

**AGENDA / April 13, 2021 @ 7 PM / TOWN BOARD MEETING ROOM  
TOWN OF CHESTER MUNICIPAL CENTER, 6307 STATE RTE. 9, CHESTERTOWN,**

**DUE TO COVID-19 PANDEMIC AND NY ON PAUSE RESTRICTIONS, THE TOWN BOARD MEETING WILL BE AVAILABLE TO THE PUBLIC ON ZOOM AND A RECORDING OF THE MEETING WILL ALSO BE AVAILABLE FOR VIEWING. PUBLIC ACCESS WILL BE LIMITED IN THE TOWN MEETING ROOM DUE TO SOCIAL DISTANCING REQUIREMENTS.**

Join Zoom Meeting

Topic: Town of Chester Town Board Meeting

Time: Apr 13, 2021 07:00 PM Eastern Time (US and Canada)

Join Zoom Meeting <https://us02web.zoom.us/j/88492319459>

Meeting ID: 884 9231 9459

One tap mobile +16465588656,,88492319459# US (New York)

Dial by your location +1 646 558 8656 US (New York)

Meeting ID: 884 9231 9459

**Call to Order**

- Pledge of Allegiance: led by Councilman Turcotte

**Public Hearing**

- Proposed Local Law #2 of 2021 - Loon Lake
- Griffis Septic Variance

**Acceptance of Minutes**

- March 9, 2021; Town Board Meeting

**Committee Reports**

- Town Clerk, Town Board, Supervisor

**PRIVILEGE OF THE FLOOR FOR OLD & NEW BUSINESS ITEMS**

**NEW BUSINESS**

1. Act on Local Law #2 of 2021 - Loon Lake Vessels
2. Act on Griffis Septic Variance #SV2021-01
3. Act Strait Septic Variance #SV2021-02 Application
4. Advertise for Lifeguards, Boat Wash Attendant
5. Adopt Emergency Operations Plan
6. Adopt Transfer Station hours of operation
7. Adopt Boat Launch hours of operation
8. Authorize date of fireworks and signing of contract
9. Accept 2021 Agreement for the Expenditures of Highway Moneys
10. Accept resignation of Library Trustee
11. Authorize signing of agreements with Warren County for Youth Services,
12. Authorize signing of agreements with Warren County for Aquatic Invasive Species control,
13. Authorizing signing of agreement for Senior Transport with WC OFA

14. Authorize application for funding for Loon Lake Dam and agreement with GZA
15. Authorize RFP for Transfer Station Scales
16. Authorize RFP for Loon Lake Bathhouse water system
17. Authorize filling of MEO position with Parks and Recreation
18. Authorize filling of Seasonal Parks and Recreation labor
19. Appoint Alternate to the Board of Assessment Review
20. Approve Settlement Resolution with Whitman
21. Approve purchase of F350 1-ton dump for Parks and Recreation
22. Approve purchase of F250 Pickup for Highway Department
23. Approve purchase of Tandem Dump with Box, Plow, and Wing for Highway Dept
24. Discuss 5-10K Race Management
25. Discuss Tree Planting Plan for 2021
26. Budget adjustments and Audited Claims

Resolutions TB 04-13-2021

**1. ACT ON LOCAL LAW #2 OF 2021 - A LOCAL LAW REPEALING AND REPLACING TOWN OF CHESTER LOCAL LAW NO. 1 OF 2011 REGULATION OPERATION OF VESSELS ON LOON LAKE**

WHEREAS, a Public Hearing has been duly advertised and held concerning Local Law #2 of 2021 A LOCAL LAW REPEALING AND REPLACING TOWN OF CHESTER LOCAL LAW NO. 1 OF 2011 REGULATION OPERATION OF VESSELS ON LOON LAKE, and

WHEREAS, the Town Board has reviewed the proposed Local Law and has heard comment from the public regarding it as presented,

BE IT RESOLVED, the Town Board adopts Local Law # 2 of 2021 A LOCAL LAW REPEALING AND REPLACING TOWN OF CHESTER LOCAL LAW NO. 1 OF 2011 REGULATION OPERATION OF VESSELS ON LOON LAKE and directs the Town Clerk to submit the appropriate paperwork to the NYS DOS.

**2. ACT ON SEPTIC VARIANCE APPLICATION #SV2021- 01 FOR NANCY GRIFFIS FOR PROPERTY LOCATED AT 118 EAST HUDSON RIVER DRIVE, RIPARIUS, NEW YORK**

WHEREAS, the Town Board acting as the Local Board of Health has received a completed application and has held a public hearing regarding the Septic Variance Application #SV2021-01 for property located at 118 East Hudson River Drive, Riparius, New York, Tax Map #102.40-1-23, 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 all 3 listed criteria applicable, and

BE IT RESOLVED, the Town Board acting as the Local Board of Health finds the septic variance application meets the following criteria: a) That there are special circumstances or conditions, fully described in the findings of the Local Board of Health, applying to such land and that such circumstances or conditions are such that strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of such land. b) That the variance would not be materially detrimental to the purposes and objectives of this Ordinance, or to other adjoining properties, or otherwise conflict with the purpose or objectives of any plan or policy of the Town. c) That, for reasons fully set forth in the findings of the Local Board of Health, the granting of the variance is necessary for the reasonable use of the land and that the variance, as granted by the Local Board of Health, is the minimum variance which would alleviate the specific unnecessary hardship found by the Local Board of Health to affect the applicant.

BE IT FURTHER RESOLVED, the Local Board of Health finds the septic system located at 118 East Hudson River Drive, Riparius, New York, Tax Map #102.40-1-23, as designed and presented by Winchip Engineering and reviewed by Cedarwood Engineering on behalf of the Town, to be the minimum allowable variance to the Town's OnSite Wastewater Treatment Local Law based on site conditions, lot size, and potential impact to adjacent private property and common natural resource (Hudson River).

SETBACK	REQUIRED DISTANCE (ft)	PROPOSED DISTANCE (ft)	VARIANCE REQUESTED (ft)
Proposed Holding tank to Mean High Water of River	50	22.5	27.5
Proposed Holding Tank to South Property Line	10	6.4	3.6
Proposed Holding Tank to House	10	4.7	5.3

Proposed Drilled Well to Cesspool to North	200	92.5	107.5
Propose Drilled Well to Cesspool to South	200	82.6	117.4

**3. DEEM SEPTIC VARIANCE APPLICATION #SV2021- 02 FOR FOR PROPERTY LOCATED AT 49 Clarkson Road, Chestertown, New York, Tax Map #86.19-1-60 TO BE COMPLETE AND SET A PUBLIC HEARING FOR May 11, 2021 AT 7 PM**

WHEREAS, Winchip Engineering has submitted a Septic Variance Application (#SV2021-02) for Douglas Strait for a property located at 49 Clarkson Road, Chestertown, New York, Tax Map # 86.19-1-60, 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 #SV2021-02 for Douglas Strait for a property located at 49 Clarkson Road, Chestertown, New York, Tax Map # 86.19-1-60 to be complete, and

BE IT FURTHER RESOLVED, the Town Board, acting as the Local Board of Health, sets a Public Hearing for #SV2021-02 on Tuesday, May 11, 2021 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 the Douglas Strait Septic Application to Cedarwood Engineering as Town Engineer for its evaluation and opinion at the expense of the applicant.

**4. AUTHORIZE TOWN CLERK TO ADVERTISE FOR LIFEGUARDS AND BOAT WAS ATTENDANT FOR THE 2021 SUMMER SEASON**

WHEREAS, the Town is in need of hiring 6 Lifeguards for duty at Loon Lake Beach and 1 Boat Wash Attendant at the Loon Lake Boat Launch and Decontamination Station,

BE IT RESOLVED, the Town Clerk is authorized to advertise for Life Guards and Boat Wash Attendant, and

BE IT FURTHER RESOLVED, the Supervisor is authorized to fill the position of Boat Wash Attendant in time for the new hire to acquire training from the Adirondack Watershed Institute before beginning work.

**5. ADOPTION OF THE TOWN OF CHESTER PUBLIC EMPLOYER HEALTH EMERGENCY PLAN**

WHEREAS, the Governor of New York State signed Legislation Bill S.8617B/A.10832 which requires public employers to adopt a plan for operations in the event of a declared public health emergency involving a communicable disease, and

WHEREAS, such a plan has been created and presented to the Town Board and the CSEA Unit for review,

BE IT RESOLVED, the Town Board adopts the Town of Chester Public Health Emergency Plan as the official plan for the Town of Chester, and the plan will be on record at the Town Clerk's Office.

**6. AUTHORIZE SUMMER HOURS OF OPERATION FOR THE TRANSFER STATION**

WHEREAS, the Town Board authorized the reduction to 4 operating days a week for the Transfer Station on January 12, 2021 as a means to reduce cost of operation, and

WHEREAS, there is an expected increase in traffic through the Transfer Station through summer months,

BE IT RESOLVED, the Town Board authorizes the Transfer Station to be open on the regular 5 day a week schedule from May 2, 2021 until further notice.

**7. AUTHORIZE SUMMER HOURS OF OPERATION FOR THE BOAT LAUNCH AND DECONTAMINATION STATION**

WHEREAS, discussions with the Loon Lake Park District Association and the Town have discussed a suitable schedule based upon data of usage, and

WHEREAS, budget constraints warrant a reduction in operating hours,

BE IT RESOLVED, the Town Board authorizes the following schedule for the Loon Lake Boat Launch and Decontamination Station:

From Mother's Day to June 19<sup>th</sup> and from September 12<sup>th</sup> to Columbus Day the launch hours: Friday, Saturday, Sunday, Monday from 7 AM to 6 PM; Tuesday, Wednesday, and Thursday 8 AM to 5 PM.

From June 20<sup>th</sup> to September 11<sup>th</sup>: The hours would be 7 AM to 6 PM seven days a week

**8. AUTHORIZE SUPERVISOR TO SIGN A CONTRACT WITH NORTHSTAR FIREWORKS TO PROVIDE FIREWORKS DISPLAY FOR AN AMOUNT NOT TO EXCEED \$6,000**

WHEREAS, Northstar Fireworks from East Montpelier, VT has provided firework displays for the Town in the past, and

WHEREAS, the service and displays have been satisfactory each time,

BE IT RESOLVED, Supervisor Leggett is authorized to sign a contract with Northstar Fireworks to provide the Summerfest fireworks display for an amount not to exceed \$6,000 and appropriated from budget code A6410.43, and

BE IT FURTHER RESOLVED, the Town Board sets \_\_\_\_\_, July \_\_\_\_, 2021 as the date of fireworks in conjunction with the North Warren Chamber of Commerce Summerfest, and with a rain date of \_\_\_\_\_, July \_\_\_\_, 2019.

**9. TOWN BOARD AGREES TO SIGN THE AGREEMENT FOR THE EXPENDITURE OF HIGHWAY MONEYS PURSUANT TO SECTION 284 OF HIGHWAY LAW**

WHEREAS, each year the Town Board and the Town Highway Superintendent sign an agreement pursuant to the provision of Section 284 of the Highway Law that moneys levied and collected in the Town for the repair and improvement of highways, and received from the State for State Aid for the repair and improvement of highways, shall be expended for specified General Repair and Permanent Improvement projects, and

WHEREAS, the Highway Superintendent has completed the Section 284 Agreement form,

BE IT RESOLVED, the Town Board agrees to sign the Agreement for the Expenditure of Highway Moneys pursuant to Section 284 of Highway Law and directs the Town Clerk to send 2 copies of the signed Section 284 agreement to the Warren County DPW Superintendent for their approval.

**10. ACCEPT RESIGNATION OF LYNN THOMAS AS LIBRARY TRUSTEE**

WHEREAS, Lynn Thomas has submitted to the Town Board a letter of resignation from the Library Board of Trustees,

BE IT RESOLVED, The Town Board accepts the resignation of Lynn Thomas from the Library Board of Trustees and thanks her for her good work and dedication to the Library and wishes her well in her further endeavors.

**11. AUTHORIZE THE SUPERVISOR TO SIGN A REIMBURSEMENT AGREEMENT WITH THE COUNTY OF WARREN, ACTING ON BEHALF OF THE WARREN COUNTY YOUTH BUREAU**

WHEREAS, the NYS Office of Children & Family Services has provided funding to Warren County to be allocated among Towns for providing recreational programs for youth within their communities during 2020, and

WHEREAS, the Town of Chester provided youth recreation programs during 2020,

BE IT RESOLVED, the Town Board authorizes the Supervisor to sign a Reimbursement Agreement with the County of Warren for providing youth programs in 2020 for an amount up to \$2,015.82.

**12. AUTHORIZE THE SUPERVISOR TO SIGN AN INTERMUNICIPAL AGREEMENT BETWEEN WARREN COUNTY AND TOWN OF CHESTER FOR COMBATING AQUATIC INVASIVE SPECIES IN PUBLICLY ACCESSIBLE WATER BODIES WITHIN THE TOWN OF CHESTER**

WHEREAS, the Warren County Board of Supervisors Resolution no. 442 of 2020 allocated \$41,666.67 to the Town to combat aquatic invasive species in publicly accessible water bodies location within the Town During Calendar year 2021, and

WHEREAS, the Town Board has appropriated \$46,350 for Milfoil Abatement in the FY 2021 budget for the Loon Lake Park District,

BE IT RESOLVED, the Town Board authorizes the Supervisor to sign an Intermunicipal Agreement Between Warren County And Town Of Chester For Combating Aquatic Invasive Species In Publicly Accessible Water Bodies Within The Town Of Chester for an amount of \$41,667.67

**13. AUTHORIZE THE SUPERVISOR TO SIGN AN AGREEMENT BETWEEN THE COUNTY OF WARREN ACTING ON BEHALF OF WARREN-HAMILTON COUNTIES' OFFICE FOR THE AGING AND TOWN OF CHESTER FOR SENIOR TRANSPORT**

WHEREAS, Warren County is authorized to contract with agencies to provide services for adults sixty (60) year of age and over, and

WHEREAS, Warren County desires to contract with the Town to provide transportation services for seniors and will reimburse the Town 50% of the total cost up to the amount \$3,7711,

BE IT RESOLVED, the Town Board authorizes the Supervisor to sign an Agreement Between The County Of Warren Acting For and On Behalf Of Warren-Hamilton Counties' Office For The Aging and Town Of Chester for the period of April 1, 2021 to March 31, 2022 for the purpose of supporting transportation services for adults 60 year of age and over.

**14. AUTHORIZE THE SUPERVISOR TO PROCEED WITH AN APPLICATION FOR FUNDING THROUGH NYS DEC AND FEMA FOR LOON LAKE DAM REHABILITATION**

WHEREAS, Starting April 1, 2021 DEC will accept applications to provide assistance for technical, planning, design and other pre-construction activities associated with rehabilitation of an eligible high hazard potential dam. It is expected that future rounds will include funding for construction, and

WHEREAS, All projects must have defined objectives, tasks, and deliverables accounted for in performance measures that can be completed and invoiced from September 15, 2019 to September 14, 2022, and

WHEREAS, The Town of Chester has engaged GZA engineers to prepare technical plans for the Loon Lake Dam rehabilitation and to apply for applicable permits to conduct the work, and

WHEREAS, GZA engineers are able to prepare the grant application to the NYS DEC for the technical work already done for the Loon Lake Dam rehabilitation, and

WHEREAS, the NYS DEC grant has a 35% cost share to be borne by the Town,

BE IT RESOLVED, the Town Board authorizes the Supervisor to retain GZA to apply for a High Hazard Dam Rehabilitation Grant through the NYS DEC (Grant Opportunity Id: DEC01-HHD-2020) and,

BE IT FURTHER RESOLVED, the Town Board authorizes the appropriation of Loon Lake Park District funds up to 35% of the value of the grant, not to exceed \$40,000 and the appropriation of up to \$5,000 for services provided by GZA to complete and submit the grant application

**15. AUTHORIZE RFP FOR TRANSFER STATION SCALES**

WHEREAS, the Town Board has discuss the cost and benefits of installing a truck scale and a bag scale at the Transfer Station in order to maintain an equitable and data-driven fee structure and determine it would benefit the Town to have such a system, and

WHEREAS, there are vendors and companies who produce and install scale systems for Transfer Stations,

BE IT RESOLVED, the Supervisor is authorized to produce and advertise for Request For Proposals (RFPs) for the purpose of obtaining and installing a scale system for the Town Transfer Station that will include a truck scale for C&D and a bag scale for MSW.

**16. AUTHORIZE RFP FOR LOON LAKE BATHHOUSE WATER SYSTEM**

WHEREAS, NYS Department of Health requires the Town to supply treated water to the Loon Lake Beach Bathhouse, and

WHEREAS, the Town has installed a well and now needs to complete the water system, including treatment equipment, and

WHEREAS, Cedarwood Engineering has prepared plans in conformance of DOH requirements for the Loon Lake Beach Bathhouse water system,

BE IT RESOLVED, the Supervisor is authorized to produce and advertise for Request For Proposals (RFPs) for the purpose of obtaining and installing an operable water supply system for the Loon Lake Beach Bathhouse as required and approved by the NYS DOH.

**17. AUTHORIZE FILLING OF MEO POSITION IN PARKS AND RECREATION DEPARTMENT**

WHEREAS, there is vacancy for Medium Equipment Operator (MEO) with the Parks and Recreation Department due to resignation, and

WHEREAS, the Town posted notice of the vacancy as per the Agreement with the CSEA Unit, and

WHEREAS, a CSEA Unit employee has applied and is qualified for the position of MEO,

BE IT RESOLVED, the Town Board authorizes the filling of the vacant Full Time MEO position in Parks and Recreation with Jeffery Shaefer at a rate defined in the CSEA Agreement.

**18. AUTHORIZE FILLING OF SEASONAL PARKS AND RECREATION LABOR**

WHEREAS, due to promotion, Parks and Recreation has need of a Full Time Seasonal Laborer, and has need of Part Time Seasonal Laborer who is able to drive a 1-ton dump truck and operate pumps and small machinery, and

WHEREAS, the Town has employees willing and able to fill those positions,

BE IT RESOLVED, the Town Board authorizes the hiring of Edward Wallace as Full Time Seasonal Laborer for a term from April 1, 2021 to October 30, 2021 at a rate set at the Organizational Meeting on January 5, 2021, and

BE IT FURTHER RESOLVED, the Town Board authorizes the hiring Sylvia Redmon as Part Time Seasonal Laborer for a term from May 2, 2021 to October 30, 2021 at a rate set at the Organizational Meeting on January 5, 2021.

**19. APPOINT MINDY CONWAY AS ALTERNATE TO THE BOARD OF ASSESSMENT REVIEW**

WHEREAS, the Town has advertised to fill vacancies on the Board of Assessment Review and has had no response from the public, and

WHEREAS, the Town Board has appointed Mindy Conway to sit as an alternate member on the Board of Assessment Review at their May 27, 2021 meeting,

BE IT RESOLVED, the Town Board appoints Mindy Conway as alternate member on the Board of Assessment Review for a term commencing upon taking oath of office and ending December 31, 2021.

**20. APPROVAL OF SETTLEMENT RESOLUTION REGARDING DISPUTE OF ASSESSMENT VALUATION OF PROPERTY OWNED BY PAUL WHITMAN**

WHEREAS, Paul Whitman (“Petitioner”), filed Article 7 Real Property Assessment Review cases against the Town challenging the 2018 and 2019 assessments on real property located at 625 Atateka Drive, Town of Chester, New York (Tax Map Parcel #120.19-1-15); and

WHEREAS, it appears to be in the best interests of the Town to avoid the significant costs that would result if the litigation continues and goes to trial; and

WHEREAS, the Town Assessor now recommends proposed settlement terms which have been negotiated with Petitioner; and

WHEREAS, it is anticipated that the North Warren Central School District will approve the proposed settlement terms; and

BE IT RESOLVED, that the Town Board hereby approves the proposed settlement of the tax assessment case filed by Paul Whitman as follows:

- 1) Both the 2018 and 2019 assessed values will be reduced to \$275,000, with refunds to be paid interest free if they are paid within 90 days of service of the filed Order.
- 2) RPTL Section 727 shall not apply and the 2020 assessment shall not be impacted by these settlement terms.

BE IT FURTHER, RESOLVED, that approval of this Settlement Resolution is contingent upon Town Counsel’s review and approval of the Stipulation of Settlement and Order and Judgment; and

BE IT FURTHER, RESOLVED, that the Town Board further authorizes and directs the Town Supervisor, Town Assessor, Town Clerk and/or Town Counsel to execute settlement documents and take any additional steps necessary to effectuate the proposed settlement in accordance with the terms of this Resolution.

**21. APPROVE PURCHASE OF F350 1-TON DUMP FOR PARKS AND RECREATION**

WHEREAS, Parks and Recreation Department had budgeted for a replacement 1-ton dump truck in the FY 2020 budget but deferred purchasing because of the adoption of the Austerity Budget in June of 2020, and

WHEREAS, the Parks and Recreation Department has budgeted for purchase of a 1-Ton dump truck in the FY 2021 budget, and

WHEREAS, quotes as per the Town Purchasing and Procurement Policy have been obtained and has selected a vendor with the lowest price,

BE IT RESOLVED, the Town Board authorizes the purchase of a 2022 F-Series SD Ford F-350 4x4 dump truck with snowplow package and stainless steel dump bed from Warren Ford for a cost not to exceed \$49,960.

**22. APPROVE PURCHASE OF F250 PICKUP TRUCK FOR THE HIGHWAY DEPARTMENT**

WHEREAS, the Town Highway Department deferred the purchase of a ¾ Ton Pickup in FY 2020 due to the adoptions of the Austerity Budget, and

WHEREAS, the Town Highway Department budgeted for the purchase of a ¾ Ton Pickup in FY 2021, and

WHEREAS, the Highway Superintendent obtained quotes as per the Town Purchasing and Procurement Policy has selected a vendor with the lowest price,

BE IT RESOLVED, the Town Board authorizes the purchase of a 2022 F-Series SD Ford F-250 4x4 from Warren Ford for a price not to exceed \$31,200

**23. APPROVE PURCHASE OF TANDEM DUMP TRUCK WITH WING AND PLOW**

WHEREAS, the Town Highway Department follows a plan that replaces tandem dump trucks every two years, on average, with the goal of maintaining a fleet under 12 years old, and

WHEREAS, the Highway Superintendent obtained quotes as per the Town Purchasing and Procurement Policy has selected a vendor with the lowest price,

BE IT RESOLVED, the Town Board authorizes the purchase of an International Truck Model 2022 HX620 SBA with Cummins Motor plus dump box, front plow, wing plow and all necessary items installed for operation from HL Gage International dealer for a price not to exceed \$234,000.

**24. DISCUSSION: AUTHORIZE THE CHESTER HORICON YOUTH COMMISSION TO ORGANIZE AND IMPLEMENT A 5-10K RACE ON THE SAME WEEKEND AS THE ADIRONDACK DISTANCE FESTIVAL.**

**25. DISCUSSION: TREE PLANTING PLAN FOR 2021 (Cemetery, Health Center, Playground, Streets)**

**26. APPROVAL OF BUDGET ADJUSTMENTS AND AUDITED CLAIMS**