



Town Board

Regular Meetings

October 9, 2018

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 and Larry Turcotte and Attorney for the Town, Mark Schachner. Steve Durkish absent.

Regular Meeting:

Supervisor Leggett opened the Regular Town Board Meeting at 7:00 pm. Mr. Turcotte lead the Pledge of Allegiance.

RESOLUTION NO. 173 OF 2018: ACCEPT THE MINUTES OF THE REGULAR MEETING SEPTEMBER 14, 2018 AND THE TENTATIVE BUDGET MEETING OCTOBER 3, 2018

RESOLVED, to accept the minutes of the Regular Meeting September 14, 2018 and the Tentative Budget Meeting October 3, 2018 as presented.

On a motion by Mr. Packer, seconded by Mrs. DuRose, Resolution No. 173 of 2018 was **ADOPTED**.

AYE 4 NO 0

Committee Reports:

Supervisor Leggett opened Committee Reports at 7:02 pm.

Mr. Turcotte reported that he spoke to Real Bark Mulch about getting a mulch grinder so there could be a brush pile back at the transfer station. The cost to the Town for about a 1,000 cubic yards would be \$4,000 to \$6,000. The Town would keep the mulch or they could take it away which would cover the cost of trucking.

Mrs. DuRose reported that she has spent a lot of time discussing insurance and CSEA Contracts as well as looking into having a shredding truck come to Town for the citizens.

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

- Town Board Minutes for September 11, 2018
- Town Board Minutes for October 3, 2018
- Supervisor's Monthly Cash Report as of September 30, 2018
- Audited Abstract for October 9, 2018
- Zoning Administrator Activity Report for September 2018
- Zoning Enforcement Report for August and September 2018
- Planning Board Minutes for September 17, 2018
- Assessors Report for October 2018
- Animal Control Report September 2018
- Town Clerk Monthly Report for September 2018
- Letter from the Friends Lake Property Owner Association concerning Air B&B and VRBO

Town Clerk reported the office has received the following communication:

- Thank you letter from Lorraine Collins to Marion Eagan and Mindy Conway for their assistance
- Thank you card from the YMCA for the donation from the Town
- Letter from Warren County Soil & Water denying the Town's request for an extension for the Schroon Lake Stormwater Implantation Project
- Letter of Resignation from Brandi Bassette as Secretary for the Zoning Board of Appeals

Supervisor Leggett reported the following:

- Rich Konig, Loon Lake Safety Officer gave a report about Loon Lake
- Loon Lake Boat Wash Station is closed as of October 8th
- Health Center will be closed down for repairs to the foundation starting October 15th for 2 weeks
- Highway Garage floor drain dig is finished
- Spoke with DPW Superintendent and they plan to do a couple thousand feet on Olmstedville Road

Jason Monroe, Highway Superintendent reported the paving on Fawn Ridge is complete, they will be working at Stagecoach Acres and cutting brush and road shoulders.

David Gross, NWEMS Representative and Acting Chairman, reported that there was not a quorum at the last meeting. In the operations report for Warren County, there were 57 call. Of those calls 25 were Chester, 15 were Horicon and 17 were mutual aid. \$18,000 in donations have been received since the letter went out last month.

Debra Eves, North Warren Chamber of Commerce reported the following:

- "Shop Small Saturday" the day after Thanksgiving
- Economic Development Initiative online survey, 81 responses so far
- Membership growth, current membership is about 113
- New website is live, which will have a directory of all the businesses
- Julia Pucciarelli will be taking over her position at the Chamber
- Increasing advertising budget for 2019 to bring things up to the next level

Greg Beckler commented on how much the Chamber has expanded over the last few years.

Supervisor Leggett thanked Debra for her hard work.

Supervisor Leggett closed Committee Reports at 7:19 pm.

Privilege of the Floor:

Supervisor Leggett opened Privilege of the Floor at 7:19pm.

Mary Clark asked about the sidewalks in Pottersville. Supervisor Leggett responded that the sidewalks were going to be pushed off until next year due to the Health Center expenses.

Greg Beckler said that "Escape At Dannemora", a Showtime miniseries, will air November 18th at 10 pm. The miniseries was partially filmed Pottersville and Chestertown.

Supervisor Leggett closed Privilege of the Floor at 7:22 pm.

New Business:

Supervisor Leggett opened New Business at 7:22 pm.

RESOLUTION NO. 174 OF 2018: APPROVE THE 2018 BUDGET AMENDMENTS

RESOLVED, the Town Board approved the following 2018 Budget amendments:

TOWN OF CHESTER HIGHWAY REVENUE FY 2018 - REVENUE		Budget		
		RevenueAmendments:10/9/2018		
ITEM	CODE #	FY 2018	To	From

CHIPS	DA3501	\$177,328	\$73,915	
HIGHWAY FUND EXPENSES - "DA"		Budget	BUDGET AMENDMENTS	
		2018	9-Oct-18	
STREET ADMINISTRATION			From	To
CDL Drug Testing	DA5010.4	\$600	\$200	
Safety Materials: Videos, Etc.	DA5010.41	\$200	\$200	
GENERAL REPAIRS				
Personal Services	DA5110.1	\$290,000	\$19,000	
Cap Outlay - Gravely Pit	DA5110.2	\$0		\$1,100
CAPITAL IMPROVEMENT				
Perm Improve Highways	DA5112.2	\$240,000		\$73,915
Contractual Expenses	DA5110.4	\$100,000	\$600	
MACHINERY				
Personal Service: Mechanic	DA5130.1	\$48,379	\$12,000	
Equipment	DA5130.2	\$120,000		\$28,200
MISC. TRANSPORTATION				
Removal of Beavers	DA5680.4	\$900		\$800
EMPLOYEE BENEFITS				
Unemployment Insurance	DA9050.8	\$0		\$1,900
TOTAL			\$105,915	\$105,915
				\$0

TOWN OF CHESTER BUDGET 2018 - REVENUE			Budget		Revenue Amendments: 10-9-18	
ITEM	CODE #	FY 2018	To	From		
PILOT	A1081	\$14,000	4800			
CULTURE & RECREATION						
Youth Fees	A2001	\$8,000	3400			
HOME & COMMUNITY SERVICES						
Zoning Fees	A2110	\$6,000	2600			
FINES & FORFEITURES						
Fines & Forfeit	A2610	\$130,000	4800			
GIFTS & DONATIONS						
Youth Programs- Ski, Ball...	A2705.91	\$4,000	2000			
STATE AID						
Streetscape - Main St. Improvements	A3589		79320			
TOTAL			96920	0		
GENERAL FUND - "A"			Budget		Budget Amendments: 10-9-2108	

ITEM	CODE #	FY 2018	From	To
MUNICIPAL COURT				
Court Officer	A1110.13	\$2,441	2440	
Contractual Expense	A1110.4	\$7,000		5120
ASSESSMENT				
Personal Services: Board	A1355.12	\$1,380	360	
TOWN CLERK				
Personal Services: Deputy	A1410.11	\$3,500	400	
Legal Ads	A1410.41	\$900		400
TOWN MUNICIPAL CENTER				
Capital Outlay / Construction	A1620.2	\$20,000	3920	
Control of Dogs				
Contractual Expenses	A3510.4	\$800		200
Insect Control				
Contractual Expenses	A4068.4	\$15,000		900
Ambulance				
Contractual Expenses	A4540.4	\$95,000		12000
Garage				
Contractual Expenses	A5132.4	\$22,000		2500
PUBLICITY				
Woofstock	A6410.499N	\$5,000		1000
Downhill Derby	A6410.499Y	\$0		1000
PARKS				
Equipment	A7110.2	\$8,000		800
ZONING				
Contractual Expenses	A8010.4	\$2,200		600
Legal Ads	A8010.43	\$150		200
COMMUNITY BEAUTIFICATION				
Main Street Projects	A8510.43			79320
TOTAL			104040	104040

On a motion by Mrs. DuRose, seconded by Mr. Turcotte, Resolution No 174 of 2018 was **ADOPTED**.
 AYE 4 NO 0

RESOLUTION NO. 175 OF 2018: AUTHORIZE PAYMENT OF ABSTRACTS

RESOLVED, the Town Board accepts the Abstract of Claims and accounting requirements with General voucher numbers 438 and 444 voided.

General A	\$64,017.45	423-473
Highway DA	\$25,017.86	243-267
Chestertown Water CW	\$273.19	52-54
Pottersville Water PW	\$1,810.48	42-47
Loon Lake Park District SP	\$135.00	22-22
Library L	\$693.25	35-38

On a motion by Mr. Turcotte, seconded by Mr. Packer, Resolution No. 175 of 2018 was **ADOPTED**.

AYE 4 NO 0

Whitman Septic Variance:

Tom Hutchins from Hutchins Engineering in Queensbury representing Mr. Whitman, explained replacing a substandard septic system with septic tank and absorption bed. Mr. Hutchins explained that the one driveway will be removed to make room for the absorption bed. Mr. Turcotte asked if there were any concerns about slope on the site and if it was going to go into existing grade or if fill was going to be brought in. Mr. Hutchins responded that there are not concerns with the slope and it will be shallow in the existing grade.

RESOLUTION NO. 176 OF 2018: SET PUBLIC HEARING FOR WHITMAN SEPTIC VARIANCE #SV2018-02

WHEREAS, an application for septic wastewater treatment system variance was received from Paul Whitman for a property at 625 Atateka Drive, Chestertown, NY, tax map #120.19-1-15 and **WHEREAS**, the application was presented by Tom Hutchins from Hutchins Engineering and reviewed by the Town Board at the October 9, 2018 regular Town Board meeting, and **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 Tuesday, November 13th 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 Whitman Septic Application to Cedarwood Engineering as Town Engineer for its evaluation and opinion at the expense of the applicant.

On a motion by Mrs. DuRose, seconded by Mr. Packer, Resolution No. 176 of 2018 was **ADOPTED**.

AYE 4 NO 0

RESOLUTION NO. 177 OF 2018: AUTHORIZE SUPERVISOR TO SIGN THE 2019 ROADWAY MAINTENANCE INTERMUNICIPAL AGREEMENT WITH WARREN COUNTY

WHEREAS, Warren County has provided a 2019 Roadway Maintenance Agreement for the Town of Chester, and **WHEREAS**, the Town of Chester will receive \$286,717.55 for snow and ice removal and \$4,601.80 for mowing County Roads according to the agreement, **BE IT RESOLVED**, the Supervisor is authorized to enter the Intermunicipal Agreement with Warren County for such work for said amount of money.

On a motion by Mr. Turcotte, seconded by Mrs. DuRose, Resolution No. 177 of 2018 was **ADOPTED**.

AYE 4 NO 0

RESOLUTION NO. 178 OF 2018: AUTHORIZE TOWN CLERK TO ADVERTISE FOR BIDS FOR PAINTING THE CHESTERTOWN WATER DISTRICT WATER TANK IN FY2019 WITH SPECS PROVIDED BY CEDARWOOD ENGINEERING AND BIDS TO BE OPENED DECEMBER 11, 2018 AT 7 PM

WHEREAS, painting of the Chestertown Water District water tank was a need identified in the 2012 Water District Assessment by Cedarwood Engineering, and **WHEREAS**, the Town has raised money towards the estimated cost of painting the water tank, **BE IT RESOLVED**, the Town Board authorizes the Town Clerk to advertise for bids for painting the Chestertown Water District water tank in FY2019 with specs provided by Cedarwood Engineering and bids to be opened December 11, 2018 at 7 pm.

On a motion by Supervisor Leggett, seconded by Mr. Packer, Resolution No. 178 of 2018 was **ADOPTED**.

AYE 4 NO 0

RESOLUTION NO. 179 OF 2018: AUTHORIZE TOWN CLERK TO ADVERTIZE FOR BIDS FOR SALE AND DELIVERY OF #2 FUEL OIL, DIESEL FUEL AND KEROSENE AND PREMIUM HARDWOOD PELLETS FOR 2019. BIDS TO BE OPENED NOVEMBER 13, 2018 AT 7 PM

RESOLVED, the Town Board authorizes the Town Clerk to advertise for bids for sale and delivery of #2 fuel oil, diesel fuel and kerosene and premium hardwood pellets for 2019. Bids to be opened November 13, 2018 at 7 pm.

On a motion by Mr. Turcotte, seconded by Mr. Packer, Resolution No. 179 of 2018 was **ADOPTED**.

AYE 4 NO 0

RESOLUTION NO. 180 OF 2018: ADOPT THE REVISED SEXUAL HARASSMENT POLICY AND PROVIDE TRAINING IN-HOUSE ACCORDING TO MANDATED DEADLINES

WHEREAS, NYS requires employers, including the Town of Chester, to adopt an anti-sexual harassment policy and provide for training, and

WHEREAS, the Town Board has reviewed and adapted the Sexual Harassment Policy as provided by NYS with the addition of "unwanted" added to page 3 before touching under Physical assaults of a sexual nature, such as;

BE IT RESOLVED, the Town Board adopts the revised Sexual Harassment Policy and will provide training in-house according to mandated deadlines.

On a motion by Mrs. DuRose, seconded by Mr. Turcotte, Resolution No. 180 of 2018 was **ADOPTED**.

AYE 4 NO 0

RESOLUTION NO. 181 OF 2018: AMEND THE TOWN OF CHESTER EMPLOYEE HANDBOOK BY ADDING APPENDIX D SEXUAL HARASSMENT POLICY

WHEREAS, the Town Board has adopted a Sexual Harassment Policy,

BE IT RESOLVED, the Town of Chester Employee Handbook is amended by adding Appendix D Sexual Harassment Policy.

On a motion by Mr. Turcotte, seconded by Mrs. DuRose, Resolution No. 181 of 2018 was **ADOPTED**.

AYE 4 NO 0

Court Clerk:

Mrs. DuRose asked if the Town had received anything in writing from the current court clerk and Supervisor Leggett replied that he has not received anything at this time. Supervisor Leggett stated that he spoke to Civil Service at Warren County about the court clerk being CSEA. The County said that the position is not competitive and confidential which is why it is usually exempt from the union. The Attorney for the Town is not aware of any other municipality where their court clerk is a union position.

RESOLUTION NO. 182 OF 2018: AUTHORIZE TOWN CLERK TO ADVERTISE TO FILL THE POSITION OF COURT CLERK TO BEGIN ON JANUARY 1, 2019 WITH DUTIES DESCRIBED IN THE JOB DESCRIPTION AND WITH PAY TO BE DETERMINED

WHEREAS, the position of Court Clerk will become vacant due to retirement at the end of 2018,

BE IT RESOLVED, the Town Board authorizes the Town Clerk to advertise to fill the position of Court Clerk to begin on January 1, 2019 with duties described in the job description and with pay to be determined.

On a motion by Supervisor Leggett, seconded by Mr. Turcotte, Resolution No. 182 of 2018 was **ADOPTED**.

AYE 4 NO 0

Property Maintenance / Blight Local Law:

Supervisor Leggett asked if a Property Maintenance / Blight Local Law was adopted would it supersede the Zoning Local Law? The Attorney for the Town commented that if there are inconsistencies between the proposed law and the Zoning Local Law then you would have to include where, upon adoption, which

controls. You do not want to have gray areas where there are inconsistencies in a standalone Zoning Local Law or even if there might be some, you would want to say which would control.

RESOLUTION NO. 183 OF 2018: SET A PUBLIC HEARING ON THE PROPOSED PROPERTY MAINTENANCE / BLIGHT LOCAL LAW AT THE REGULAR TOWN BOARD MEETING ON TUESDAY, NOVEMBER 13, 2018 AT 7 PM

WHEREAS, a proposed Property Maintenance / Blight Local Law has been reviewed by the Town Board, and

WHEREAS, a Public Hearing is required before adoption as a Local Law,

BE IT RESOLVED, the Town Board sets a Public Hearing on the proposed Property Maintenance / Blight Local Law at the regular Town Board meeting on Tuesday, November 13, 2018 at 7 pm.

On a motion by Mr. Turcotte, seconded by Mrs. DuRose, Resolution No. 183 of 2018 was **ADOPTED**.

AYE 4 NO 0

RESOLUTION NO. 184 OF 2018: ACCEPT THE RESIGNATION OF BRANDI BESSETTE AS CLERK FOR THE ZONING BOARD OF APPEALS

WHEREAS, Brandi Bessette, clerk for the Zoning Board of Appeals has submitted a letter of resignation,

BE IT RESOLVED, the Town Board accepts the resignation of Brandi Bessette and thank her for her service to the Town.

On a motion by Mrs. DuRose, seconded by Mr. Packer, Resolution No. 184 of 2018 was **ADOPTED**.

AYE 4 NO 0

RESOLUTION NO. 185 OF 2018: PUBLIC HEARING ON THE PRELIMINARY BUDGET AT A SPECIAL TOWN BOARD MEETING ON TUESDAY, OCTOBER 30, 2018 AT 7 PM AT THE TOWN HALL

WHEREAS, the Town Clerk presented the Tentative Budget on Wednesday October 3, 2018 and the Town Board recommended changes to be made, and

WHEREAS, a Public Hearing on the Preliminary Budget must be held no later than the Thursday following Election Day,

BE IT RESOLVED, the Town Board will hold a Public Hearing on the Preliminary Budget at a Special Town Board Meeting on Tuesday, October 30, 2018 at 7 pm at the Town Hall.

On a motion by Mr. Turcotte, seconded by Mr. Packer, Resolution No. 185 of 2018 was **ADOPTED**.

AYE 4 NO 0

Health Insurance:

Supervisor Leggett stated that they had compared a few insurance policies and are recommending that the Town renew the current health insurance. Mr. Packer asked about cost. Supervisor Leggett stated that there will be about a \$40,000 increase for about 24 employees. On our insurance, half are retired employees and half are active employees.

RESOLUTION NO. 186 OF 2018: APPROVE PROVIDING MVP LIBERTY HDHP SILVER 8 AND MVP LIBERTY PLATINUM 5 TO ELIGIBLE EMPLOYEES AND TO USE THE ADMINISTRATION AND BROKERAGE SERVICES OF JAEGER & FLYNN

WHEREAS, Jaeger & Flynn have submitted options for Employer-sponsored Health Insurance, and **WHEREAS**, the options have been reviewed by employees and the recommendation is to renew the Health Insurance plans currently used by the Town,

BE IT RESOLVED, the Town Board approves providing MVP Liberty HDHP Silver 8 and MVP Liberty Platinum 5 to eligible employees and to use the administration and brokerage services of Jaeger & Flynn.

On a motion by Supervisor Leggett, seconded by Mr. Turcotte, Resolution No. 186 of 2018 was **ADOPTED**.

AYE 4 NO 0

RESOLUTION NO. 187 OF 2018: AUTHORIZE THE TOWN JUDGE TO APPLY FOR A JCAP GRANT TO HELP ENHANCES THE COURT'S ABILITY TO PROVIDE SUITABLE AND SUFFICIENT SERVICES TO OUR COMMUNITY

WHEREAS, the Town Justice Court has the opportunity to apply for grant funding through the NYS Justice Court Assistance Program (JCAP),

BE IT RESOLVED, the Town Judge is authorized to apply for a JCAP grant to help enhances the Court's ability to provide suitable and sufficient services to our community.

On a motion by Mrs. DuRose, seconded by Mr. Packer, Resolution No. 187 of 2018 was **ADOPTED**.

AYE 4 NO 0

BioMass Boiler:

Mr. Packer is concerned about the flow switch.

RESOLUTION NO. 188 OF 2018: ACCEPT THE BIOMASS BOILER PROJECT AS COMPLETE, AUTHORIZES FINAL PAYMENT, AND THANK THE USDA FOR THEIR FINANCIAL SUPPORT IN MAKING THE PROJECT POSSIBLE

WHEREAS, the Town has been awarded a grant from the USDA for construction of the Biomass Boiler project, and

WHEREAS, the USDA requires a resolution from the Town stating that the project is complete in order to make payment to the Town,

BE IT RESOLVED, the Town Board accepts the Biomass Boiler Project as complete, authorizes final payment, and thanks the USDA for their financial support in making the project possible.

On a motion by Mr. Packer, seconded by Mrs. DuRose, Resolution No. 188 of 2018 was **ADOPTED**.

AYE 4 NO 0

Short-Term Rentals:

Supervisor Leggett described short-term rentals as dwelling rentals through apps and people are actually buying property for the sole purpose of weekly or monthly rentals. Mr. Turcotte explained that the problem with short-term rentals is that there is no oversight, control over the renters or control over maximum occupancy.

JoAnne Nick said you never know week to week who you are going to have for neighbors. From her experience some weeks are good and some weeks are not.

Supervisor Leggett stated that the Town cannot control behavior. What the Town would be looking into is health, safety and welfare: are there smoke detectors, would the septic system be capable, occupancy, would there be adequate parking and what about garbage?

Mr. Turcotte asked the Attorney for the Town if he knew of any towns that had a Short Term Rental Local Law or Policy in effect for a long period of time. The Attorney for the Town stated that he is not aware of any. JoAnne Nick asked what was short term. Mr. Turcotte replied that anything less than a month would be considered short term.

Supervisor Leggett will bring more information to the next meeting.

Unsafe Buildings:

Mr. Turcotte asked the Attorney for the Town about unsafe buildings and the Town's responsibility. Mr. Schachner recommended that any potential legal vulnerability be discussed in Attorney-Client Privilege.

Tom Thorsen stated that one problem he had was trying to locate people.

On a motion by Mrs. DuRose, seconded by Mr. Turcotte, the Board went into Executive Session at 8:24 pm to discuss collective bargaining negotiations pursuant to Article 14 of Civil Service Law and the employment history of a particular person.

AYE 4 NO 0

On a motion by Supervisor Leggett, seconded by Mr. Turcotte, the Board exited Executive Session at 9:42 pm.

AYE 4 NO 0

No action taken.

RESOLUTION NO. 189 OF 2018: APPROVE THE FOLLOWING LIST OF SEASONAL PART TIME EMPLOYEES TO WORK AT DYNAMITE HILL FOR THE 2018-2019 SEASON: LYNN DOUGLAS, CAROL CONFER, FRED CULVER, RICH KONIG AND JULINA WALKER, AND THE TOWN WILL REIMBURSE FOR MILEAGE TO AND FROM LIFT ATTENDING TRAINING AT GORE MT. ON NOVEMBER 3, 2018

WHEREAS, each year the Town of Chester employees seasonal part time help to operate Dynamite Hill ski hill and ice rink, and

WHEREAS, lift attendants need to take yearly training,

BE IT RESOLVED, the Town Board approves the following list of seasonal part time employees to work at Dynamite Hill for the 2018-2019 season: Lynn Douglas, Carol Confer, Fred Culver, Rich Konig and Julina Walker, and

BE IT FURTHER RESOLVED, the Town will reimburse for mileage to and from lift attending training at Gore Mt. on November 3, 2018 for the five employees.

On a motion by Mrs. DuRose, seconded by Mr. Packer, Resolution No. 189 of 2018 was **ADOPTED**.

AYE 4 NO 0

On a motion by Supervisor Leggett, seconded by Mr. Packer, meeting adjourned at 9:45 pm.

AYE 4 NO 0

Respectfully submitted,

Town Clerk