



Town Board

Regular Meetings

June 11, 2019

The Town Board of the Town of Chester convened at the Pottersville Fire House, 20 Valley Farm Road, Pottersville, New York at 7:00 pm.

Roll Call: Supervisor Craig Leggett, Karen DuRose, Larry Turcotte, Deputy Supervisor Marion Eagan and Attorney for the Town, Mark Schachner. Mike Packer and Steve Durkish were absent.

Regular Meeting:

Supervisor Leggett opened the Regular Town Board Meeting at 7:03 pm with the Karen DuRose leading the Pledge of Allegiance and thanked the Pottersville Fire Department for having the meeting.

RESOLUTION NO. 113 OF 2019: ACCEPT MINUTES OF THE REGULAR MEETING

May 14, 2019

RESOLVED, to accept the minutes of the Regular Meeting May 14, 2019 as presented.

On a motion by Mrs. DuRose, seconded by Mr. Turcotte, Resolution No. 113 of 2019 was **ADOPTED**.

AYE 3 NO 0

Public Hearing Strutton Septic Variance Application #SV2019-02:

Supervisor Leggett opened the Public Hearing for the **Strutton Septic Variance Application #SV2019-02** at 7:05 pm by introducing Tom Hutchins from Hutchins Engineering in Queensbury who spoke on behalf of Mr. Strutton.

Mr. Hutchins stated that the Struttons had constructed an accessory structure which includes a garage with boat storage and a recreation area above the garage which would have a bathroom. Supervisor Leggett asked about the comments from Cedarwood Engineering:

- The use of a one-piece tank with a lid is recommended to minimize potential for leakage.
- Slope soil away from top of tank covers.
- The drawing indicates the possibility of a traffic rated precast concrete holding tank with heavy duty frames and covers. It is recommended that the applicant's engineer specify Schedule 80 PVC pipe for all piping in possible traffic areas.
- Add the following as a note on drawing. "As-builts with leak test results will be supplied to the Town of Chester." A leakage test should be performed by filling the tank with clean water and recording any measurable drop in water level for a 4-hour period.

Tom said he would incorporate the comments.

Supervisor Leggett asked the audience if there were any questions. Jill Broderick asked if what type of accessory structure this was. Mr. Hutchins replied that the main portion was garage, with an L-shape for boat storage and a wide open upstairs that will be finished for a recreation area with a bathroom.

Supervisor Leggett closed the Public Hearing at 7:08 pm.

Committee Reports:

Supervisor Leggett opened Committee Reports at 7:09 pm.

Town Clerk reported the following documents were emailed to all Board Members:

- Town Board Minutes for May 14, 2019
- Zoning Administrator Activity Report for May 2019
- Planning Board Minutes for May 20, 2019

- Zoning Enforcement Officer Report for May 2019
- Assessor's Report for June 2019
- Animal Control Monthly Report for May 2019
- Town Clerk Monthly Report for May 2019
- Town Court Report dated June 11, 2019
- Jurisdictional Determination J2019-0283 from the APA for the proposed expansion of an existing well house
- Letter from The Helpers Fund notifying the Town of the 20th annual running of the Helpers Fund 5k – 10k taking place Saturday, September 21, 2019
- Flyer for Monkey & Francine in the City of Tiger Children's Opera performed by Seagle Music Colony Saturday, July 27, 2019 at 10:30 am in the Town of Chester Town Hall

Town Clerk reported the following documents were in Board Members mailboxes:

- Loon Lake Park District Association Summer 2019 Newsletter
- Talk of the Towns & Topics for May/June 2019

Larry Turcotte said that he and Marion Eagan were researching software to track waste at the dump.

Jason Monroe, Highway Superintendent, reported that they were preparing to have the water tank in Chestertown painted. They are currently working on having it cleaned, Pottersville Well Project is waiting for the pump test at the end of the month, working on finishing sidewalks in Pottersville, Peckhams will be working on milling all of Maple Lane, Riverside Drive and reclaiming.

Privilege of the Floor:

Supervisor Leggett opened Privilege of the Floor at 7:15 pm by introducing Brian Bearor, Chief Executive Officer of the Family YMCA of the Glens Falls Area. Mr. Bearor thanked the Town Board and Craig, Marion, and Mindy who met weekly to make the Wellness Center happen. Brian stressed that no one is turned away due to financial reasons. Brian thanked Tammie LaGuerre for writing the grant and to everyone who is assisting in the next phase, working on restoring the gymnasium. Brian introduced Tammie LaGuerre, YMCA Adirondack Center Director.

Tammie LaGuerre stated that the Wellness Center was a team effort and thanked everyone. Tammie said the Wellness Center has sold 164 memberships since opening May 6th with 219 members. The Wellness Center will also offer discussions on a variety for different topics to promote mind, body and spirit. Mary Clark asked if applications could be available in the Town Clerk and Assessor Offices. Tammie replied that they were already available with Mindy and Marion. Supervisor Leggett commented that he has heard great things around Town about the Wellness Center.

Mr. Leggett asked Tammie to discuss the proposed Community Garden. Tammie said she had written a letter to the Board asking for support to have a community garden at the Town Hall at the end of the solar panels. Tammie stated that she had recently met with Cornell Cooperative Extension and received money for a community garden. Cornell Cooperative Extension Master Gardeners would provide everything; no cost for any of the planting, they will maintain the garden and Tammie is looking for a group of volunteers to participate with the Master Gardeners. The idea to start would be to harvest the items and advertise in the Wellness Center when items become available. This is an opportunity to tie health and wellness in to the Wellness Center and the Town. The Master Gardeners would offer some programs for free. Mindy asked if the garden at North Warren Central School could be used. Tammie said she has not asked the school and the Master Gardeners to see if it is possible.

Supervisor Leggett asked the Attorney for the Town if there were any procedural issues with allowing a community garden on Town property. Mr. Schachner replied that he was not aware of any.

RESOLUTION NO. 114 OF 2019: ALLOW THE YMCA TO CONTINUE TO RESEARCH AND INSTALL A COMMUNITY GARDEN ON TOWN PROPERTY

WHEREAS, the Town of Chester and the YMCA Adirondack Center are partners with an AHI funded Wellness Center project, and

WHEREAS, a component of the Wellness Center project includes healthy foods and healthy eating, and

WHEREAS, the YMCA Adirondack Center desires to establish a community-based vegetable garden as part of the Wellness Center project and to utilize the Cooperative Extension Master Gardener program to establish and maintain the community garden,

BE IT RESOLVED, the Town Board authorizes the use of Town property by the solar array behind the Municipal Center for the purpose of a community-based garden to be managed by the YMCA Adirondack Center in connection with the AHI Wellness Center project.

On a motion by Mrs. DuRose, seconded by Mr. Turcotte, Resolution No. 114 of 2019 was **ADOPTED**.

AYE 3 NO 0

Nicole Howe asked about the status of the playground in Pottersville, how the grant was coming along and if there was going to be equipment for younger children. Marion Eagan, Deputy Supervisor, replied that the grant will be awarded in August. Nicole asked about the playground equipment that is there now. Nicole asked what age group the equipment would be geared towards. Nicole would like to see equipment for younger kids. Nicole asked about the money raised for the Chestertown playground. Mindy replied that it was in the bank waiting for the park to be built by the Chester Rural Cemetery. Supervisor Leggett commented that the money was raised specifically for the VanWeelden Park which was included on the Town Recreation Plan.

Mary Clark asked about shrubs or flowers by the “Welcome to Pottersville” sign and the weeds by the Black Bear. Jason Monroe commented that most of the roads in Pottersville are not controlled by the Town, they are either County or State. Jason said that just because something is not done does not mean it is the fault of the Town. Mary asked if the Pottersville end of Landon Hill Road was State or County. Mary asked Craig as the Town Supervisor to follow up with the correct people. Mary asked if Local Law 1 of 2019 was filed. Supervisor Leggett stated that was on the agenda tonight due to a correction.

Rick Bump asked if the Pottersville end of Landon Hill Road was County or State. Jason replied that it was a County road. Rick asked why the Pottersville fountain wasn't working. Supervisor Leggett commented that there was a break in the line. Rick thanked the Town Board for the improvements in Pottersville.

Edna Wells was happy to have the planters back and thanked all the Town employees for all the work they do and nobody ever talks about the good they do.

Supervisor Leggett closed Privilege of the Floor at 7:42 pm.

New Business:

Supervisor Leggett opened New Business at 7:42 pm.

RESOLUTION NO. 115 OF 2019: APPROVE SEPTIC VARIANCE APPLICATION #SV2019-02, DAVID STRUTTON FOR PROPERTY LOCATED AT 745 ATATEKA DRIVE, CHESTERTOWN, NY, TAX MAP # 120.15-1-30

WHEREAS, the Town Board acting as the Local Board of Health has received a completed application and has held a Public Hearing on June 11, 2019 regarding the Septic Variance Application #SV2019-02, David Strutton for property located at 745 Atateka Drive, Chestertown, NY, Tax Map # 120.15-1-30, 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 listed criteria applicable,

BE IT RESOLVED, the Town Board acting as the Local Board of Health finds the Strutton Septic Variance Application #SV2019-02 meets the following criteria:

- a) That there are special circumstances or conditions, fully described in the findings of the Local Board of Health, including the maximization of existing system and magnitude of disturbance for conventional system, 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 1,500 gallon holding tank for 745 Atateka Drive, Chestertown, NY, Tax Map # 120.15-1-30 as designed and presented by Hutchins Engineering and reviewed by Cedarwood Engineering on behalf of the Town to be the minimum allowable variance to the Town's On-Site Wastewater Treatment Local Law based on site conditions, lot size, and potential impact to adjacent private property and common natural resource (Friends Lake).

On a motion by Mr. Turcotte, seconded by Mrs. DuRose, Resolution No. 115 of 2019 was **ADOPTED**.

AYE 3 NO 0

Community Development Block Grant:

Supervisor Leggett introduced Wayne LaMothe, Director of Warren County Planning to speak about the resubmission of the Community Development Block Grant (CDBG) for the Pottersville Water District.

Wayne LaMothe stated that there was standardized language missing from the last public hearing notice the application was not accepted, however we have the opportunity to resubmit if the Town wishes and the County will prepare the application again. With that the Town will have to publish a public hearing notice, post it at the Town Hall, Library and on the Town Website. The application is for \$750,000.00 to replace the water main pipe from the Wells House to the old school. The public hearing notice that has been provided to be published will allow the Town to apply for multiple grants with one application. Wayne commented that the survey done last year by was still good and would not need to be redone, which was a lot of work. Supervisor Leggett thanked Wayne.

RESOLUTION NO. 116 OF 2019: AUTHORIZING THE TOWN BOARD OF THE TOWN CHESTER NEW YORK TO HOLD A PUBLIC HEARING TO CONSIDER PUBLIC COMMENTS ON COMMUNITY DEVELOPMENT NEEDS AND TO DISCUSS THE POSSIBLE SUBMISSION OF A COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) APPLICATION TO THE NEW YORK STATE CONSOLIDATED FUNDING APPLICATION (CFA) PROGRAM YEAR 2019 AND TO AUTHORIZE AND DIRECT THE TOWN SUPERVISOR TO SIGN AND SUBMIT ALL NECESSARY DOCUMENTATION AS MAY BE REQUIRED FOR THE APPLICATION

WHEREAS, the Town of Chester desires to identify Community Needs for Housing, Economic Development, Public Facilities, Public Infrastructure and Planning Activities for the purpose of benefitting low and moderate income persons, and

WHEREAS, the Town desires to hold a public hearing to provide citizens with information about the CDBG Program and allow for citizen participation in the development of any proposed grant application and to provide technical assistance to develop alternative proposals, and

WHEREAS, the Town desires to conduct the public hearing in a location that is accessible to persons with disabilities and provide necessary accommodations for persons with disabilities including those with visual and/or hearing impairments, or those in need of translation from English, and

WHEREAS, the Town, with technical support and grant preparation assistance from the Warren County Planning Department, will provide information concerning benefits to low and moderate income households, updated engineering reports and supporting documentation as may be necessary for the application, and

WHEREAS, the Town will only consider eligible activities as defined by the Community Development Block Grant Program and give consideration to projects that reflect priority needs in the community, and **NOW THEREFORE BE IT RESOLVED**, the Town of Chester will hold one public hearing to consider citizen comment concerning the preparation and submission of a CDBG application for the 2019 NYS Consolidated Funding Application to be held on July 9, 2019 at 7 pm at the Town of Chester Municipal Center, and

BE IT FURTHER RESOLVED, that the Town Supervisor be hereby authorized and directed to sign and submit the application and all necessary documentation for a funding request not to exceed the thresholds identified in the 2019 NYS CFA Notice of Funding Availability Guidelines.

On a motion by Mrs. DuRose, seconded by Mr. Turcotte, Resolution No. 116 of 2019 was **ADOPTED**.

AYE 3 NO 0

Proposed Zoning Law:

Supervisor Leggett asked if there is anything different or any changes to the proposed Zoning Law before the Town Board directs the Clerk to send to the APA. Karen DuRose stated that she had an issue with Section 9.05 where it talks about nonconforming structures. Karen believes there should be an ending statement that the nonconforming structure does not affect the adjacent property owner's property. Karen recommends that if a nonconforming structure is taken down then to have a new one built the owner should have to go to the Zoning Board of Appeals for a variance. Supervisor Leggett asked the Attorney for the Town if there was a way for the Section to read that it was not allowed for the structure to be rebuilt. Mr. Schachner replied that you would just have to say that the replacement of nonconforming structures is not allowed. A lengthy discussion ensued using different scenarios. Mr. Turcotte feels that rebuild, replace and repair needs to be defined and Larry does not want to limit someone's property rights. Mr. Schachner feels that there should be more Board members present before a decision is made. Supervisor Leggett stated that approving the proposed Zoning Law Amendment was tabled until next month.

RESOLUTION NO. 117 OF 2019: APPROVE PROPERTY MAINTENANCE LOCAL LAW – LOCAL LAW NO. 1 OF 2019 TO BE CORRECTED TO READ “TOWN BOARD” WHERE “ZONING BOARD OF APPEALS” WAS USED AND AUTHORIZE CLERK TO FILE

WHEREAS, the Town Board adopted Property Maintenance Local Law – Local Law No. 1 of 2019 at the May 14, 2019 Town Board meeting, and

WHEREAS, upon further review by the Attorney for Town before submitting Local Law No. 1 of 2019 the need for minor correction was noted,

BE IT RESOLVED, Property Maintenance Local Law – Local Law No. 1 of 2019 is hereby corrected to read “Town Board” where “Zoning Board of Appeals” was used.

On a motion by Mrs. DuRose, seconded by Mr. Turcotte, Resolution No. 117 of 2019 was **ADOPTED**.

AYE 3 NO 0

**LOCAL LAW 1 OF 2019
TOWN OF CHESTER
PROPERTY MAINTENANCE LOCAL LAW**

SECTION 1. PURPOSE AND INTENT

The purpose and intent of this Law is to provide protections for the health, safety and welfare for everyone living in and visiting the Town of Chester.

This Local Law is intended to preserve and improve the appearance of the Town, maintain residents' pride in the Town and protect property values.

SECTION 2. DEFINITIONS

For the purposes of this Law, the following terms shall have the meanings indicated:

Blight – a condition or continuing occurrence that impairs or harms the visual appearance, safety, wellness or pride of owning or belonging to a neighborhood or community.

Enforcement Officer – the Town of Chester Enforcement Officer, sometimes referred to as Zoning Enforcement Officer.

Garage, yard (or similar) sale events – an informal event for the sale of used goods by private individuals in which sellers are not required to obtain business licenses.

Garbage – the animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

Junk – any manufactured good, appliance, fixture, furniture, machinery, motor vehicle, recreational vehicle, trailer or similar object which is abandoned, demolished, discarded or generally unusable (in the case of a vehicle, unregistered such that it may not lawfully be operated on a public road).

Person or entity - the owner, tenant, occupant, vendee in possession, lessee, sub-lessee, agent or any other person, firm or corporation directly or indirectly in control of any premises, building or part thereof that is alleged to be in violation of the standards set forth in this local law.

Premises – any lot, plot or parcel of land, easement or public way, private or commercial, including any structures thereon.

Rubbish – any combustible and noncombustible waste materials including plant and tree trimmings and non-functioning products of any kind.

Structure – that which is built or constructed or a portion thereof.

Vacant parcel – a parcel of land with no buildings or structures located on same.

Vacant Structure – a building or structure, or a portion thereof, which has not been used or occupied for twelve (12) consecutive months.

SECTION 3. VACANT PROPERTY

All vacant structures or vacant parcels shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blight condition within the meaning of this Law or adversely affect the public health or safety.

SECTION 4. STRUCTURE EXTERIOR MAINTENANCE

The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

No owner or occupant shall allow the condition of property or an accumulation on the property of items which have a blighting effect.

SECTION 5. RUBBISH, GARBAGE AND JUNK

All owners and occupants shall ensure that gathering and disposal of all rubbish, garbage and junk shall be handled in such a manner as to keep the premises free of insects, rodents and any other pests.

SECTION 6. RESPONSIBILITY OF OWNER OR OCCUPANT

Owners and occupants shall be responsible for compliance with this Law. The Enforcement Officer may enforce the terms of this Law against any person or entity as defined herein that in the Officer's reasonable judgment will tend to accomplish the goals set forth herein.

SECTION 7. GARAGE SALES, YARD SALES OR SIMILAR SALES ACTIVITIES

Garage or yard sales (or similar sales) may be held on weekends including holiday weekends and shall not exceed four (4) days or the weekend length, whichever is shorter. No single parcel shall be the site of more than three (3) such events in a calendar year.

SECTION 8. ENFORCEMENT – GENERALLY

- A. The Enforcement Officer is hereby charged with the duty of administering and enforcing this Law.
- B. The Enforcement Officer shall inspect or cause an inspection to be made when he or she has a reasonable basis to believe a property or structure is a threat to the health, safety, welfare and the property values for those living in or visiting the Town or otherwise in violation of the standards set forth herein.
- C. The Enforcement Officer is authorized to enter onto all premises, public or private, consistent with constitutional safeguards and any requisite warrant in order to effectuate investigation and enforcement.
- D. When the Enforcement Officer determines that conditions exist in or on any premises which violate the provisions of this Law, he or she may issue a Notice of Violation and Order to Remedy, which shall recite facts that establish each and

every alleged violation of this Law, the specific violation alleged, the date upon which each violation is alleged to have occurred, whether it is alleged to be continuing and, if so, the time during which it is alleged to have continue(d). The Order to Remedy shall state with particularity what factual conditions must be eliminated or modified and, if applicable, in what way they must be modified to restore the premises to compliance with this Local Law. The Order to Remedy shall specify a reasonable date by which the alleged violation must be eliminated, which date shall be not less than ten (10) days from the date the Notice of Violation and Order to Remedy is served upon the person or entity as defined herein.

- E. Notwithstanding, it shall not be necessary for the Enforcement Officer to issue a Notice of Violation or to order in writing the correction of a condition in the instance of a second or any subsequent offense within a twelve (12) month period and, in the case of a second or subsequent offense, the person in violation may immediately be served with an Appearance Ticket or Summons.
- F. If there exists a conflict between this Law and the Town Zoning Local Law this Law, shall control.

SECTION 9. CIVIL ENFORCEMENT

- A. Upon discovering a condition or persistent occurrence that is in violation of the standards established by this Law, the Enforcement Officer may issue a Notice of Violation and Order to Remedy as described in Section 8 (D). The Enforcement Officer shall forthwith file a copy of the Notice and Order with the Town Clerk and Zoning Administrator.
- B. The Notice of Violation and Order to Remedy may contain a notice, in typeface no smaller than twelve (12) point, that the Town Board, at a publicly noticed meeting, may resolve to correct the violation and charge the property owner therefor, and absent payment to the Town by the property owner, the Town may add such charge as a lien payable with the Town real property taxes assessed against the parcel and collected and enforced in like manner.
- C. The Notice of Violation and Order to Remedy shall be served upon the person or other entity directed to comply and, if such person or entity is not the owner of the property, a copy shall also be served upon said owner. The Enforcement Officer or his or her designee shall attempt to personally serve any entity herein named who can be found in Warren County, New York. If any person or entity to be served cannot be located promptly within Warren County, New York, the Enforcement Officer shall serve the Notice of Violation and Order to Remedy in any manner authorized for service under Section 308 of the Civil Practice Law and Rules.
- D. Any party aggrieved by a Notice of Violation and Order to Remedy may appeal the issuance, findings and directed compliance actions to the Town Board. Any appeal shall be filed with the Town Clerk on or before thirty (30) days after the

date service of the Notice of Violation and Order to Remedy upon the appealing party was complete either by personal service or when service under CPLR 308 was deemed complete.

- E. The Town Board shall consider the Notice of Violation and Order to Remedy at its next scheduled meeting or at a public meeting convened pursuant to its rules at an earlier time and date. The Town Board may affirm, vacate or affirm in part or in whole with modifications.
- F. Upon filing of a timely appeal to the Town Board, enforcement measures will be stayed until final action on the appeal is taken by the Town Board.

SECTION 10. JUDICIAL ENFORCEMENT

The Enforcement Officer is authorized to seek criminal enforcement through the Town Justice Court or any other court with jurisdiction. The Enforcement Officer may issue an Appearance Ticket to the defendant directing the person or entity to appear in Town Justice Court no sooner than five (5) days from service of the Appearance Ticket upon such person or entity. The Appearance Ticket may be served upon the person or entity personally or in compliance with Section 150.40(2) of the Criminal Procedure Law.

Within two (2) business days after service of an Appearance Ticket upon a person or entity, but in no case later than the day before which an Appearance Ticket mandates an initial appearance, the Enforcement Officer shall file with the Court an Information that complies with the provisions of Sections 100.15 and 100.40 of the Criminal Procedure Law and shall immediately serve the same upon the defendant in the same manner as set forth in Section 8 (C).

If the Enforcement Officer elects, he or she may dispense with the Appearance Ticket procedure and file a sufficient accusatory instrument with the Court and request a Criminal Summons from the Court.

SECTION 11. PENALTIES FOR OFFENSES

- A. A violation of this Law, as determined by the Court, is hereby declared to be an offense punishable by a fine of not more than \$250 for each and every day the violation exists after the date specified for compliance in a Notice of Violation and Order to Remedy duly served upon defendant, or the date an Information that meets the requirements set forth in this Local Law is served upon defendant, or imprisonment for a period not to exceed six (6) months, or both, for conviction of a first offense.
- B. Conviction of a second offense, both of which were committed within a period of five (5) years, is punishable by a fine of not more than \$500 for each and every day the violation exists as calculated in Section 10 (A), or imprisonment for a period not to exceed six (6) months or both.
- C. Conviction for a third or subsequent offense, all of which were committed within a period of five (5) years, is punishable by a fine of not more than \$750 for each

and every day the violation exists as calculated in section 10 (A), or imprisonment for a period not to exceed six (6) months or both.

SECTION 12. OPTIONAL INFORMAL RESOLUTION OF VIOLATION

- A. This Section establishes an informal process for resolution of an alleged violation of this Local Law that may be entered into by an owner or person or entity voluntarily. The election of such owner, person or entity to engage in this informal process or not to so engage shall not be prejudicial and no information or statements obtained during such informal process may be used in any enforcement proceedings, civil or judicial, against the owner, person or entity with regard to the same or substantially similar related violation. Such information obtained in informal resolution shall likewise not be used against the Town's interest.
- B. A Notice of Violation and Order to Remedy shall state that unless, within ten (10) days from service of the Notice, a written request is made for a conference with the Enforcement Officer, such Notice and Order shall, at the expiration of such ten (10) day period, be deemed an Order to Cease and Desist from and to abate the described violation; such Notice and order shall prescribe a reasonable time within which such person shall be required to cease and desist from and abate such violation. The notice may also contain specific remedial action which, if taken, will effect compliance with this Law.
- C. If the owner, person or entity requests a conference, the Enforcement Officer shall schedule the conference, in writing, for a date and time not later than ten (10) days after the request is made, provided that for good cause, the Enforcement Officer may postpone such conference for a reasonable time. If, after the conference, the Enforcement Officer finds that no violation exists or that unusual, extraordinary circumstances exist that justify such action, he shall withdraw the Notice and Order. If he or she finds that a violation does exist, he or she shall forthwith affirm the previously issued Notice of Violation and Order to Remedy requiring the abatement of the same within a prescribed reasonable time. The proceedings at such conference, which shall be informal in all respects, shall be summarized in a report reduced to writing and provided to or served upon the owner, person or entity.

SECTION 13. EMERGENCIES

Whenever the Enforcement Officer finds that an emergency or a potential emergency exists which requires immediate attention to protect the public health or safety, he or she may, without notice or hearing, issue a Notice of Violation and Order to Remedy reciting the existence of such emergency or potential emergency. Notwithstanding any other provisions of this Local Law, such Order shall take effect immediately. Any person to whom such Order is directed shall comply therewith immediately but, upon appeal to the Town Board or the Town Justice Court shall be afforded a hearing as soon as possible. After such hearing, the Town Board or Court shall continue such Order in effect or shall modify or dismiss it.

SECTION 14. ACTION UPON NONCOMPLIANCE

- A. Upon the failure, neglect or refusal of any owner, person or entity so notified to properly comply with this law within fifteen (15) days after the service of notice as provided herein, the Enforcement Officer is hereby authorized and empowered to arrange and pay for the correction of such violations or to request that the Town Board authorize the Town to pay for the correction of such violations.
- B. When the Town, due to failure, neglect or refusal of the property owner or person or entity to properly comply with this Law, has contracted for elimination of the dangerous or blight condition, such contracted maintenance will continue until the property owner notifies the Town Board, in writing, that the property owner has made arrangements to comply with this Law.
- C. In addition to any other remedies or penalties that may be imposed, a violation of this Law shall entitle the Town Board to remedy or repair the conditions constituting the violation, at the owner's expense, in order to bring the premises into conformity and compliance with this Law. The disbursements and expenses shall become a charge and a lien upon the premises and the same shall be added to the premises' next annual Town tax bill, to be collected with interest, as may be provided by law. This provision shall be in addition to any other provisions, penalties or powers available to the Town for enforcement of this Law.

RESOLUTION NO. 118 OF 2019: APPROVE NORTH WARREN CHAMBER OF COMMERCE REQUEST FOR OCCUPANCY TAX FUNDS FOR SUMMERFEST 2019 FOR THE AMOUNT OF \$5,000

WHEREAS, the North Warren Chamber of Commerce organizes and promotes SummerFest each year and has submitted a request for Occupancy Tax Funding,

BE IT RESOLVED, the Town Board approves North Warren Chamber of Commerce request for Occupancy Tax funds for SummerFest 2019 for the amount of \$5,000.

On a motion by Mr. Turcotte, seconded by Mrs. DuRose, Resolution No. 118 of 2019 was **ADOPTED**.

AYE 3 NO 0

RESOLUTION NO. 119 OF 2019: AUTHORIZE THE SUPERVISOR TO RESEARCH AND PREPARE FOR SUBMISSION A CLIMATE SMART COMMUNITIES GRANT

WHEREAS, the DEC has opened Request for Application for 2019 Climate Smart Communities Grant Program with applications due July 26, 2019, and

WHEREAS, eligible funding requests include emergency preparedness and extreme heat preparation such as establishment of cooling centers and flood risk reduction action to protect population centers, and

WHEREAS, planned projects for the Municipal Center and Loon Lake Dam may be eligible such funding,

BE IT RESOLVED, the Town Board authorizes the Supervisor to research and prepare for submission a Climate Smart Communities Grant,

BE IT FURTHER RESOLVED, the Supervisor will present funding concept and budget to the Town Board at the July 9, 2019 Town Board meeting for further resolution.

On a motion by Mr. Turcotte, seconded by Mrs. DuRose, Resolution No. 119 of 2019 was **ADOPTED**.

AYE 3 NO 0

Excavator:

Supervisor Leggett asked Jason Monroe the Highway Superintendent to speak about the need for the Town to have their own excavator.

Mr. Monroe said for the last six or seven years he has wanted to purchase an excavator for the Town. For the money Jason felt the Town could invest in a used excavator. Jason has found a used excavator for sale and compared it to other machines listed for more money and feels that the one he found locally is a good buy. Currently the Town is renting one for about \$2,300 per week. Mrs. DuRose asked who could operate the excavator. Jason replied that an MEO would be able to run it. Karen asked if we had a trailer to haul it and if we had some one certified to haul with all the weight. Jason stated that we did. Mr. Turcotte stated that he has looked at the excavator with Jason and it is in excellent shape.

RESOLUTION NO. 120 OF 2019: APPROVE THE PURCHASE OF A 2012 CX80 CASE EXCAVATOR FOR THE SUM OF \$48,000

WHEREAS, the Town of Chester has rented excavators each year for road and water district projects, and

WHEREAS, the Highway Superintendent has recommended the purchase of an excavator to be used for highway and water district use and has asked for quotes for a used excavator meeting certain requirements,

BE IT RESOLVED, the Town Board approves the purchase of a 2012 CX80 Case Excavator for the sum of \$48,000.

On a motion by Mr. Turcotte, seconded by Mrs. DuRose, Resolution No. 120 of 2019 was **ADOPTED**.
 AYE 3 NO 0

Supervisor Leggett asked if there was any other business before the Town discussed amendments and abstracts.

Mrs. DuRose said she had received complaints about the brush along the side of the road on Starbuck Hill Road. Jason commented that if it is beyond ten feet along the side of the road it is not the Town it would be the property owner.

Pat Powers asked about a Welcome to Pottersville sign at the north end.

David Gross asked about the status of the water line in front of his house on Olmstedville Road. Jason asked if it was still leaking and stated that he had tested the water for chlorine and it came back negative. Jason will come up to remove the barrels. Dave feels that the Town has an obligation to the home owner. Jason said he would be up to do an exploratory dig.

Jill Broderick stated that she has reviewed the new Zoning Local Law and wanted to comment that there was not a definition for use variance, area variance, vessel and an erroneous definition for accessory structure. Jill also asked the Board to look at bubblers on the lakes for health and safety. Jill is not sure how you are going to restrict one vessel per dock.

RESOLUTION NO. 121 OF 2019: AUTHORIZE THE FOLLOWING BUDGET AMENDMENTS TO THE 2019 BUDGET

Resolved, to authorize the following budget amendments to the 2019 Budget.

Budget Amendment				
TOWN OF CHESTER BUDGET 2019 - REVENUE		Budget	Revenue Amendments: June 11 2019	
ITEM	CODE #	FY 2019	Increase	Decrease
1st WHC grant	A3889	0	\$ 4,340.00	
Insurance Recovery	A2680	0	\$ 51,993.20	

Budget Amendment				
TOWN OF CHESTER BUDGET 2019 - Appropriations		Budget	Appropriations Amendment June 11, 2019	
ITEM	CODE #	FY 2019	Decrease	Increase
Comm Rec FWHC	A7140.42	0		\$ 2,608.00
Parks Equipment	A7110.4	0		\$ 1,732.00
Hwy Equipment	DA5130.4	1800000		\$ 51,993.20
Budget Adjustment				
TOWN OF CHESTER BUDGET 2019		Budget	Budget Adjustment June 11 2019	
ITEM	CODE #	FY 2019	Increase	Decrease
Central Print	A1670.4	1500	\$ 2,850.00	
Town Board	A1010.4			\$ 475.00
Court	A1110.4			\$ 475.00
Supervisor	A1220.4			\$ 475.00
Assessment	A1355.4			\$ 475.00
Town Clerk	A1410.4			\$ 475.00
Zoning	A8010.4			\$ 475.00
Purchase of Land	A1940.2		\$ 1,969.00	
Attorney	A1420.4			\$ 1,969.00
Health Center	A4560.2		\$ 3,991.00	
Health Center	A4560.4			\$ 3,991.00
Beach	A7140.21		\$ 1,300.00	
Pville Bball Crt	A7140.23			\$ 1,300.00
Hwy Machinery	DA5130.2	198000	\$ 49,000.00	
Hwy Fund Bal	DA201	308164		\$ 35,000.00
CW Fund Bal	CW201	134323		\$ 7,000.00
PW Fund Bal	PW201	103144		\$ 7,000.00
			\$ 49,000.00	\$ 49,000.00
Contingency	A1990.4			\$ 7,900.00
Backup Bkkpr	A1220.13	3000	\$ 7,900.00	
Forestry	A8730.4	0	\$ 6,632.00	
Tourism Promo	A6410.41	12700		\$ 9,000.00
Downhill Derby	A6410.410		\$ 1,452.00	
Winterfest	A6410.499W		\$ 297.00	
Beach	A7140.21		\$ 6,250.00	
Parks Contl	A7110.4	43000		\$ 2,850.00
Parks Equip	A7110.2	18000	\$ 2,850.00	

On a motion by Mrs. DuRose, seconded by Mr. Turcotte, Resolution No. 121 of 2019 was **ADOPTED**.

AYE 3 NO 0

June 11, 2019

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RESOLUTION NO. 122 OF 2019: AUTHORIZE PAYMENT OF ABSTRACTS

RESOLVED, the Town Board accepts the Abstract of Claims accounting requirements:

2019	
General A	\$107,674.55
Highway DA	\$214,516.35
Library L	\$18,056.82
Loon Lake Park District SP	\$601.51
Chestertown Water SW1	\$5,785.62
Pottersville Water SW2	\$2,134.15
Other TA	\$5,339.63
Total	\$354,108.63

On a motion by Mr. Turcotte, seconded by Mrs. DuRose, Resolution No. 122 of 2019 was **ADOPTED**.
AYE 3 NO 0

RESOLUTION NO.123 OF 2019: AUTHORIZE SUPERVISOR TO SIGN A VENDING SERVICES AGREEMENT WITH PRESTIGE SERVICES, INC

WHEREAS, Prestige Services, Inc. will provide and maintain a vending machine for beverages at the Town of Chester Municipal Center, and

WHEREAS, Prestige Services, Inc. has provided a Vending Services Agreement for such goods and services,

BE IT RESOLVED, the Town Board authorizes the Supervisor to sign a Vending Services Agreement with Prestige Services, Inc with a copy to be filed with the Town Clerk.

On a motion by Mrs. DuRose, seconded by Mr. Turcotte, Resolution No. 123 of 2019 was **ADOPTED**.
AYE 3 NO 0

On a motion by Mr. Turcotte, seconded by Mrs. DuRose, meeting adjourned at 8:49 pm.

Respectfully submitted,

Town Clerk