



Town Board

Regular Meeting

September 12, 2017

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 7:03 pm with the Pledge of Allegiance.

RESOLUTION NO. 136 OF 2017: ACCEPT MINUTES OF THE REGULAR MEETING AUGUST 8, 2017

RESOLVED, to accept the minutes of the Regular Meeting August 8, 2017 as written.

On a motion by Mrs. Wells, seconded by Mr. Durkish, Resolution No. 136 of 2017 was **ADOPTED**.

AYE 5 NAY 0

Committee Reports:

Supervisor Leggett opened Committee Reports at 7:05 pm.

Mrs. Wells asked for a caution light at Valley Farm Road and State Route 9. Mrs. Wells stated she had heard from a few Pottersville residences about a chlorine smell in the water and being unable to drink it. Mr. Monroe, Water Superintendent replied that the well is good and the chlorine has to be there in order for it to be safe and meet NYS standards.

Mrs. DuRose attended the Library and NWEMS meetings. The EMS asked if in kind services could be done as part of the budget. The Attorney for the Town said that plowing could be done as long as the Highway Superintendent agreed. The stop bar is back at Olmstedville Road and State Route 9, put down by Warren County DPW.

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

- Zoning Administrator & Sanitary Code Enforcement Officer's Activity Report for August 2017
- Minutes of the Planning Board Meeting August 21, 2017
- Assessors Report for September 2017
- Animal Control Report August 2017
- Town Clerk Monthly Report for August 2017
- Certificate of Attendance for Karen Griffen - 2017 Court Clerk's Training Program

Supervisor Leggett stated the tax cap for this year is 1.64% which would allow a \$28,000 increase over 2016. The Attorney for the Town reminded everyone that to override the tax cap it must be done by local law subject to public hearing. Richard Woidt from Woidt Engineering reported in a letter the State has accepted his spillway design for Loon Lake Dam, reducing the amount of space needed.

Old Business:

Supervisor Leggett opened Old Business at 7:17 pm.

Supervisor Leggett introduced Garry Robinson to present on the **Leonard Septic**. Garry states the testing proposed by the engineer for the Town was excessive and expensive. The Leonards are now proposing a 3,000 gallon holding tank with alarm system. Chris Liddle asked if the holding tank had a liner. Garry stated it is a precast holding tank. Mr. Packer asked if Leonards were going to test the stream. Garry stated that there would be no need for Leonards to test since they are now putting in a holding tank. Chris

Liddle asked if the pollution problem was going to be handled in this resolution. Craig stated not in this resolution.

RESOLUTION NO. 137 OF 2017: APPROVE LEONARD SEPTIC APPLICATION WITH THE CONDITION THAT THE TOWN ENGINEER APPROVES FINAL PLAN

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 for property located at 24 Atateka Loop, Chestertown, NY, Tax Map # 120.11-1-28, 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 4 listed criteria applicable,

BE IT RESOLVED, the Town Board acting as the Local Board of Health finds the Leonard 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.
- d) In granting any variance, the Local Board of Health shall prescribe and attach any reasonable conditions that it deems to be necessary or desirable.

BE IT FURTHER RESOLVED, the Local Board of Health finds a septic holding tank system to be the minimum allowable variance to the Town's On-Site Wastewater Treatment Local Law based on site conditions, lot size, potential impact to adjacent private property and proximity to a common natural resource (Friends Lake), and

BE IT FURTHER RESOLVED, the Local Board of Health requires the Engineer for the Town to approve the Leonard septic holding tank system design as a condition for final approval of this variance. On a motion by Mr. Packer, seconded by Mrs. DuRose Resolution No. 137 of 2017 was **ADOPTED**.

AYE 5 NO 0

Supervisor Leggett asked the Attorney for the Town about appointing a Marriage Officiant. Mr. Schachner stated that the Town has a right but is not obligated to appoint a Marriage Officiant. The appointee must be a resident of the Town and over 18 years of age. Mrs. DuRose asked why would the Town want to appoint a Marriage Officiant? Craig introduced Susan Andonucci who is asking to be appointed. Susan stated there is a need since elopements are becoming popular and she would be available for everyone in the Town.

RESOLUTION NO. 138 OF 2017: APPOINT SUSAN ANDONUCCI AS THE TOWN OF CHESTER MARRIAGE OFFICIAN

WHEREAS, as provided by NYS Domestic Relations Section 11-c – Marriage Officers, a Town Board may appoint one or more marriage officers to solemnize a marriage, and Section 11-c also provides certain limitations and requirements of a marriage officer, and

WHEREAS, the Town Board has had a request to make such an appointment because of the occasional difficulty of persons not being able to arrange for the services of a marriage officiant at certain times and places,

BE IT RESOLVED, the Town Board appoints Susan Andonucci as marriage officer for a term ending December 31, 2019 who will serve at the pleasure of the Town Board and in accordance with NYS Law. On a motion by Mr. Packer, seconded by Mrs. Wells, Resolution No. 138 of 2017 was **ADOPTED**.

AYE 5 NO 0

New Business:

Supervisor Leggett opened New Business at 7:52 pm.

RESOLUTION NO. 139 OF 2017: SET 2018 TENTATIVE BUDGET MEETING FOR OCTOBER 3, 2017 AT 7 PM

WHEREAS, Town Law Section 106 (3) provides for the Town Clerk to present the tentative budget to the Town Board at a regular or special meeting on or before the fifth day of October,

BE IT RESOLVED, the Town Board sets Tuesday, October 3, 2017 at 7 pm as the date for presentation of the tentative budget for fiscal year 2018.

On a motion by Supervisor Leggett, seconded by Mr. Durkish, Resolution No. 139 of 2017 was **ADOPTED**.

AYE 5 NO 0

RESOLUTION NO. 140 OF 2017: AUTHORIZE SUPERVISOR TO SIGN 2017 YOUTH AND RECREATION PROGRAM AGREEMENT WITH WARREN COUNTY

WHEREAS, the New York State Office of Children & Family Services provides funding to Warren County for recreational programs for youth, and

WHEREAS, the Town of Chester has provided recreational programs for youth in 2017,

BE IT RESOLVED, Supervisor Leggett is authorized to sign a Reimbursement Agreement with Warren County in order to receive \$2,375 in reimbursement from the County for providing youth recreational programs in the Town during 2017.

On motion by Mrs. Wells, seconded by Mr. Durkish, Resolution No. 140 of 2017 was **ADOPTED**.

AYE 5 NO 0

Supervisor Leggett stated the current contract with Bioconservation Inc. expires at the end of this year. The BTi program is for black fly control.

RESOLUTION NO. 141 OF 2017: AUTHORIZE CLERK TO ADVERTISE FOR BIDS FOR BTI PROGRAM

WHEREAS, the Town of Chester awards a 3-year contract for control of black flies in certain areas of the Town, and

WHEREAS, the current contract for black fly control ends in 2017,

BE IT RESOLVED, the Town Clerk is authorized to advertise for bids for the next 3-year contract for black fly control with bids to be opened at the October 10, 2017 Town Board meeting.

On a motion by Mr. Packer, seconded by Mrs. DuRose, Resolution No. 141 of 2017 was **ADOPTED**.

AYE 5 NO 0

RESOLUTION NO. 142 OF 2017: AUTHORIZE SUPERVISOR TO SIGN AGREEMENT BETWEEN THE TOWN AND THE YMCA

WHEREAS, the Town Board approved an appropriation of a \$3,500 donation to the Family YMCA of the Glens Falls Area on June 13, 2017 for certain youth and community services, and

WHEREAS, the Town and the YMCA have written an agreement defining the terms and conditions of the donation,

BE IT RESOLVED, Supervisor Leggett is authorized to sign the Agreement Between the Town of Chester and Family YMCA of the Glens Falls Area with certain modifications made for clarification of services and terms with approval in a form acceptable to the Attorney for the Town. On a motion by Supervisor Leggett, seconded by Mr. Durkish, Resolution No. 142 of 2017 was **ADOPTED**.

AYE 5 NO 0

RESOLUTION NO. 143 OF 2017: AUTHORIZED SUPERVISOR TO APPLY TO WARREN COUNTY DPW AND NYS DOT FOR 45 MPH SPEED LIMIT BETWEEN APPROXIMATELY #254 COUNTY ROAD 19 AND #356 COUNTY ROAD 19

WHEREAS, a certain portion of County Road 19, a.k.a. Olmstedville Road, has had numerous vehicle accidents due to excessive speed and,

WHEREAS, the speed limit of that portion of County Road 19 is 55 mph.

BE IT RESOLVED, the Supervisor is authorized to apply to Warren County DPW and NYS DOT for 45 mph speed limit between approximately #254 County Road 19 and #356 County Road 19.

On a motion by Mrs. Wells, seconded by Mrs. DuRose, Resolution No. 143 of 2017 was **ADOPTED**.

AYE 5 NO 0

David LaPell commented on the how many times the guardrails have been hit and the concern about the excessive speed now that school is open.

Supervisor Leggett stated that the request on White Schoolhouse Road has been approved to be 45 mph.

RESOLUTION 144 OF 2017: REAPPOINT ERIN BROTHERS TO THE BOARD OF ASSESSMENT REVIEW

WHEREAS, the term for Erin Brothers on the Board of Assessment Review ends on September 30, 2017, and

WHEREAS, Erin Brothers is willing and able to serve another term,

BE IT RESOLVED, the Town Board appoints Erin Brothers to the Board of Assessment Review for a 5-year term ending September 30, 2022.

On a motion by Supervisor Leggett, seconded by Mrs. Wells, Resolution No. 144 of 2017 was **ADOPTED**.

AYE 5 NO 0

Supervisor Leggett stated that Mary Jane Dower was interested in the Chester seat on the NWEMS Board of Directors.

David Gross stood up and volunteered to be a candidate to fill the David listed his qualifications: EMS Captain for Pottersville, Chaplain for Pottersville and EMT for 4 years. Dave understands the needs from EMS, budget requirements and wants to make sure that we have qualified people who are properly trained to assist the community.

RESOLUTION NO. 145 OF 2017: APPOINT DAVID GROSS TO FILL THE CHESTER SEAT ON THE NWEMS 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 David Gross to fill the vacant Chester seat on the NWEMS Board of Directors for a term ending December 31, 2017.

On a motion by Supervisor Leggett, seconded by Mrs. DuRose, Resolution No. 145 of 2017 was **ADOPTED**.

AYE 5 NO 0

RESOLUTION NO. 146 OF 2017: ACCEPT THE RESIGNATION OF ADELE TRESTON FROM THE LIBRARY BOARD OF TRUSTEES

WHEREAS, Adele Treston has submitted a letter of resignation from the Library Board of Trustees, **BE IT RESOLVED**, the Town Board accepts the resignation of Adele Treston from the Library Board of Trustees effective immediately.

On a motion by Mrs. DuRose, seconded by Mr. Packer, Resolution No. 146 of 2017 was **ADOPTED**.

AYE 5 NO 0

RESOLUTION NO. 147 OF 2017: AUTHORIZE CLERK ADVERTISE FOR BIDS FOR 2003 F250 PICKUP TRUCK

WHEREAS, Section 1008 of the Town of Chester Employee Handbook sets the policy whereby unneeded, surplus or worn-out property of the Town shall be declared surplus and sold by the Town Board in a manner which results in the full salvage value being paid to the Town, and

WHEREAS, the Town Highway Superintendent recommends the disposal of a 2003 Ford F250 pickup, **BE IT RESOLVED**, the Town Board declares the 2003 Ford F250 pickup surplus and authorizes the Town Clerk to advertise for bids for its sale with a minimum bid of \$1,000 and all bids to be opened at the October 10, 2017 regular Town Board meeting.

On a motion by Mrs. Wells, seconded by Mr. Durkish, Resolution No. 147 of 2017 was **ADOPTED**.

AYE 5 NO 0

Supervisor Leggett introduced Brett Winchip from Winchip Engineering, representing Dale Gleason of 649 Atateka Dive, Tax Map # 120.15-1-16, went through the application for Septic Wastewater Treatment System Variance.

RESOLUTION NO. 148 OF 2017: SET GLEASON SEPTIC PUBLIC HEARING FOR SEPTEMBER 27, 2017 AT 7 PM

WHEREAS, an application for septic wastewater treatment system variance was received from Dale Gleason for a property at 649 Atateka Drive, Chestertown, NY, tax map #120.15-1-16 and

WHEREAS, the application was presented by Winchip Engineering and reviewed by the Town Board at the September 12, 2017 regular Town Board meeting,

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, the Town Board deems the application complete and sets public hearing for the application on Wednesday, September 27, 2017 at 7 pm at the Town of Chester Municipal Center and authorizes the Town Clerk to advertise the public hearing accordingly, and

BE IT FURTHER RESOLVED, to refer the Gleason Septic Application to Cedarwood Engineering as Town Engineer for its evaluation and opinion at the expense of the applicant.

On a motion by Supervisor Leggett, seconded by Mr. Packer, Resolution No. 148 of 2017 was **ADOPTED**.

AYE 5 NO 0

RESOLUTION NO. 149 OF 2017: SET REGULAR TOWN BOARD MEETING OCTOBER 10, 2017 TO BE HELD IN AT THE POTTERSVILLE FIRE HOUSE BASED ON AVAILABILITY

WHEREAS, the Town Board desires to hold its regular Town Board Meeting in Pottersville at various times throughout the year in order to better engage with the residents of the Town,

BE IT RESOLVED, the Town Board will hold its regular meeting on Tuesday, October 10, 2017 at the Pottersville Fire House, dependent upon the availability of the facility.

On a motion by Supervisor Leggett, seconded by Mrs. DuRose, Resolution No. 149 of 2017 was **ADOPTED**.

AYE 5 NO 0

RESOLUTION NO. 150 OF 2017: SET RATE FOR CEMETERY CORNER MARKERS TO \$200 AND A MARRIAGE LICENSE TO \$45

WHEREAS, the Town Clerk recommends the price of a set of cemetery lot corner markers be increased from \$150 to \$200 due to cost increases and based upon rates set by adjoining towns the cost of a marriage license be increased from \$35 to \$40,

BE IT RESOLVED, the rate for a set of cemetery lot corner markers is \$200 and a marriage license is \$40 effective immediately.

On a motion by Mr. Durkish, seconded by Mrs. Wells, Resolution No. 150 of 2017 was **ADOPTED**.

AYE 5 NO 0

RESOLUTION NO. 151 OF 2017: AUTHORIZE SUPERVISOR TO SIGN 2018 LARAC GRANT

WHEREAS, the Town of Chester applies each year for a LARAC grant for youth theater,

BE IT RESOLVED, the Supervisor is authorized to sign the LARAC grant to support the youth theater event, Billy Goat's Gruff for 2018.

On a motion by Mrs. Wells, seconded by Mr. Durkish, Resolution No. 151 of 2017 was **ADOPTED**.

AYE 5 NO 0

RESOLUTION NO. 152 OF 2017: AUTHORIZE THE ATTENDANCE OF UP TO 7 MEMBERS FROM THE PLANNING BOARD AND ZONING BOARD OF APPEALS TO THE 5TH ANNUAL SOTHERN ADIRONDACK PLANNING AND ZONING CONFERENCE ON OCTOBER 3, 2017, REGISTRATION EXPENSES AND REIMBURSEMENT OF MILEAGE COST

WHEREAS, the Warren County Economic Development Corporation will hold its 5th Annual Southern Adirondack Planning and Zoning Conference in Lake George on October 3, 2017, and

WHEREAS, each Planning Board and Zoning Board of Appeals member is required to attain a minimum of 4 continuing education credits each year and the Town Board encourages all members to stay current with planning and zoning issues, and

WHEREAS, budget codes A8010.4 and A8020.4 have sufficient funds to pay for registration and travel costs for up to 7 members to attend,

BE IT RESOLVED, the Town Board authorizes the attendance of up to 7 members from the Planning Board and Zoning Board of Appeals to the 5th Annual Sothern Adirondack Planning and Zoning Conference on October 3, 2017 based upon the Towns policy for member attendance and authorizes the payment of registration expenses and mileage cost reimbursement with proper documentation.

On a motion by Mrs. Wells, seconded by Mr. Packer, Resolution No. 152 of 2017 was **ADOPTED**.

AYE 5 NO 0

RESOLUTION NO. 153 OF 2017: ACCEPTS QUOTE FROM SJB FOR 1 TEST BORE AND 1 WELL AT \$5,400 AND AUTHORIZES UP TO 2 TEST BORES AND 2 WELLS TO BE PURCHASED AT THAT PRICE

WHEREAS, Cedarwood Engineering has requested quotes from 5 vendors for test boring and well installation for the Pottersville Water District, and

WHEREAS, Cedarwood Engineering has received quotes from two qualified vendors for such services and goods,

BE IT RESOLVED, the Town Board accepts the lower quote as submitted by SJB for 1 test bore and 1 well at \$5,400 and authorizes up to 2 test bores and 2 wells to be purchased at this price for the Pottersville Water District and authorizes Supervisor Leggett to notify Cedarwood Engineering of the decision and arrange for work to be done with SJB.

On a motion by Supervisor Leggett, seconded by Mrs. Wells, Resolution No. 153 of 2017 was **ADOPTED**.

AYE 5 NO 0

Pending Items:

Supervisor Leggett opened pending items at 8:44 pm.

David Gross on the Olmstedville Road commented that he still does not have air in his water and there has not been a chlorine smell and there is a need for a speed reduction on Olmstedville Road. He also commented that the sidewalks have been repaired.

Mary Clark asked about the solar street lights on the basketball court in Pottersville. Supervisor Leggett stated the price for 6 lights was about \$34,000. Mary asked if the Japanese knot weed would be sprayed every year. Craig said he would keep on it to keep it done in the State right of way.

Supervisor Leggett stated that there are conceptual plans to redesign the intersection of Route 9 and Olmstedville Road to make it a safer intersection and that would eliminate the triangle. Warren County has put it in their budget to do the engineering design work for the intersection plans.

Pat Powers asked about the crosswalk by the Redemption Center. Supervisor Leggett stated that the request for the sidewalk has been approved by the State. Cedarwood Engineering is now coming up with the plans to meet ADA specs. Pat commented that the State had done a survey and they could not justify having a light at the intersection of Route 9 and Valley Farm Road because there were not enough accidents. Pat pointed out there has been on fatality at that intersection.

RESOLUTION NO. 154 OF 2017: AUTHORIZED SUPERVISOR TO APPLY TO WARREN COUNTY DPW AND NYS DOT FOR A CAUTION LIGHT COMING DOWN ROUTE 9 AND A STOP LIGHT AT THE END OF VALLEY FARM ROAD

WHEREAS, the intersection of Valley Farm Road, a State road, and State Route 9 is known to be a dangerous intersections because of people failing to stop or slow down,

BE IT RESOLVED, the Town Board authorizes Supervisor Leggett to apply to NYS DOT for a caution light at the intersection of Valley Farm Road and State Route 9 in Pottersville.

On a motion by Mrs. Wells, seconded by Mrs. DuRose, Resolution No. 154 of 2017 was **ADOPTED**.

Privilege of the Floor:

Supervisor Leggett opened Privilege of the Floor at 8:57 pm.

Al Muench commented that public participation is an important part of government. Al asked if public comment could be put early in the session.

Dave Kvam asked if the Town could prohibit the use of watercraft that is designed solely for racing. They are speeding up and down Loon Lake and are loud. Dave asked if it would require a petition or a study. Supervisor Leggett stated that he has received emails from Dave concerning the issue. Craig has spoken to the Town Constable who followed up with the owner of the boat. The Attorney of the Town stated that he doesn't think it is appropriate to prohibit a certain craft and the means of regulation would be through speed limits and noise limits on the lake.

Mr. Packer asked about Purchase Orders. Supervisor Leggett said the Town could implement a policy for a certain dollar amount.

RESOLUTION NO. 155 OF 2017: AUTHORIZE PAYMENT OF ABSTRACTS AND CLAIMS PAID PRIOR TO AUDIT

RESOLVED, the Town Board accepts the Claims Paid Prior to Audit, Abstract of Claims and accounting requirements.

General A	\$ 44,596.17	355-412
Capital Project - Biomass HB	\$ -	-
Highway DA	149,658.57	227-258
Chestertown Water CW	\$ 1,406.98	42-44
Pottersville Water PW	\$ 1,158.98	40-42
Library L	\$ 2,431.70	29-34
Loon Lake Park District SP	\$ 47,607.00	10-12
Schroon Lake Park District SX	\$ 417.00	11-12

On a motion by Mrs. Wells, seconded by Mrs. DuRose, Resolution No. 155 of 2017 was **ADOPTED**.
AYE 5 NAY 0

On a motion by Supervisor Leggett, seconded by Mrs. Wells, Board went into Executive Session at 9:18 pm to discuss the acquisition of real estate and potential litigation.

On a motion by Mrs. DuRose seconded by Mr. Packer, Board exited Executive Session at 9:36 pm. No action taken.

On a motion by Mr. Packer, seconded by Mrs. DuRose, meeting adjourned at 9:36 pm.

Respectfully submitted,

Town Clerk