



**Town Board  
Regular Meeting  
June 13, 2017**

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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, Mike Packer, Edna Wells, Steve Durkish and Attorney for the Town, Mark Schachner.

**Regular Meeting:**

Supervisor Leggett opened the Regular Town Board Meeting at 7:02 pm.

**RESOLUTION NO. 100 OF 2017: ACCEPT MINUTES OF THE REGULAR MEETING**

**May 9, 2017.**

**RESOLVED**, to accept the minutes of the Regular Meeting May 9, 2017.

On a motion by Mrs. Wells, seconded by Mrs. DuRose, Resolution No. 100 of 2017 was **ADOPTED**.  
Steve Durkish abstained.

AYE 4      NAY 0

**Privilege of the Floor:**

Supervisor Leggett opened Privilege of the Floor at 7:04 pm.

Al Muench spoke about the success of pickle ball. Due to the success Al asked if he could have permission to paint pickle ball lines on the basketball court, use a portable net from the youth commission and to place a storage box on the tennis courts. Mr. Packer stated that basketball players should be given priority. Mary Clark asked if pickle ball could be expanded to include the courts in Pottersville. Mrs. DuRose said the Town would not be responsible for the storage box.

**RESOLUTION NO. 101 OF 2017: APPROVE AL MUENCH PICKLE BALL REQUESTS.**

**RESOLVED**, to approve Al Muench to paint pickle ball lines on the basketball court, use a portable net from the youth commission and to place a storage box on the tennis courts.

On a motion by Mr. Wells, seconded by Mr. Durkish, Resolution No. 101 of 2017 was **ADOPTED**.

AYE 5      NAY 0

Mary Clark asked questions about Pottersville: Is the hole on the corner of Valley Farm Road and Route 9 going to be fixed? Mrs. DuRose said the hole would be repaired. When are the sidewalks in front of All Brand Redemption going to be installed? Supervisor Leggett said the highway would install the sidewalk in August. When are the lights and the concrete around the triangle going to be repaired? Mr. Leggett said the whole intersection is being looked at. When is the retaining wall going to be repaired? Mr. Leggett said John West will take care of it. What is going to be done with the Japanese Knot Weed by the Black Bear? Mr. Leggett said it was a state right away and he has made calls and let messages. What is being done about Pottersville Garage? Mr. Leggett said the Zoning Administrator has been working with the property owners.

Pat Powers would like to see the issues in Pottersville be placed under "old business" so they can be eliminated one by one and nothing gets forgotten.

Mary Jane stated the Farmers Market starts June 14<sup>th</sup>.

Mrs. Wells would like to thank Florence Converse for covering the Town Clerk's Office in Mindy's absence.

Supervisor Leggett closed Privilege of the Floor at 7: 24 pm.

**Privilege of the Floor for Resolutions:**

Supervisor Leggett opened Privilege of the Floor for Resolutions at 7:25 pm.

Mrs. DuRose requested that the seat on the North Warren EMS Board of Directors be discussed in executive session.

Brian Bearor, Director of the YMCA is requesting a partnership the Town. The YMCA Adirondack Center in Brant Lake offers an after school program and a summer literacy program along with many events throughout the year. Mr. Bearor said the YMCA has a goal of raising \$120,000.00. Mr. Leggett asked about if they had programs for the youth throughout the whole year. Mr. Bearor said they are able to with partnerships with other organizations. Mrs. DuRose asked about seniors. Mr. Bearor said they will be starting programs for seniors again in the fall. Mr. Packer asked how people know the YMCA is asking for donations. Brian said there will be signs and banners throughout the towns. Brian said every dollar raised here stays here at the YMCA Adirondack Center.

**RESOLUTION NO. 102 OF 2017: AUTHORIZES ADIRONDACK DISTANCE FESTIVAL LETTER OF SUPPORT FOR DOT**

**WHEREAS**, Adirondack Marathon Inc. d/b/a Adirondack Marathon Distance Festival organizes running events each year that includes races in the Town of Chester as well as the Towns of Horicon and Schroon Lake, and

**WHEREAS**, 5k & 10k races are scheduled for Saturday September 23, 2017 at 9:30 AM starting from the Town Municipal Center lawn as well as a full & half marathon on Sunday September 24, 2017 that continues along roads through a portion of Chester along Schroon Lake,

**BE IT RESOLVED**, the Town Board authorizes letter of support and approves of these race events and wishes all participants a safe and enjoyable time.

On a motion by Mrs. Wells, seconded by Mr. Durkish, Resolution No. 102 of 2017 was **ADOPTED**.

AYE 5 NAY 0

**RESOLUTION NO. 103 OF 2017: AUTHORIZE KAREN GRIFFEN TO ATTEND COURT CLERKS TRAINING**

**WHEREAS**, training is now required of Court Clerks, and

**WHEREAS**, the Town of Chester has supported the annual training of the Court Clerk each year, and

**WHEREAS**, the cost of Court Clerk training is budgeted for 2017 in budget code A1110.4,

**BE IT RESOLVED**, the Town Board authorizes Karen Griffen to attend Court Clerks Training in Potsdam, NY on July 18 & 19, 2017 and reimburse her for meals, room, and travel expenses.

On a motion by Mr. Packer, seconded by Mrs. DuRose, Resolution No. 103 of 2017 was **ADOPTED**.

AYE 5 NAY 0

Rand Fosdick reminded the Board that when the veterans had asked for a donation for their construction project, they were informed that there was no money for a donation. Supervisor Leggett said the Town gives \$1,000.00 to the veterans every year.

Mrs. DuRose asked the Town to donated \$5,000 to the YMCA Adirondack Center. Supervisor Leggett stated he currently found \$3,500.00. Mrs. Wells asked if the Board could revisit the topic at the end of the year for an additional \$1,500.00 donation.

**RESOLUTION NO. 104 OF 2017: DONATE \$3,500.00 TO THE YMCA ADIRONDACK CENTER**

**WHEREAS**, the YMCA Adirondack Center provides programs for youth and seniors, and

**WHEREAS**, these programs are in line with what the Town has done or desires to do,

**BE IT RESOLVED**, the Town of Chester donate \$3,500.00 to the YMCA Adirondack Center.

On a motion by Mrs. DuRose, seconded by Mrs. Wells, Resolution No. 104 of 2017 was **ADOPTED**.  
AYE 5 NAY 0

**RESOLUTION NO. 105 OF 2017: ADOPT THE WARREN COUNTY HAZARD MITIGATION PLAN AS THIS JURISDICTION'S NATURAL HAZARD MITIGATION PLAN, AND EXECUTE THE ACTIONS IN THE PLAN.**

**WHEREAS**, the Town of Chester with the assistance from Warren County Soil & Water Conservation District, has gathered information and prepared Warren County Hazard Mitigation Plan, and  
**WHEREAS**, the Warren County Hazard Mitigation Plan has been prepared in accordance with the Disaster Mitigation Act of 2000; and

**WHEREAS**, Town of Chester is a local unit of government that has afforded the citizens an opportunity to comment and provide input in the Plan and the actions in the Plan; and

**WHEREAS**, Town of Chester have reviewed the Plan and affirms that the Plan will be updated no less than every five years;

**NOW THEREFORE, BE IT RESOLVED**, by the Town Board that Town of Chester adopts the Warren County Hazard Mitigation Plan as this jurisdiction's Natural Hazard Mitigation Plan, and

**RESOLVES**, to execute the actions in the Plan.

On a motion by Mr. Durkish, seconded by Mrs. Wells, Resolution No. 105 of 2017 was **ADOPTED**.  
AYE 5 NAY 0

**RESOLUTION NO. 106 OF 2017: ADOPT THE ADA GRIEVANCE PROCEDURES AND DESIGNATE JOHN WEST AS THE ADA COORDINATOR**

**WHEREAS**, pursuant to Title II of the Americans with Disabilities Act of 1990 (ADA), the Town of Chester cannot discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities; and

**WHEREAS**, in compliance with Title II of the ADA, the Town of Chester shall name an ADA Coordinator; and

**WHEREAS**, in compliance with Title II of the ADA, the Town of Chester shall adopt a grievance procedure for resolving complaints alleging violations of Title II of the ADA; and

**WHEREAS**, in compliance with Title II of the ADA, the Town of Chester shall adopt and publish notice to the public regarding the Town's ADA Policy; and

**WHEREAS**, in compliance with Title II of the ADA, the Town of Chester shall post the ADA coordinator's name, office address and telephone number along with the ADA Policy Statement and ADA Grievance Procedure on its website.

**NOW THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Chester hereby designates John West as the ADA Coordinator for the Town; and

**BE IT FURTHER RESOLVED**, that the Town Board of the Town of Chester hereby adopts the ADA Grievance Procedures, a copy of which is attached hereto; and

**BE IT FURTHER RESOLVED**, the Town Board of the Town of Chester hereby adopts and shall publish notice to the public regarding the Town's ADA Policy, a copy of which is attached hereto; and

**BE IT FURTHER RESOLVED**, in compliance with Title II of the ADA, the Town of Chester shall post the ADA coordinator's name, office address and telephone number along with the ADA Policy Statement and ADA Grievance Procedure on the Town website and at such other locations as may be determined appropriate.

On a motion by Mrs. DuRose, seconded by Mrs. Wells, Resolution No. 106 of 2017 was **ADOPTED**.  
AYE 5 NAY 0

**Town of Chester  
Grievance Procedure under  
The Americans with Disabilities Act**

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 ("ADA"). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the Town of Chester. The Town's Personnel Policy governs employment-related complaints of disability discrimination.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint will be made available for persons with disabilities upon request.

The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

**John West  
ADA Coordinator/Director of Parks & Recreation  
630 Landon Hill Road, Chestertown, NY 12817**

Within 15 calendar days after receipt of the complaint, John West or his designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, John West or his designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the Town of Chester and offer options for substantive resolution of the complaint.

If the response by John West or his designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the Town Supervisor or his/her designee.

Within 15 calendar days after receipt of the appeal, the Town Supervisor or his/her designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the Town Supervisor or his/her designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by John West or his designee, appeals to the Town Supervisor or his/her designee, and responses from these two offices will be retained by the Town of Chester for at least three years.

**NOTICE UNDER THE AMERICANS  
WITH DISABILITIES ACT**

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA"), the Town of Chester will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

**Employment:** The Town of Chester does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under title I of the ADA.

**Effective Communication:** The Town of Chester will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the Town of Chester's programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

**Modifications to Policies and Procedures:** The Town of Chester will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in the Town of Chester offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of the Town of Chester, should contact the office of **John West, ADA Coordinator, (518) 494-3952** as soon as possible but no later than 48 hours before the scheduled event.

The ADA does not require the Town of Chester to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

Complaints that a program, service, or activity of the Town of Chester is not accessible to persons with disabilities should be directed to **John West, ADA Coordinator, (518) 494-3952**.

The Town of Chester will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

**RESOLUTION NO. 107 OF 2017: AUTHORIZE TOWN CLERK TO ADVERTISE FOR PLANNING BOARD ALTERNATE MEMBER**

**WHEREAS**, the Planning Board needs an alternate member,

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

On a motion by Mr. Packer, seconded by Mrs. DuRose, Resolution No. 107 of 2017 was **ADOPTED**.

AYE 5 NAY 0

Garry Robinson, Consulting Engineer spoke on behalf of Joe Leonard. Garry is proposing the use of an advanced treatment system.

**RESOLUTION NO. 108 OF 2017: SET DATE FOR LEONARD SEPTIC VARIANCE PUBLIC HEARING**

**WHEREAS**, an application for septic variance has been received from Joe Leonard for a property located at 24 Atateka Loop, Tax Map Number 120.11-1-28, and

**WHEREAS**, the Town Board, acting as the Local Board of Health is required to set a public hearing regarding septic variances, and

**WHEREAS**, the Town Board deems the application complete,

**BE IT RESOLVED**, the Town Board sets Tuesday July 11, 2017 at 7:30 pm at the Pottersville Fire House at 20 Valley Farm Road as the time and place for the public hearing regarding the Leonard septic variance and authorizes the Town Clerk to properly advertise the hearing.

On a motion by Supervisor Leggett, seconded by Mrs. DuRose, Resolution No. 108 of 2017 was **ADOPTED**.

AYE 5 NAY 0

**RESOLUTION NO. 109 OF 2017: DECLARES POTTERSVILLE WELL PROJECT IS A TYPE II ACTION**

**WHEREAS**, the Town of Chester is requesting grant funding from the State of New York for the Pottersville Well Redesign Project and is required to complete the SEQRA process to comply with funding requirements, and

**WHEREAS**, the Town Board has reviewed the scope of the project pursuant to the SEQRA definitions of Type I, Type II, and Unlisted Actions (6NYCRR Part 617 State Environmental Quality Review Act),

**BE IT RESOLVED**, that the Town of Chester Town Board, determines that the project is a Type II Action under SEQRA as identified in 6 NYCRR Part 617.5 (c) (1), "maintenance or repair involving no substantial changes in an existing structure or facility;" and (2), "...replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading building to meet building or fire codes, unless such action meets or exceeds any of the thresholds in section 617.4 of the Part;" and will not have a significant adverse effect on the environment and hereby closes the SEQRA process on this project.

On a motion by Supervisor Leggett, seconded by Mrs. Wells, Resolution No. 109 of 2017 was **ADOPTED**.

AYE 5 NAY 0

**RESOLUTION NO. 110 OF 2017: AUTHORIZE APPLICATION FOR GRANT FUNDING UNDER THE NYS WATER INFRASTRUCTURE IMPROVEMENT ACT (WIIA) — CLEAN WATER INFRASTRUCTURE ACT OF 2017 GRANT PROGRAM FOR THE TOWN OF CHESTER, POTTERSVILLE WELL REDESIGN PROJECT**

**WHEREAS**, the Town of Chester desires to apply for NYS Water Infrastructure Improvement Act (WIIA) — Clean Water Infrastructure Act of 2017 grant funding to assist in the replacement and rehabilitation of areas of the existing water distribution system, and

**WHEREAS**, Cedarwood Engineering Services, PLLC is preparing the grant application documents for the above referenced project, including an engineering report for the Town of Chester pursuant to the requirements of the NYSEFC,

**BE IT RESOLVED**, that the Town of Chester Town Board authorizes application for grant funding under the NYS Water Infrastructure Improvement Act (WIIA) — Clean Water Infrastructure Act of 2017 Grant Program for the Town of Chester, Pottersville Well Redesign Project.

On a motion by Supervisor Leggett, seconded by Mrs. DuRose, Resolution No. 110 of 2017 was **ADOPTED**.

AYE 5 NAY 0

On a motion by Mrs. DuRose, seconded by Mrs. Wells, Board went into Executive Session at 8:32 pm to discuss the history of a particular person for possible appointment to the North Warren EMS Board of Directors and to discuss proposed litigation.

On a motion by Mr. Durkish, seconded by Mr. Packer, Board exited Executive Session at 9:34 pm. No action taken.

**RESOLUTION NO. 111 OF 2017: APPOINT TERRY PERKINS TO THE NORTH WARREN EMERGENCY SQUAD, INC BOARD OF DIRECTORS**

**WHEREAS**, North Warren Emergency Squad, Inc (NWEMS) has a provision in their bylaws that reserves one seat on their board of directors for a person to be selected by the Town of Chester, and **WHEREAS**, due to resignation that seat is open and needs to be filled, **BE IT RESOLVED**, the Town Board appoints Terry Perkins to fill the vacant Chester seat on the NWEMS Board of Directors.

On a motion by Mrs. DuRose, seconded by Mr. Packer, Resolution No. 111 was **ADOPTED**.

ROLL CALL VOTE:

Durkish        AYE  
 Wells            NAY  
 Packer          AYE  
 DuRose         AYE  
 Leggett         NAY

**RESOLUTION NO. 112 OF 2017: AUTHORIZE PAYMENT OF ABSTRACTS AND CLAIMS PAID PRIOR TO AUDIT.**

**RESOLVED**, The Town Board accepts the Claims Paid Prior to Abstract, Abstract of Claims, budget transfers and accounting requirements.

***2017***		
General A	\$ 27,277.69	198-248
Capital Project - Biomass HB	\$ 30,885.35	17-23
Highway DA	\$ 82,412.53	141-174
Chestertown Water CW	\$ 3,017.71	21-29
Pottersville Water PW	\$ 4,064.10	21-27
Library L	\$ 1,397.25	15-18
Loon Lake Park District SP	\$ 1,568.68	3-6
Schroon Lake Park District SX	\$ 2,297.00	5-6

On a motion by Mr. Packer, seconded by Mrs. Wells, Resolutions No. 112 of 2017 was **ADOPTED**.  
 AYE 5        NAY 0

**RESOLUTION NO. 113 OF 2017: AMEND THE 2017 BUDGET**

**RESOLVED**, to amend the 2017 Budget, reduce A1620.4 by \$2,000.00, A4560.2 by \$500.00, A5182.4 by \$1,000.00 and increase A7310.4 by \$3,500.00 for donation to the YMCA Adirondack Center.

On a motion by Supervisor Leggett, seconded by Mrs. Wells, Resolution No. 113 of 2017 was **ADOPTED**.

AYE 5        NAY 0

On a motion by Supervisor Leggett, seconded by Mr. Packer, meeting adjourned at 9:46 pm.

Respectfully submitted,

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