quality of the lake on their own and with better publication and better awareness on the lake there would be a better outgoing input from the rest of the people on the lake. Thomas asked when does the district stop collecting moneys, is there a cap or does it just keep continuing every year and we will be paying taxes to a district that is only spending \$15,000 a year to do surveys. Thomas thanked the Board.

Hali Holmes, via Zoom, expressed her support for the proposed taxing district. Mrs. Holmes is concerned about not if, but when we have issues with invasive species like the other lakes have in the area and she thinks that it is really important that they are prepared to mitigate the problem as soon as it happens. In fairness to everyone on the lake, all property owners should chip in for it. 40% of people on the lake are not members of the Association and the other 60% have been paying all along to help mitigate this problem when it does happen.

Sherry Gold, via Zoom, said that they have submitted a letter to Supervisor Leggett in support of the district and wanted to reiterate that they strongly support the district.

John Ansiello, spoke via Zoom, wanted to show his support for the district. John is a former member of the Friends Lake Property Owners Association Board and there has been a great

amount of study put into this and he thinks the risks to the lake are great and those risks are only going to increase and he thinks that it is extremely important to have this mechanism in place to protect the lake for the future. They bought at Friends Lake because it is a very attractive Lake, very clean, and we really need to protect it. John thanked the Board.

Bob DeLuke, spoke via Zoom, has had a long involvement with Friends Lake and as a past President of the Association, the most stressful part was not in a cord with what the birth residents of Chestertown share. Bob feels that he brings a fairly broad diverse opinion while making a decision on this and he couldn't be more in strong support for moving forward with this tax district. We have been very proactive on maintaining the quality of the lake. We have been very lucky not to have invasive species up to this point. If invasive species get into the lake it is a whole different ball game because of the cost. You build a fund with a very modest tax liability and at this point it will save all of us a lot of money down the line to help assure that we won't lose the lake. Bob stated that he and his family strongly supports the formation of the district and thanked the Board.

Mariann Feeney, stated via Zoom that she and her family are in very strong support of the district.

Stephen Holmes, via Zoom, stated that he is strongly supports the efforts that have been made so far and was a board member on the Friends Lake Property Owners Association. Forming the district is an equitable way to handle what is probably an inevitable situation that we are going to be faced with and what is being proposed will be effective and he appreciates all the hard work that everyone has done.

Supervisor Leggett asked if there was anyone else.

Declan O'Dea asked how many people were on Zoom. Supervisor Leggett replied twenty (20).

Supervisor Leggett asked if there was any more public comment.

Supervisor Leggett asked for a third time if there was any more public comment.

Supervisor Leggett **closed** the Public Hearing for the formation of the Friends Lake Aquatic Plant Growth Control District at 7:49 pm.

Supervisor Leggett a letter from Paul and Eileen Whitman in support of forming the district and a letter from Bob and Kathy Perry in favor of the proposal.

**Privilege of the Floor:**

Supervisor Leggett **opened** Privilege of the Floor at 7:52 pm

Supervisor Leggett commented that Ben Driscoll was on the agenda for tonight but was unable to make it so he will be here in May.

Supervisor Leggett asked Diane Smith from the NWEMS to come up. Diane said there were 50 calls: 32-Chester, 10-Horicon, 5 mutual aid within Warren County and 3 in Essex County. They are still having problems staffing paramedics. The ambulance committee is checking on interest rates and will probably focus the 2022 donation drive on money for the new ambulance. Once the ambulance is order, it usually takes 13-15 months for it to arrive. Diane asked the Board if they were invited to participate in the St. Patrick's Day Parade. Supervisor Leggett commented that the St. Patrick's Day Parade is being put on by the Tri-Lakes Community Alliance. Ed Sim in now the Chairman. He was voted in at the February meeting. Supervisor Leggett asked if they had mutual aid agreements with the towns in Essex County. Diane replied that they do with Johnsburg and Warrensburg. Chris Aiken said staffing is a Nationwide problem. Rob Smith is now the Horicon representative. Larry Turcotte asked for a copy of their budget.

Supervisor Leggett **closed** Privilege of the Floor at 7:58 pm.

**Old Business:**

Supervisor Leggett **opened** Old Business at 7:58 pm.

Larry Turcotte recused himself and left the room at 7:59 pm.

Bret Winchip said that as per the Cedarwood Engineering comments they would provide pea gravel under the tank, the alarm will be mounted on the building near the tanks, and he would like to wave the buoyancy calculations because it is way above the Lake level. Supervisor Leggett asked how much the tanks weigh and if they would float if you put them in the Lake. Bret replied that they weigh several thousand pounds, and they would float if they are water tight, steel floats, concrete floats.

**RESOLUTION NO. 47 OF 2022: APPROVE SEPTIC VARIANCE #SV2022-01 AND GRANT THE REQUESTED VARIANCES FOR THE INSTALLATION OF TWO (2) 1,500 GALLON PRECAST CONCRETE HOLDING TANKS. PROPERTY IS LOCATED AT 24 MILLS ROAD, IDENTIFIED BY TAX MAP PARCEL # 120.10-1-32**

**WHEREAS**, the Town Board acting as the Local Board of Health has received a completed application and has held a public hearing on March 08, 2022 regarding the Septic Variance #SV2022-01 for Feeney Family Trust, located at 24 Mills Road, identified by Tax Map #: 120.10-1-32, and

**WHEREAS**, according to Section 5.060 — Variances of the Town of Chester On-Site Wastewater Treatment Local Law the Local Board of Health may vary or adapt the strict application of any of the requirements of this Ordinance in the case whereby such strict application would result in unnecessary hardship that would deprive the owner of the reasonable use of the land involved, and

**WHEREAS**, no variance in the strict application of any provision of the Ordinance shall be granted by the Local Board of Health unless it shall find the following criteria applicable:

**BE IT RESOLVED**, the Local Board of Health finds that:

- a) That there are special circumstances or conditions 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 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) The septic wastewater system for Feeney Family Trust, located at 24 Mills Road, identified by Tax Map #: 120.10-1-32 as designed and presented by Bret Winchip of Winchip Engineering PC (Site Plan and Details (ST-001 and ST-002), Project: Feeney Residence, dated 11/22/21 (ST-001), 12/13/21 (ST-002) and last revised 01/10/22) to be the minimum allowable variance to the Town's On-Site Wastewater Treatment Local Law based on site conditions, lot size, and potential impact to adjacent private property and common natural resources;

**BE IT FURTHER RESOLVED**, the Local Board of Health grants the following variances listed in the table below:

<b>Setback Schedule Feeney SV2022-01</b>							
Setback	Required Distance	Existing Distance	Existing Non-Conformity		Proposed Distance	Proposed Variance	
			Distance	Percent		Distance	Percent
Existing Wastewater to Neighboring Shallow Well	225'	118.7'±	106.3'±	47.2%±	-	-	-
Existing Wastewater to Drilled Well	150'	42.3'±	107.7'±	71.8%±	-	-	-
Existing Wastewater to Property Line	10'	3.2'±	6.8'±	68.0%±	-	-	-
Existing Wastewater to Building	20'	4.9'±	15.1'±	75.5%±	-	-	-
Proposed Holding Tank to Drilled Well	50'	-	-	-	36.8'	13.2'	26.4%
Proposed Holding Tank to Property Line	10'	-	-	-	7.6'	2.4'	24.0%
Proposed Holding Tank to Building	10'	-	-	-	5.7'	4.3'	43.0%

On a motion by Mr. Packer, seconded by Mrs. DuRose, Resolution No. 47 of 2022 was **ADOPTED**.

AYE 4 NO 0  
Mr. Turcotte - Recused

Mr. Turcotte reentered the meeting at 8:04 pm.

**SEQRA Determination for Friends Lake Aquatic Plant Growth Control District (FLAPCD):**

Mr. Schachner, Attorney for the Town, said that the next step is for the Board to complete Part 2 of the Short Environmental Assessment Form. Part 2 involves considering eleven (11) questions. For each of the questions the Board is to consider: No, or small impact for choice 1 or for choice 2, moderate to large impact may occur.

Mr. Schachner read the following questions and the Board consensus are in italics:

1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations? *No*
2. Will the proposed action result in a change in the use or intensity of use of land? *No*
3. Will the proposed action impair the character or quality of the existing community? *No*
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)? Mr. Schachner said that we do not need to answer question 4 because Friends Lake has not been formally established as a Critical Environmental Area.
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway? *No*
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities? *No*
7. Will the proposed action impact existing: a. public / private water supplies? *No* b. public / private wastewater treatment utilities? *No*
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural, or aesthetic resources? *No*
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)? *No*
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems? *No*
11. Will the proposed action create a hazard to environmental resources or human health?  
*No*

Mr. Schachner said that now that they have answered all the questions with “No” they can move on to the draft resolution, which would finalize their SEQRA Review. In the draft resolution there is a blank, he suggested that the blank be filled in with the word “not”. Supervisor Leggett asked if we need to fill out Part 3. Mr. Schachner said that we do not need to review Part 3, that can stand as completed as the Negative Declaration. Mr. Turcotte asked if the action had to be listed in the resolution. Mr. Schachner replied that it does not.

**RESOLUTION NO. 48 OF 2022: SEQRA DETERMINATION FOR FRIENDS LAKE AQUATIC PLANT GROWTH CONTROL DISTRICT (FLAPCD)**

**WHEREAS**, establishment of the proposed Friends Lake Aquatic Plant Growth Control District has been determined to be an Unlisted Action under the State Environmental Quality Review Act (SEQRA), and

**WHEREAS**, a SEQRA Short Environmental Assessment Form (EAF) Part 1 - Project Information has been prepared for the proposed District prior to the public hearing, and **WHEREAS**, a SEQRA Short Environmental Assessment Form (EAF) Part 2 – Impact Assessment has been completed during the meeting, and **WHEREAS**, a SEQRA Short Environmental Assessment For Part 3 – Determination of Significance is to be made by the Town Board,

**BE IT RESOLVED**, the Town Board has completed the SEQRA Short Environmental Assessment Form (EAF) Parts 1, and 2 and according to Part 3 declares the proposed action will not result in any significant environmental impacts.

On a motion by Mr. Packer, seconded by Mr. Turcotte, Resolution No. 48 of 2022 was **ADOPTED**.

AYE 5 NO 0

**Friends Lake Aquatic Plan Growth Control District Formation:**

Mr. Aiken said one of the speakers brought up a cap on this, is there a way to cap it or is it practical to cap it. Supervisor Leggett said that the idea is to build up enough of a fund balance so that if and when action is needed there is enough to get started. District funding and costs are in Article 7. The annual fund balance would be \$23,000 at the end of year three (3) and the Town plans on maintaining a fund balance for the District to the best of its ability to control and mediate aquatic invasive species based on sound estimates. On Loon Lake itself we are spending \$60,000 on invasive control and it takes up to about sixteen (16) weeks or so. Mr. Turcotte commented that we can adjust that as the years go on during our budgetary process. Mr. Schachner said that you would actually adjust the amount on an annual basis, you would build up the initial balance so you are able to react if there is an invasive species issue, if it turns out invasive species don't show up then you would start rationed down the balance. Frank Capabianca comment that on in the first sentence on page sixteen (16) it says that the fund balance will not be permitted to expand unnecessarily.

Supervisor Leggett said that the first year is a bigger first year than was planned five (5) years ago, we have procured more costs professionally. Mr. O'Dea asked what the yearly operating costs would be. Supervisor Leggett replied that there is no Town overhead, the actual work would be surveys.

Supervisor Leggett asked if there where any other questions from the Board.

Mr. Aiken asked how this would affect the tax cap. Supervisor Leggett said that technically this would push us over the tax cap for the initial year. Usually, our cap is about \$34,000 increase over the previous year, which is usually taken up by wages of all of our employees or increase in health insurance for all of our employees. Supervisor Leggett confirmed with Mr. Schachner that there are no consequences for the Town to break the tax cap. Mr. Schachner replied that that is correct, we just have to authorize it correctly.

**RESOLUTION NO. 49 OF 2022: APPROVING ESTABLISHMENT OF FRIENDS LAKE AQUATIC PLANT GROWTH CONTROL DISTRICT**

**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**, a Map, Plan and Report (the “Map, Plan and Report”) concerning the proposed District was prepared by the Chester Town Supervisor with the aid of the Friends Lake Protective Association, filed in the Chester 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 aquatic plant control plan and method of operation, the maximum amount proposed to be expended for the plan, and the cost of the proposed District to the typical property and, if different, the typical one or two family home, and the proposed method of financing to be employed, if any, and

**WHEREAS**, on February 8, 2022 subsequent to the filing of the Map, Plan, and Report with the Town Clerk, the Town Board adopted an Order (the “Public Hearing Order”) reciting (a) the boundaries of the proposed District; (b) the proposed services and the 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 District and, therefore, no financing will be employed; (f) the fact that a Map, Plan and Report describing the proposed District and services 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 cost 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 and placed on the Town website (as detailed in the Map, Plan, and Report), and

**WHEREAS**, a public hearing on the proposed Sewer District was duly held on March 8<sup>th</sup>, 2022 and the Town Board has considered the evidence given together with other information, and

**WHEREAS**, establishment of the proposed District was determined to be an Unlisted Action under the State Environmental Quality Review Act (SEQRA), a SEQRA Short Environmental Assessment Form (EAF) was prepared by the Town for the proposed District and the Town Board determined to conduct uncoordinated SEQRA review of the proposed District establishment; and

**WHEREAS**, the Town Board has reviewed Part I of the EAF and completed Part II based on the information included in the Map, Plan, and Report and provided at the Public Hearing; and

**WHEREAS**, the Town Board wishes to establish the proposed District as detailed in the Map, Plan, and Report in accordance with Town Law Article 12-A,

**NOW, THEREFORE, BE IT**

**RESOLVED**, that establishment of the District and providing of the services described in the Map, Plan, and Report will not have a significant adverse impact on the environment, and the Town Board hereby authorizes the filing of the completed EAF as a SEQRA Negative Declaration - Notice of Determination of Non-Significance with respect to the action, and

**BE IT FURTHER RESOLVED**, that the Chester Town Board hereby determines that:

1. Notice of Public Hearing was published and posted as required by law and is otherwise sufficient;
2. All of the property and property owners within the District are benefited thereby;

3. All of the property and property owners benefited are included within the limits of the District;
4. 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 the services described in the Map, Plan, and Report may be provided subject to the following:

1. Permissive referendum in the manner provided in New York State Town Law Article 7; and
2. The adoption of a Final Order by the Chester Town Board; and

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

On a motion by Mrs. DuRose, seconded by Mr. Packer, Resolution No. 49 of 2022 was **ADOPTED**.

Councilman Aiken	AYE
Councilman Packer	AYE
Councilwoman DuRose	AYE
Councilman Turcotte	AYE
Supervisor Leggett	AYE

**Sand Bid:**

Town Clerk stated that she opened the sand bid today at 2:05 pm then called Jason Monroe, Highway Superintendent, to discuss the bid. One bid was received from Bernie Bolton for \$5.00 per yard. After speaking with Jason he said he would probably purchase between 8,000 and 10,000 yards.

**RESOLUTION NO. 50 OF 2022: ACCEPT SAND BID FROM BERNESS BOLTON EXC. CO. INC. FOR \$5.00 PER YARD**

**WHEREAS**, the Town Clerk advertised for sand bids, and

**WHEREAS**, the Town Clerk received one (1) bid from Berness Bolton Exc. Co. Inc.,

**BE IT RESOLVED**, to accept the sand bid from Berness Bolton Exc. Co. Inc. for screened road sand at \$5.00 per yard.

On a motion by Mr. Packer, seconded by Mr. Aiken, Resolution No. 50 of 2022 was **ADOPTED**.

AYE 5      NO 0

Supervisor Leggett **closed** Old Business at 8:40 pm

**New Business:**

Supervisor Leggett **opened** New Business at 8:40 pm.

**Septic Variance Application (#SV2022-02) for DeLorme:**

Bret Winchip, Winchip Engineering, spoke on behalf of the DeLorme Family. Bret read the following:

<b>DeLorme SV2022-02</b>							
Setback	Required Distance	Existing Distance	Existing Non-Conformity		Proposed Distance	Proposed Variance	
			Distance	Percent		Distance	Percent
Existing Wastewater to Mean High Water	100'	2.2'±	97.8'±	97.8%±	-	-	-
Existing Wastewater to Neighboring Drilled Well	150'	86.9'±	63.1'±	42.1%±	-	-	-
Existing Wastewater to Neighboring Shallow Well	225'	147.3'±	77.7'±	34.5%±	-	-	-
Existing Wastewater to Drilled Well	150'	40.9'±	109.1'±	72.7%±	-	-	-
Existing Wastewater to Building	20'	2.5'±	17.5'±	87.5%±	-	-	-
Proposed Holding Tank to Drilled Well	50'	-	-	-	32.5'	17.5'	35.0%
Proposed Building Sewer to Drilled Well	50'	-	-	-	18.4'	31.6'	63.2%
Proposed Building Sewer to Mean High Water	50'	-	-	-	40.6'	9.4'	18.8%

Bret said he would be happy to answer any questions.

**RESOLUTION NO. 51 OF 2022: DEEM SEPTIC VARIANCE APPLICATION #SV2022-02 FOR DANIEL DELORME FOR PROPERTY LOCATED AT 19 TABERNACLE FOOT PATH TO BE COMPLETE AND SET A PUBLIC HEARING FOR APRIL 12, 2022 AT 7 P.M.**

**WHEREAS**, Winchip Engineering PC has submitted a Septic Variance Application (#SV2022-02) for Daniel DeLorme for property located at 19 Tabernacle Foot Path, Riparius, New York, Tax Map #: 102.40-1-34 (House) and 102.40-1-12 (Institute), and

**WHEREAS**, the Town Board, acting as the Local Board of Health, has reviewed the septic variance application and is satisfied with its completeness,

**BE IT RESOLVED**, the Town Board, acting as the Local Board of Health, deems Septic Variance Application #SV2022-02 for Daniel DeLorme for property located at 19 Tabernacle Foot Path, Riparius, New York to be complete, and

**BE IT FURTHER RESOLVED**, the Town Board, acting as the Local Board of Health, sets a Public Hearing for #SV2022-02 on Tuesday, April 12, 2022 at 7 pm at a Regular Town Board Meeting and directs the Town Clerk to notice the public hearing in the Post Star newspaper, and **BE IT FURTHER RESOLVED**, to refer Septic Variance Application #SV2022-02 to Cedarwood Engineering as Town Engineer for its evaluation and opinion at the expense of the applicant.

On a motion Mrs. DuRose, seconded by Mr. Packer, Resolution No. 51 of 2022 was **ADOPTED**.

AYE 5 NO 0

**RESOLUTION NO. 52 OF 2022: CHANGE THE ZBA MEETING SCHEDULE FOR ZBA MEETINGS TO BE HELD ON THE 4TH WEDNESDAY OF EVERY MONTH**

**WHEREAS**, the Zoning Board of Appeals has been meeting on the 4th Tuesday of every month, and

**WHEREAS**, due to staff scheduling, it is necessary to change the night of the ZBA monthly meeting, and

**WHEREAS**, ZBA members have been contacted about the proposed change and there are no objections

**BE IT RESOLVED**, the Town Board hereby changes the ZBA Meeting Schedule for ZBA Meetings to be held on the 4th Wednesday of every month.

On a motion by Mr. Aiken, seconded by Mr. Turcotte, Resolution No. 52 of 2022 was **ADOPTED**.

AYE 5 NO 0

**RESOLUTION NO. 53 OF 2022: COOPERATIVE ASSESSMENT AGREEMENT BETWEEN THE TOWN OF CHESTER AND WARRENSBURG FOR THE ASSESSOR**

**WHEREAS**, the Town of Chester and the Town of Warrensburg share the services of an Assessor, and

**WHEREAS**, the Town of Warrensburg employees the Assessor and bills the Town of Chester for their share of the services,

**BE IT RESOLVED**, the Town Board authorizes the Supervisor to sign an agreement with the Town of Warrensburg regarding the shared cost of employment of the Assessor.

On a motion by Mr. Packer, seconded by Mrs. DuRose, Resolution No. 53 of 2022 was **ADOPTED**.

AYE 5 NO 0

**RESOLUTION NO. 54 OF 2022: AUTHORIZE THE TOWN SUPERVISOR TO SIGN A NEW YORK MUNICIPAL ENERGY PROGRAM (NYMEP) AGREEMENT FOR THE TOWN OF CHESTER**

**WHEREAS**, the Association of Towns of NYS has approved a vendor for electric supply at special rates for municipalities, and

**WHEREAS**, the Town of Chester seeks to reduce its electric costs, and

**WHEREAS**, the New York Municipal Energy Program (NYMEP) requires authorization to collect information about the Town's electric usage in order to prepare a quote,

**BE IT RESOLVED**, the Town Board authorizes the Supervisor to sign an agreement whereby NYMEP may have access to the Town's National Grid account information in order to prepare a quote for electric supply.

On a motion by Mr. Turcotte, seconded by Mrs. DuRose, Resolution No. 54 of 2022 was **ADOPTED.**

AYE 5 NO 0

**RESOLUTION NO. 55 OF 2022: APPROVES TRI-LAKES COMMUNITY ALLIANCE REQUEST OF OCCUPANCY TAX FUNDS IN THE AMOUNT OF \$1,200.00 TO DEFER THE COST OF THE ST. PATRICK'S DAY PARADE TO BE HELD ON MARCH 12, 2022**

**WHEREAS**, the Tri-Lakes Community Alliance sponsors a St. Patrick's Day Parade each year, and

**WHEREAS**, they have submitted a request for \$1,200 of Occupancy Tax Funds,

**BE IT RESOLVED**, the Town Board approves Tri-Lakes Community Alliance request for Occupancy Tax Funds in the amount of \$1,200 to defer the cost of the St. Patrick's Day Parade.

On a motion by Mr. Packer, seconded by Mr. Aiken, Resolution No. 55 of 2022 was **ADOPTED.**

AYE 5 NO 0

**RESOLUTION NO. 56 OF 2022: GRANT PERMISSION FOR THE ST. PATRICK'S DAY PARADE LINE-UP TO BE ON FOSTER FLATS ROAD ON SATURDAY, MARCH 12, 2022**

**WHEREAS**, the Tri-Lakes Community Alliance sponsors a St. Patrick's Day Parade each year, **BE IT RESOLVED**, the Town Board grants permission for the St. Patrick's Day Parade line-up to be on Foster Flats Road on Saturday, March 12, 2022 with a rain date of Saturday, March 19, 2022.

On a motion by Mr. Turcotte, seconded by Mr. Aiken, Resolution No. 56 of 2022 was **ADOPTED.**

AYE 5 NO 0

**RESOLUTION NO. 57 OF 2022: AUTHORIZE THE TOWN SUPERVISOR TO PURCHASE A NEW LED PROGRAMMABLE SIGN FOR TOWN HALL NOT TO EXCEED 15 SQUARE FT. FOR THE TOWN MUNICIPAL CENTER**

**WHEREAS**, the existing signboard at the entrance to the Town Municipal Center has certain limitations in its ability to display timely information to the public, and

**WHEREAS**, the existing signboard can be replaced with a programmable LED sign that will be more visible and easier to update with information for the public

**BE IT RESOLVED**, the Town Board authorizes the purchase and installation of an LED signboard to fit within the overall entrance sign structure at a cost not to exceed \$6,000 and to be paid from account code A1620.2 Town Municipal Center contractual.

On a motion by Mrs. DuRose, seconded by Mr. Turcotte, Resolution No. 57 of 2022 was **ADOPTED.**

AYE 5 NO 0

**RESOLUTION NO. 58 OF 2022: AUTHORIZE WATER SUPERINTENDENT AND ASSISTANT WATER SUPERINTENDENT JASON MONROE AND JEFF SCHAEFER TO ATTEND THE NY RURAL WATER ASSOCIATION, MONDAY MAY 23, 2022 THROUGH MAY 25, 2022**

**WHEREAS**, education credits are required for the attainment and maintenance of public water supply operators, and

**WHEREAS**, the NY Rural Water Association provide educational classes each year  
**BE IT RESOLVED**, the Town Board authorizes Water Superintendent Jason Monroe and Assistant Water Superintendent Jeff Schaefer to attend the NY Rural Water Association, Monday May 23, 2022 through May 25, 2022, and  
**BE IT FURTHER RESOLVED**, all related registration, travel costs, meals, and lodging will be paid from Chestertown Water District and Pottersville Water District appropriation codes.  
 On a motion by Mr. Packer, seconded by Mr. Aiken, Resolution No. 58 of 2022 was **ADOPTED**.

AYE 5 NO 0

**RESOLUTION NO. 59 OF 2022: FILL THE POSITION OF ZONING ASSISTANT PERMANENT PART TIME PROVISIONAL**

**WHEREAS**, the Town Clerk has advertised for the new position of Zoning Assistant as per resolution of the Town Board, and  
**WHEREAS**, a qualified candidate has applied for the position and has been interviewed accordingly and is recommended for hire, and  
**WHEREAS**, the new position is funded in the 2022 budget under A8010.111 and serves directly under the supervision of the Zoning Administrator, and  
**WHEREAS**, the Bookkeeper has reduced their weekly hours from 30 hours to 20 hours, and  
**WHEREAS**, the FY 2022 Budget has appropriated funds for a person to fill in for the Bookkeeper in anticipation of the Bookkeepers reduced work schedule,  
**BE IT RESOLVED**, the Town Board hereby approves the hire Allisa Blanchard to fill the new position of Zoning Assistant as permanent part time at no more than 20 hours per week at a rate of \$17 per hour on a provisional basis with a 6 month probationary period, and  
**BE IT FURTHER RESOLVED**, the new hire is required to take the Civil Service Exam for Zoning Assistant when the test is available through the Warren County Civil Service Department, and  
**BE IT FURTHER RESOLVED**, the Town Board hereby hires Allisa Blanchard as an Account Clerk for no more than 10 hours a week as permanent part time provisional at the same rate she serves as Zoning Assistant with a 6 month probationary period and to be paid from A1220.13 Backup Bookkeeper.  
 On a motion by Supervisor Leggett, seconded by Mr. Packer, Resolution No. 59 of 2022 was **ADOPTED**.

AYE 5 NO 0

**RESOLUTION NO. 60 OF 2022: ACCEPT ABSTRACT OF AUDITED VOUCHERS AND AUTHORIZES PAYMENT**

**WHEREAS**, the Town Clerk has entered the vouchers and created Abstract No. 3 of 2022 of Audited Vouchers, and  
**WHEREAS**, the Town Board has reviewed the Abstracts,  
**BE IT RESOLVED**, the Town Board accepts both Abstracts of Audited Vouchers and authorizes payment as presented.

***No. 3 of 2022***	
General A	\$105,357.87
Highway DA	\$88,002.23

Library L	\$528.41
Riverside Fire Protection SF1	\$10,000
Chestertown Fire District SF3	\$442,110.00
Pottersville Fire District SF4	\$318,923.00
Loon Lake Park District SP	\$48.73
Chestertown Water SW1	\$2,297.46
Pottersville Water SW2	\$3,954.11
Other TA	\$750.62
Total	\$971,972.43

On a motion by Mrs. DuRose, seconded by Mr. Packer, Resolution No. 60 of 2022 was **ADOPTED.**

AYE 5      NO 0

**88 Riverside Drive:**

Marion Eagan said that the actual owner of the building was sent about 20 pictures of the shape of the building as he requested. The Town sent him an email with a date of when we would take action if the issues are not resolved.

**Priory Property:**

The Wholly Exemption is being removed from the Priory Property because they have not filled their form for the last three (3) years.

On a motion by Supervisor Leggett, seconded by Mr. Packer, meeting adjourned at 9:12 pm.

AYE 5      NO 0

Respectfully submitted,

\_\_\_\_\_  
Town Clerk