



## Town Board Regular Meeting July 11, 2017

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The Town Board of the Town of Chester convened at the Pottersville Fire Department, 20 Valley Farm Road, Pottersville, New York, at 7:30 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 7:30 pm.

Supervisor Leggett introduced Lucas Dunkley from Boy Scout Troop 30 to lead us in the Pledge of Allegiance.

### **Public Hearing:**

Supervisor Leggett opened the Public Hearing with the Town Board acting as the Local Board of Health in the matter of Joseph Leonard, 24 Atateka Loop at 7:31 pm. Applicant parcel identified as Tax Map # 120.11-1-28. Applicant was represented by Garry Robinson Consulting Engineer. Mr. Robinson described in detail the location of the property and explained the proposed septic wastewater treatment system and variances.

There was a lengthy discussion about the flood plain, beach area, rain water and the effect on neighboring properties.

Mr. Leggett read two letters. The first one from James Flacke of 791 Atateka Drive and the second from Brandon Smith of 15 Atateka Trail. After reading the letters Supervisor Leggett asked Tom Suozzo from Cedarwood Engineering if he had any questions. Mr. Suozzo asked about the size of the house and the 100 year flood plain and recommended that Cedarwood Engineering be allowed to look over the application and property prior to the approval of the application.

Discussion ensued about using holding tanks.

Mrs. Assini of 17 Atateka Lane presented pictures to the Board of the Leonard property.

Lynda Albright of 19 Atateka Trail asked who is responsible for the operational integrity of the system and who gives approval of the septic. Supervisor Leggett said the property owner is responsible. Mr. Schachner responded only the Town Board acting as Local Board of Health needs to give approval.

Supervisor Leggett asked Al Muench if there was dye testing around the Friends Lake. Al replied it is not mandatory. Tom Suozzo gave a quick overview of how a septic systems works.

Mr. Robinson asked to speak with his client. When he returned, he stated his client would like to meet with Cedarwood Engineering before any action is taken.

On a motion by Mrs. Wells, seconded by Mrs. DuRose, the Public Hearing **adjourned** at 8:39 pm.

AYE 5      NAY 0

### **RESOLUTION NO.114 OF 2017: REFER LEONARD SEPTIC APPLICATION TO CEDARWOOD ENGINEERING AT APPLICANTS EXPENSE**

**WHEREAS**, the Town Board, acting as the Local Board of Health, may require an independent engineer to evaluate the proposal and the cost of such evaluation shall be borne by the applicant, and therefore **BE IT RESOLVED**, to refer the Leonard Septic Application to Cedarwood Engineering as Town Engineer for its evaluation and opinion at the expense of the applicant.

On a motion by Mrs. Wells, seconded by Mr. Packer, Resolution No. 114 of 2017 was **ADOPTED**.

AYE 5 NAY 0

**RESOLUTION NO. 115 OF 2017: ACCEPT MINUTES OF THE REGULAR MEETING  
JUNE 13, 2017**

**RESOLVED**, to accept the minutes of the Regular Meeting June 13, 2017.

On a motion by Mrs. Wells, seconded by Mr. Packer, Resolution No. 115 of 2017 was **ADOPTED**.

AYE 5 NAY 0

**New Business:**

Supervisor Leggett opened New Business at 8:43 pm.

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

Zoning Administrator & Sanitary Code Enforcement Officer's Activity Report for June 2017  
Minutes of the Zoning Board of Appeals Meeting June 27, 2017  
Minutes of the Planning Board Meeting June 19, 2017  
Assessors Report for July 2017  
Animal Control Report 2017  
Town Clerk Monthly Report for January 2017  
Schroon Lake Park District Minutes Meeting June 15, 2017  
North Warren Emergency Squad Board Meeting July 2017  
Letter from June Maxam concerning the Town cemeteries.  
Certificate of Completion Continuing Judicial Ed. Program for the Hon. James P. McDermott  
Flyer for the children's opera held July 22<sup>nd</sup>

**Pottersville Water District:**

Supervisor Leggett introduced Tom Suozzo to explain the proposed Pottersville Water District Well Replacement project. Mr. Suozzo explained the proposed two new wells and a building in detail. Cedarwood applied for a grant on behalf of the Town for 60% of the cost. The other 40% would be at the cost of the tax payers in the Pottersville Water District.

Mr. Suozzo went on to state that a smaller pump will be installed until the Town can proceed with the proposed new wells. Mr. Schachner stated that if the Board approves the bond the Town is not obligated to use it. David Gross asked if there were other gases in the water. Mr. Suozzo stated that the Town is required to test the water.

**RESOLUTION NO. 116 OF 2017: AUTHORIZING THE ISSUANCE OF UP TO \$250,000 IN SERIAL BONDS OF THE TOWN OF CHESTER TO PAY A PORTION OF THE COST OF POTTERSVILLE WATER DISTRICT WELLS REPLACEMENT; AND AUTHORIZING THE ISSUANCE OF UP TO \$250,000 IN BOND ANTICIPATION NOTES OF THE TOWN FOR THE SAME PURPOSE**

**WHEREAS**, the Town of Chester (the "Town") established the Pottersville Water District (the "District") and installed a water treatment and distribution system in accordance with New York Law; and

**WHEREAS**, the yield from the main water well has decreased significantly and entrained air is now entering the distribution system; and

**WHEREAS**, if the yield reduction continues, system demands will not be met; and

**WHEREAS**, Cedarwood Engineering ("Cedarwood") prepared a report which describes recommendations for replacement and rehabilitation of the water distribution system; and

**WHEREAS**, the Town has been awarded a \$60,000 matching grant pursuant to the New York State Water Infrastructure Improvement Act to fund a portion of the cost of the water system improvements; and

**WHEREAS**, on June 13, 2017 the Town Board determined that the Project is a Type II Action under the State Environmental Quality Review Act (SEQRA) pursuant to 6 NYCRR 617.5(c)(2) as an in-kind replacement on the same site, so environmental review under SEQRA is not required;

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF CHESTER, WARREN COUNTY, NEW YORK, AS FOLLOWS:**

**Section 1.** The specific object or purpose for which the obligations authorized by this Resolution (the "Bond Resolution") are to be issued is replacement of two wells and two pump houses for the Pottersville Water district as recommended by Cedarwood, including installation of two new overburden wells and construction of a new treatment building, and further including related preliminary and incidental costs (the "Project"), and such specific object or purpose is hereby authorized at a maximum estimated cost as shown in the grant application of Five Hundred Twenty-One Thousand Two Hundred Thirty and 00/100 Dollars (\$521,230.00) contingent upon receipt of additional grants to fund portions of the maximum estimated cost. The actual cost of the Project may be significantly lower depending on the amount of grant funding and Town decisions which will determine which portions of the system improvements are determined to be feasible and are actually undertaken by the Town.

**Section 2.** The plan for the financing of such maximum estimated cost includes:

- A. use of a \$60,000 grant from the NYS Environmental Facilities Corporation ("NYS EFC");
- B. use of in-kind services matching the \$60,000 grant funding;
- C. use of additional grant funding which may be obtained from various sources; and
- D. issuance of up to \$250,000 in serial bonds and/or bond anticipation notes of the Town, hereby authorized to be issued pursuant to the Local Finance Law.

The proceeds of the bonds or bond anticipation notes may be used to reimburse expenditures paid by the Town from other funds or otherwise on or after the date of adoption of this Bond Resolution. The Town may submit applications for additional grants and/or low interest loans from NYS EFC and/or other funding sources and, to the extent that any such moneys are received, may apply such funds to the payment of principal and interest on the bonds or bond anticipation notes. Pursuant to Local Finance Law Section 107.00(d)(9), a down payment from current funds is not required.

**Section 3.** The Town Board anticipates that the Town may pay certain capital expenditures in connection with the Project prior to the receipt of the proceeds of the Bonds. The Town Board hereby declares its official intent to use Bond proceeds to reimburse the Town for such Project expenditures. This section of the Resolution is adopted solely for the purpose of establishing compliance with the requirements of Section 1.150-2 of the Treasury Regulations and does not bind the Town to make any expenditure, incur any indebtedness or proceed with the acquisition, construction and installation of the Project.

**Section 4.** It is hereby determined that the period of probable usefulness of the specific object or purpose is forty (40) years, pursuant to Section 11.00[a](1) of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five (5) years but will not exceed the 40 year period of probable usefulness.

**Section 5.** The faith and credit of the Town of Chester, Warren County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as they become

due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such years. There shall annually be levied on all the taxable real property in the Pottersville Water District a tax sufficient to pay the principal of and interest on such obligations as they become due and payable. This Bond Resolution is not subject to permissive referendum pursuant to Local Finance Law Section 35.00(b)[1](2).

**Section 6.** For the purpose of paying the cost of the Project, there are hereby authorized to be issued serial bonds of the Town up to a maximum amount of \$250,000 the maximum maturity of which shall not exceed the forty (40) year period of probable usefulness set forth above and which shall mature on or before such date as measured from the date of the bonds or from the date of the first bond anticipation note issued in anticipation of the sale of such bonds, whichever date is earlier. The bonds may be issued in the form of a statutory installment bond.

**Section 7.** There are hereby authorized to be issued bond anticipation notes for the specific object or purpose in an amount up to but not exceeding the \$250,000 maximum amount of serial bonds authorized to be issued, in anticipation of the issuance and sale of the serial bonds authorized, including renewals of such bond anticipation notes.

**Section 8.** Any bond anticipation notes shall be payable from the proceeds derived from the sale of the bonds or otherwise redeemed in the manner provided by Section 23.00 of the Local Finance Law. The faith and credit of the Town are hereby irrevocably pledged for the payment of the bond anticipation notes and the interest on them.

**Section 9.** There are no bond anticipation notes outstanding which have been previously issued in anticipation of the sale of these bonds. Neither are the bond anticipation notes hereby authorized renewal notes. These bond anticipation notes will be issued in anticipation of bonds for an assessable improvement. These notes shall mature at such time as the Town may determine and may be renewed from time to time, provided that in no event shall such notes or renewals extend more than one (1) year beyond the original date of issue except as permitted in the Local Finance Law.

**Section 10.** Subject to the terms and conditions of this Resolution and of the Local Finance Law, and pursuant to the provisions of Sections 30.00, 50.00 and 56.00 to 60.00, inclusive, of the Local Finance Law, the power to authorize bond anticipation notes in anticipation of the issuance of the serial bonds authorized by this Resolution and the renewal of these notes, and the power to prescribe the terms, form and contents of the serial bonds and bond anticipation notes and the power to sell and deliver the serial bonds and bond anticipation notes issued in anticipation of the issuance of the bonds is hereby delegated to the Town Supervisor, the Chief Fiscal Officer of the Town. The Town Supervisor is hereby authorized to sign any serial bonds and bond anticipation notes issued in anticipation of the issuance of the serial bonds and bond anticipation notes issued pursuant to this Resolution by manual or facsimile signature, and the Town Clerk is hereby authorized to affix or impress or imprint a facsimile of the seal of the Town to any of the serial bonds or bond anticipation notes and to attest such seal by manual or facsimile signature. If executed by facsimile signature, such obligation shall be authenticated by the manual countersignature of the Town Supervisor or a designated fiscal agent. The Town Supervisor, as Chief Fiscal Officer of the Town, is authorized to execute and deliver any documents and to take such other action as may be necessary and proper to carry out the intent of the provisions of this Resolution.

**Section 11.** The exact date of issuance of the bonds and/or notes and the exact date upon which they shall become due and payable shall be fixed and determined by the Chief Fiscal Officer, provided, however, that the maturity of the notes or renewals shall not exceed one (1) year from the date of issue except as permitted by the Local Finance Law.

**Section 12.** The Chief Fiscal Officer shall prepare the bonds and/or notes and sell them at public or private sale and in accordance with the provisions of the Local Finance Law including, but not limited

to, the provisions of Section 169.00, if applicable, and at such sale shall determine the interest rate to be borne by such bonds and/or notes, and whether fixed or variable. The Town Board authorizes the Chief Fiscal Officer to establish substantially level annual debt service or a declining annual balance for the repayment of such Bonds if the Chief Fiscal Officer believes it is in the best interests of the Town. The Town Board authorizes the Chief Fiscal Officer to issue such serial bonds in the form of a statutory installment bond.

**Section 13.** If issued, the bonds and/or notes shall be in registered form, and shall bear interest at the determined rate.

**Section 14.** The Chief Fiscal Officer shall deliver the bonds and/or notes to the purchaser only against a certified check or other immediately available funds. The proceeds of the sale of the bonds and/or notes shall be deposited and/or invested as required by Section 165.00 of the Local Finance Law, and the power to invest the proceeds of sale is hereby delegated to the Chief Fiscal Officer and the power to invest in any instruments described in Section 165.00 is expressly granted.

**Section 15.** To the extent that it is permitted to do so under the Internal Revenue Code of 1986, as amended (the "Code"), the Town hereby designates the bonds and/or notes as "qualified tax-exempt obligations" under Section 265(b)(3) of the Code. The Town hereby covenants that, to the extent permitted under the Code in effect as of the date of issuance of any bonds and/or notes, it will (i) take all actions on its part necessary to cause interest on the bonds and/or notes to be excluded from gross income for purposes of Federal income taxes and (ii) refrain from taking any action which would cause interest on the bonds and/or notes to be included in gross income for purposes of Federal income taxes.

**Section 16.** The Town of Chester is a town wholly within the Adirondack Park. However, State lands subject to taxation within the Town's boundaries are assessed at less than thirty percent (30%) of the total taxable assessed valuation of the Town, so permission of the State Comptroller to issue the bonds and/or notes is not required under Local Finance Law Section 104.10(3).

**Section 17.** Miller, Mannix, Schachner & Hafner, LLC, Glens Falls, New York, is hereby designated bond counsel.

**Section 18.** The validity of these serial bonds and bond anticipation notes may be contested only if:

(A) These obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(B) The provisions of law which should be complied with at the date of publication of this Resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or

(C) Such obligations are authorized in violation of the provisions of the State Constitution.

**Section 19.** This Resolution or a summary thereof shall be published in the *Post Star*, which has been designated as the official newspaper of the Town, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

**Section 20.** This Resolution shall take effect immediately.

The question of the adoption of this Resolution was duly put to a vote on roll call which resulted as follows:

On a motion by Supervisor Leggett, seconded by Mrs. DuRose, Resolution No. 116 of 2017 was declared duly **ADOPTED** by a vote of not less than two-thirds (2/3) of the full membership of the Town Board.

ROLL CALL VOTE:

Leggett	AYE
DuRose	AYE
Packer	AYE
Wells	AYE
Durkish	AYE

**RESOLUTION NO. 117 OF 2017: APPOINT JANE O'CONNELL AND KATHE WICKAM TO THE TOWN OF CHESTER LIBRARY BOARD OF TRUSTEES**

**WHEREAS**, the Library Board of Trustees has met and approved two new members, and **WHEREAS**, pursuant to Article 1 of the By-Laws of the Town of Chester Library Board of Trustees and Section 260.2 of NYS Education Law they recommend the Town Board to appoint those members, and **BE IT RESOLVED**, the Town Board appoints Jane O'Connell and Kathe Wickham to terms ending December 31, 2022 and directs them to take an oath of office within 30 days of appointment.

On a motion by Mr. Packer, seconded by Mr. Durkish, Resolution No. 117 of 2017 was **ADOPTED**.

AYE 5 NAY 0

**RESOLUTION NO. 118 OF 2017: ACCEPT RESIGNATION OF JOHN MACMILLEN FROM ZONING ORDINANCE REVIEW COMMITTEE**

**WHEREAS**, John MacMillen was appointed to the Zoning Ordinance Review Committee (ZORC) at its inception but is no longer able to serve as he sees fit,

**BE IT RESOLVED**, the Town Board accepts the resignation of John MacMillen from the ZORC.

On a motion by Mrs. DuRose, seconded by Mr. Durkish, Resolution No. 118 of 2017 was **ADOPTED**.

AYE 5 NAY 0

The Board thanked John MacMillen for his serve on the ZORC.

**RESOLUTION NO. 119 OF 2017: APPOINT MARY CLARK TO SERVE ON THE ZONING ORDINANCE REVIEW COMMITTEE**

**WHEREAS**, Mary Clark has served as an alternate on the Zoning Ordinance Review Committee (ZORC) and has participated in the monthly meeting and is willing to serve as a full member,

**BE IT RESOLVED**, the Town Board appoints Mary Clark to serve on the ZORC for an unspecified term.

On a motion by Mr. Durkish, seconded by Mrs. Wells, Resolution No. 119 of 2017 was **ADOPTED**.

AYE 5 NAY 0

Mrs. Well read an article from *Talk of the Towns & Topics Association of Towns of the State of New York* about the establishment of 2-payment for property taxes. She will do more research and report back.

**RESOLUTION NO. 120 OF 2017: AMEND 2017 BUDGET**

**WHEREAS**, the Tri-Lakes Business Alliance requested \$6,000.00 for Woofstock and the 2017 Budget specified \$5,000.00 for Woofstock and \$1,000.00 for summer concert, and there are no summer concerts scheduled,

**RESOLVED**, to amend the 2017 Budget, reduce A6410.499J by \$1,000.00 and increase A6410.499N by \$1,000.00.

On a motion by Mrs. DuRose, seconded by Mr. Packer, Resolution No. 120 of 2017 was **ADOPTED**.

AYE 5 NAY 0

**RESOLUTION NO. 121 OF 2017: AMEND ABSTRACT GENERAL FUND #295**

**WHEREAS**, the Tri-Lake Business Alliance requested \$6,000.00 and the 2017 Budget specified \$5,000.00 for Woof Stock, and

**WHEREAS**, the Town Board amended the 2017 Budget in Resolution No. 120 of 2017,

**BE IT RESOLVED**, the Town Board amends abstract general fund #295 to a total of \$6,000.00.

On a motion by Supervisor Leggett, seconded by Mr. Packer, Resolution No. 121 of 2017 was **ADOPTED**.

AYE 5 NAY 0

**RESOLUTION NO. 122 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 with amendment to general fund #295 as adopted in Resolution No. 122 of 2017 and accounting requirements.

***2017***		
General A	\$ 38,277.23	249-300
Capital Project - Biomass HB	\$ 12,956.43	24-27
Highway DA	\$ 94,152.08	175-205
Chestertown Water CW	\$ 577.61	30-35
Pottersville Water PW	\$ 1,432.61	28-34
Library L	\$ 2,174.56	19-22
Loon Lake Park District SP	\$ 27,834.00	7-9
Schroon Lake Park District SX	\$ 2,835.00	7-7

On a motion by Mrs. Wells, seconded by Mrs. DuRose, Resolution No. 122 of 2017 was **ADOPTED**.

AYE 5 NAY 0

Supervisor Leggett closed new business at 9:35 pm.

**Privilege of the Floor:**

Supervisor Leggett opened Privilege of the Floor at 9:35 pm.

Al Muench thanked the Town Board on behalf of the pickle ball community for allowing them to paint lines on the basketball court. He looked at basketball court in Pottersville and reported that the fenced in area could hold one regulation pickle ball court. Al mentioned that John Nick was recognized by the Chestertown Rotary for his outstanding work at Dynamite Hill.

Joanne Nick thanked Supervisor Leggett on behalf of John Nick and the Loon Lake Parke District Association (LLPDA) for attending their annual meeting on July 9<sup>th</sup>.

Mary Clark asked questions about Pottersville: Are the sidewalks in front of All Brand Redemption going to be installed in August? Supervisor Leggett said he is meeting with Jim Davis from NYSDOT to review the sidewalk. Is the hole on the corner of Valley Farm Road and Route 9 going to be fixed? Mrs. DuRose said they were working on it. Is John West going to repair the retaining wall? Mr. Leggett said John West will take care of it. When are the lights and the concrete around the triangle going to be repaired? Mrs. Wells said she had spoken to Mr. Monroe, Highway Superintendent who state some of the projects would need to wait until fall. Mr. Packer said maybe a solar light could be installed. Mr. Leggett said the State would not be able to repair the curb at this time. The drains in front of Cafe Adirondack are steep. Can something be done? Can the fence at the basketball court be fixed properly? What is being done about Pottersville Garage? Mr. Leggett said the Zoning Administrator has been working with the property owners.

Rick Bump stressed the importance of the stop bar by the Black Bar.

Rachael DuRose said our cemeteries are in horrible shape. Rachael asked if the Board could address all the cemeteries throughout the Town with the Parks and Recreation Department. Rachael mentioned that her son, Lucas Dunkley is working towards becoming an Eagle Scout and would like to do his Eagle Scout project in Pottersville.

David Gross thanked the Board for holding the meeting in Pottersville. David stated the sidewalks are not being plowed in the winter and would like to see them maintained this winter. David also stated concerns about the Town of Chester liaison position at the North Warren Emergency Squad (NWEMS) not being advertized.

Supervisor Leggett closed Privilege of the Floor at 10:05 pm.

**Committee Reports:**

Supervisor Leggett opened Committee Reports at 10:05 pm.

John MacMillen, building inspector for the Town stated he is currently looking at seven properties. John stated it has been difficult contacting owners.

Barbara Repp asked about County paving. Supervisor Leggett said they are still on schedule.

Mary Clark asked how to report an unsafe building. Supervisor Leggett said to bring it to the board.

Pat Powers would like to see more meetings held in Pottersville.

Rick Bump thanked the Pottersville Fire Department for hosting the meeting.

**RESOLUTION NO. 123 OF 2017: AUTHORIZE TOWN CLERK ADVERTISE FOR A ZONING BOARD OF APPEALS ALTERNATE**

**WHEREAS**, the Zoning Board of Appeals needs an alternate member,

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

On a motion by Supervisor Leggett, seconded by Mrs. Wells, Resolution No. 123 of 2017 was **ADOPTED**.

AYE 5      NAY 0

Terry Perkins, NWEMS liaison for the Town listed his concerns: the NWEMS Board has not meet quorum, the last meeting was closed to the public, no meeting minutes and not following the by-laws. Jeff Finch, NWEMS Board Member stated they are following the advice of the attorney. Terry reported they are over budget and Cash Jones is resigning from treasurer. Mrs. DuRose said she attended the last NWEMS meeting and it was well run. Supervisor Leggett stated that it is not the job of the Town Board to run the NWEMS. Kevin Feldt said to let Issachan Modent (Izzy) do his job. David Gross wanted to thank Izzy for his amazing training. Al Muench is concerned that the Board is aware of an organization not being run by the by-law that receives money from the Town.

Supervisor Leggett closed Committee Reports at 10:35 pm.

On a motion by Supervisor Leggett, seconded by Mr. Durkish, Board went into Executive Session at 10:35 pm to discuss the medical and financial history of a particular person.

On a motion by Mrs. DuRose, seconded by Mrs. Wells, Board exited Executive Session at 10:56 pm. No action taken.

On a motion by Mrs. DuRose, seconded by Mrs. Wells, meeting adjourned at 10:56 pm.

Respectfully submitted,

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Town Clerk

DRAFT