



Town Board

Regular Meeting

February 11, 2020

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, Larry Turcotte, Chris Aiken, Marion Eagan, Deputy Supervisor and Attorney for the Town, Mark Schachner.

Regular Meeting:

Supervisor Leggett opened the Regular Town Board Meeting at 7:04 pm with Karen DuRose leading the Pledge of Allegiance.

Proposed Local Law for Flood Damage Prevention Public Hearing:

Supervisor Leggett opened the Public Hearing for the proposed Local Law for Flood Damage Prevention at 7:04 pm.

Supervisor Leggett asked if anyone from the public would like to speak.

Hearing none, Supervisor Leggett asked Jeremy Little, Zoning Administrator, to speak.

Mr. Little stated that in December of last year DEC gave him a model local law for flood damage prevention and being that the current local law is from 1987 he would like to make the appropriate changes. Jeremy said if the proposed development is in a flood plain then they would need a flood plain development permit.

Mr. Turcotte recused himself from the public hearing.

Supervisor Leggett closed the Public Hearing for the proposed Local Law for Flood Damage Prevention at 7:08 pm.

RESOLUTION NO. 31 OF 2020: ACCEPT THE MINUTES FROM THE TOWN BOARD ORGANIZATIONAL MEETING ON JANUARY 7, 2020 AND THE REGULAR TOWN BOARD MEETING ON JANUARY 14, 2020

RESOLVED, to accept the minutes from the Town Board Organizational Meeting on January 7, 2020 and the Regular Town Board Meeting on January 14, 2020 as presented.

On a motion by Mrs. DuRose, seconded by Mr. Turcotte, Resolution No. 31 of 2020 was **ADOPTED**.

AYE 5 NO 0

Committee Reports:

Supervisor Leggett opened Committee Reports at 7:10 pm.

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

- Town Board Minutes for the Organizational Meeting, January 7th and the Regular Meeting, January 14, 2020
- Zoning Administrator Activity Report for January 2020
- Proposed Town of Chester Planning & Zoning Office Fee Schedule
- Planning Board Minutes for January 27, 2020
- Zoning Board Minutes for January 28, 2020
- Zoning Enforcement Officer Report January 2020
- Report from the Zoning Enforcement Officer on the Proposed Short Term Rental Law
- Assessors Report for February 2020

- Animal Control Monthly Report for January 2020
- Town Clerk Monthly Report for January 2020
- Town Court Report dated January 30, 2020
- Youth Commission Minutes for the Quarterly Meeting, February 6, 2020
- Historian's Report for 2019
- North Warren EMS Report for 2019

Town Clerk reported the following correspondence:

- Bottle Requests from North Warren Class of 2020 and the North Country Hardship Fund (February – April)
- Resignation letter from Christine Hayes from the Zoning Board of Appeals

Town Board Reports:

Karen DuRose reported that she had a meeting with Craig to discuss a Human Resource Committee, she attended a YMCA Advisory Committee Meeting, she attended a Library Board of Trustees Meeting and was informed that the Historical Society was greatly appreciative to the Town for the wifi. Mrs. DuRose also had two inquiries; one asking about mopping the gym floor weekly and two, asking if there was a date for the senior room. Supervisor Leggett reported that the room was painted.

Mike Packer reported that there will be a playground meeting and he has been pricing compactors.

Larry Turcotte reported that he discussed the proposed short term rental law with Tom Thorsen, Zoning Enforcement Officer.

Chris Aiken reported that he made it down to the Association of Towns and Villages seminar in Albany for three days, attended a meeting about the potential town garage project, met with Jason Monroe, Highway Superintendent, at the Highway Garage which was very eye opening, met at the Town of Horicon Highway Garage to compare, and went on a tour of the Town after the ice storm.

Supervisor Leggett reported the following happened during the month of January and February:

- Met with Councilwoman DuRose and discussed Human Resource plan of action for goal setting, evaluations, and exit interviews,
- Attended NW Chamber of Commerce Board and General Meetings and kept the Chamber apprised of Town activities, etc.
- Attended Tri Lakes Community Alliance meeting and kept them apprised of Town activities, etc
- Attended fundraising committee meetings for the rehabilitation of the gymnasium,
- Participated in the monthly broadband conference call sponsored by ADK Action,
- Attended a meeting with NWEMS and Town of Johnsburg to discuss the formation of an Ambulance District to serve Chester and Horicon and assist neighboring towns,
- Attended 13 Warren County committee meetings,
 - Warren County is producing a housing needs study that will include Chester,
- Went to Herkimer County and toured their new jail as part of the Intercounty committee,
- Attended the NYSAC Annual Meeting in Albany. Attained Tier 1 Emergency Management Certification,
- Hosted the second meeting for the development and update of the TOC Emergency Management Plan. Also attended by EMS, CVFD, PVFD, Highway, and Parks departments,
- Attended Common Ground Alliance meeting to discuss organization of this year's Common Ground Forum to be held at Paul Smiths / Addressing Adk Park issues,
- Met with Brett Hitchcock and also Mike Packer and discussed preparing the bid documents for the replacement of the trash compactor,

- Toured the Horicon Town Garage with Councilman Aiken and Highway Superintendent Monroe and Cedarwood Engineering reps,
- Met with Ellie Underwood, organizer for the new Take A Peak environmental education group to discuss alignment with Town goals, projects and activities, with Chester Challenge & Youth Commission
- Attended the 2030 Task Force meeting at the County as Vice Chairman of the Economic Growth and Development County Committee,
- Attended WW IDA meetings. A big project is lining up in Fort Edward
- Civil Dynamics, the engineering firm working on the Loon Lake Dam rehab design has a test boring company coming up on Feb 17th to do test boring through the dam. P&R has prepared the site for them,
- Had a conference call with FEMA regarding damage assessment and clean up of the Halloween Storm,
- Worked with WCOES during the winter storm and power outage over the past weekend. Chestertown Fire Department set up a warming station on Saturday and Pottersville Fire Department set up and overnight shelter on Saturday night with assistance from the Red Cross,
 - Toured the Town with Councilman Aiken to assess damage and recovery progress,
- Warren County declared a State of Emergency for the winter storm that came in on Thursday February 6th. Power was finally restored throughout the Town by Monday night.
 - Many thanks to the National Grid, Frontier, and Spectrum crews that did a huge job getting us back up and going. Special thanks to our Highway and Parks & Rec crew for staying on top of an ever changing weather situation and working in and around very dangerous areas.

Supervisor Leggett closed Committee Reports at 7:18 pm.

Privilege of the Floor:

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

David Gross asked the Board about the water in front of his house that is still leaking which has been going on for about a year. There is now water freezing into the road. Dave has done an independent study that shows that there is chlorine in the water. Supervisor Leggett replied that he has spoken to the Water Superintendent, and the Town is hoping to dig down without cracking the water main and making a bigger problem. Mr. Aiken asked if there was a time frame to have it worked on. Mr. Leggett said that it is a weather permitting type of thing and you need a window of opportunity.

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

New Business:

Supervisor Leggett opened New Business at 7:24 pm.

RESOLUTION NO. 32 OF 2020: ADOPT LOCAL LAW 1 OF 2020: LOCAL LAW FOR FLOOD DAMAGE PREVENTION

WHEREAS, the Zoning Administrator has received a model local law from NYSDEC for Flood Damage Prevention, and

WHEREAS, the current local law for flood damage prevention was adopted by the Town Board on April 08, 1987 (Local Law #1 of 1987), and

WHEREAS, the Zoning Administrator recommends updating the Local Law for Flood Damage Prevention to include all revisions to the National Flood Insurance Program through October 27, 1997, as presented,

BE IT RESOLVED, the Town Board adopts Local Law #1 of 2020: Local Law for Flood Damage Prevention, and

BE IT FURTHER RESOLVED, that the Town Board directs the Town Clerk to file certified copies with the following agencies: FEMA, Warren County Planning Department, Secretary of State (NYS DOS), NYS DEC Central Office, and NYS DEC Regional Office.

On a motion by Mrs. DuRose, seconded by Mr. Packer, Resolution No. 32 of 2020 was **ADOPTED**.

AYE 4 NO 0

Mr. Turcotte - Recused

Septic Variance Application #SV2020-01 for Wesley Major:

Zach Monroe, Winchip Engineering, representing Wesley Major spoke about a replacement septic system. The old system is a dry well and the proposed system is an absorption bed with an enhanced treatment system for the wastewater. Supervisor Leggett asked if they had used the system on Loon Lake before and Zach replied that they had not. This is the newer style Norweco, Hydro Kinetic Green Advance.

Supervisor Leggett stated that in the application for question #16, “is the project site located in the 100-year flood plain?” the answer was no and would like to know if that was verified. Zach replied that it was above the 100-year flood plain.

Mr. Turcotte thinks the Town should refer the application to the Town Engineer based on the encroachment to the shallow wells.

RESOLUTION NO. 33 OF 2020: DEEM SEPTIC VARIANCE APPLICATION #SV2020-01 FOR WESLEY MAJOR FOR PROPERTY LOCATED AT 193 CHESTER SHORES DRIVE, CHESTERTOWN, NEW YORK TO BE COMPLETE AND SET A PUBLIC HEARING FOR WEDNESDAY, FEBRUARY 26, 2020 AT 2 PM

WHEREAS, Winchip Engineering has submitted a septic variance application (#SV2020-01) for Wesley Major for a property located at 193 Chester Shores Drive, Chestertown, New York, Tax Map #: 86.18-1-27, and

WHEREAS, the Town Board, acting as the Local Board of Health, has reviewed the septic variance application and is satisfied with its completeness,

BE IT RESOLVED, the Town Board, acting as the Local Board of Health, deems septic variance application #SV2020-01 for Wesley Major for a property located at 193 Chester Shores Drive, Chestertown, New York to be complete, and

BE IT FURTHER RESOLVED, the Town Board, acting as the Local Board of Health, sets a Public Hearing for #SV2020-01 on Wednesday, February 26, 2020 at 2 pm at a Special Town Board meeting and instructs the Town Clerk to notice the public hearing, and

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

On a motion by Mr. Aiken, seconded by Mrs. DuRose, Resolution No. 33 of 2020 was **ADOPTED**.

AYE 5 NO 0

Zoning Fee Schedule:

Jeremy Little, Zoning Administrator, commented that there was two additions, Water Supply Well and Flood Development Permit.

Mrs. DuRose feels that a \$50.00 fee for water supply well is very reasonable amount because the well drillers have a responsibility to the State.

RESOLUTION NO. 34 OF 2020: APPROVE 2020 PLANNING AND ZONING FEE SCHEDULE

WHEREAS, the Zoning Office has proposed a new fee schedule to include Shoreline Decks, Inflatable Platforms, Water Supply Well, and Flood Development Permit,

BE IT RESOLVED, the Town Board approves the new Zoning Fee Schedule as presented, effective February 11, 2020.

On a motion by Mrs. DuRose, seconded by Mr. Packer, Resolution No. 34 of 2020 was **ADOPTED**.
AYE 5 NO 0

RESOLUTION NO. 35 OF 2020: AUTHORIZE HIRING OF COURT OFFICER

WHEREAS, the Town of Chester Court has been without a Court Officer since ~~Mark Ramsey~~ Dave Cavanagh, and

WHEREAS, the Town has advertised for the position of Court Officer and has received recommendation from the Town Justice,

BE IT RESOLVED, the Town Board authorizes the hiring of Mark Ramsey with a sixty (60) day probationary period and to be paid at the rate of \$25.00 per hour.

On a motion by Mr. Turcotte, seconded by Mr. Aiken, Resolution No. 35 of 2020 was **ADOPTED**.
AYE 5 NO 0

RESOLUTION NO. 36 OF 2020: AUTHORIZE HIRING OF PART TIME COURT CLERK

WHEREAS, the Town of Chester has been without a part time court clerk since 2013, and

WHEREAS, the Town Justice recommends hiring Meghan Eagan as a part time court clerk,

BE IT RESOLVED, the Town Board authorizes the hiring of Meghan Eagan as a part time court clerk with a probationary period of sixty (60) days and at a rate of \$15.00 per hour, and

BE IT FURTHER RESOLVED, the Town Board authorizes the part time court clerk to attend the required training for the position as approved by the Justice Court Judge.

On a motion by Mrs. DuRose, seconded by Mr. Aiken, Resolution No. 36 of 2020 was **ADOPTED**.
AYE 5 NO 0

RESOLUTION NO. 37 OF 2020: ACCEPT THE RESIGNATION OF CHRISTINE HAYES FROM THE ZONING BOARD OF APPEALS

WHEREAS, Christine Hayes submitted her resignation to the Zoning Board of Appeals on February 7, 2020,

BE IT RESOLVED, the Town Board accepts the resignation of Christine Hayes from the Zoning Board of Appeals.

On a motion by Mr. Packer, seconded by Mr. Turcotte, Resolution No. 37 of 2020 was **ADOPTED**.
AYE 5 NO 0

RESOLUTION NO. 38 OF 2020: APPOINT MARY CLARK TO THE ZONING BOARD OF APPEALS

WHEREAS, Mary Clark has been an alternate on the Zoning Board of Appeals since September 2018, and

WHEREAS, Christine Hayes has resigned from the Zoning Board of Appeals,

BE IT RESOLVED, that the Town Board appoints Mary Clark to the Zoning Board of Appeals to fill the unexpired term of Christine Hayes expiring December 31, 2023.

On a motion by Mrs. DuRose, seconded by Mr. Aiken, Resolution No. 38 of 2020 was **ADOPTED**.
AYE 5 NO 0

RESOLUTION NO. 39 OF 2020: APPOINT GREG TAYLOR AND PAT POWERS AS ALTERNATES TO THE TOWN OF CHESTER PLANNING BOARD

WHEREAS, the Town has advertised for Planning Board alternates, and

WHEREAS, the Town has received two letters of intent from Pat Powers and Greg Taylor to serve as alternates on the Town Planning Board,

BE IT RESOLVED, that the Town Board appoints Greg Taylor and Pat Powers to the Planning Board with terms beginning at the approval of this resolution and ending December 31, 2026, and

BE IT FURTHER RESOLVED, Greg Taylor and Pat Powers shall take an Oath of Office given by the Town Clerk within 30 days of appointment.

On a motion by Mr. Packer, seconded by Mr. Turcotte, Resolution No. 39 of 2020 was **ADOPTED**.
AYE 5 NO 0

Review Occupancy Tax:

Supervisor Leggett handed out packets for the occupancy tax to the Town Board, which includes spending guidelines. Supervisor would like to hold off making a decision until the next meeting in order to give the Board time to look over the following applications: Historical Society / Night at The Museum, NWCOC / Krazy Downhill Derby, NWCOC / Summer Fest, Chestertown Rotary / Festival of Trees, Adirondack Marathon Inc / Adk Marathon Festival, TLCA / Brant Lake Winter Carnival, TLCA / Woof Stock, TLCA / St. Patrick's Day Parade, Chestertown Conservation Club / Fishing Derby, and Carol Center for the Arts / Live Events.

Mr. Aiken asked how long the surplus had been building up. Mr. Leggett replied since 2004.

Supervisor Leggett asked Nan Williams if she would like to speak about her application. Nan said the ladies got together to form a group called Friends of the Rotary and that was how they were able to have the tree in the gym with Santa. This year they would like to have businesses come in and put up a tree for a longer period of time.

RESOLUTION NO. 40 OF 2020: AUTHORIZE RECIPIENTS OF RETURNABLES FROM THE TOWN TRANSFER STATION

WHEREAS, each year the Town authorizes recipients of returnables from the Transfer Station, and **WHEREAS**, this year (2020) the Class of 2021, 2022 and the Scouts and Hardship Fund have made requests for the returnables,

BE IT RESOLVED, that February, March and April 2020 be donated to the Hardship Fund; May, June and July 2020 be donated to the Scouts; August, September and October to the Class of 2021; and November and December 2020 and January 2021 are donated to the Class of 2022.

On a motion by Mr. Turcotte, seconded by Mr. Aiken, Resolution No. 40 of 2020 was **ADOPTED**.

AYE 5 NO 0

RESOLUTION NO. 41 OF 2020: AUTHORIZE THE TOWN SUPERVISOR TO APPLY FOR A 60 DAY EXTENSION FOR FILING OF AUD

WHEREAS, the Town is required to submit an Annual Update Document to the NYS Office of the State Comptroller within 60 days of year end, and

WHEREAS, the Town may receive an extension of 60 days to submit the AUD, and

WHEREAS, historically the Town has needed the extra time to prepare and submit the AUD,

BE IT RESOLVED, Supervisor Leggett is authorized to request from the OSC a 60 day extension to submit the AUD for 2019.

On a motion by Mrs. DuRose, seconded by Mr. Packer, Resolution No. 41 of 2020 was **ADOPTED**.

AYE 5 NO 0

RESOLUTION NO. 42 OF 2020: AUTHORIZE TOWN CLERK TO ADVERTISE FOR POSTING OF WEIGHT LIMITS ON TOWN ROADS AND HIGHWAY SUPERINTENDENT TO POST ROADS FOR WEIGHT RESTRICTIONS WHEN DEEMED APPROPRIATE

WHEREAS, is it necessary to limit the weight of vehicles on Town roads during periods of spring thaw to avoid damage to the roads,

BE IT RESOLVED, Town Clerk is authorized to advertise for posting of weight limits on Town Roads and the Highway Superintendent is authorized to post roads for weight restrictions when deemed appropriate.

On a motion by Mr. Packer, seconded by Mr. Turcotte, Resolution No. 42 of 2020 was **ADOPTED**.

AYE 5 NO 0

RESOLUTION NO. 43 OF 2020: AUTHORIZE SUPERVISOR TO SIGN ADDENDUM FOR PROFESSIONAL SERVICE AGREEMENT WITH THE LA GROUP

WHEREAS, the Town has an Agreement For Consultant Services (a Professional Service Agreement) with The LA Group that enumerates the Scope of Services that may be provided, and
WHEREAS, those services include Community Planning and Development, Design Development and Construction Phase Services, and Grant Writing and Administration, and
WHEREAS, the LA Group is qualified to carry out certain Objectives and Tasks included in the Cunningham Community Forest Smart Growth Grant Work Plan, and
WHEREAS, The LA Group has submitted to the Town an Addendum to the Contract for professional services for the work related to the Cunningham Community Forest Master Plan Smart Growth Grant for an amount not to exceed \$30,000, which is the amount reimbursable to the Town by NYS for the completions of certain Objectives and Tasks outlined in the grant Work Plan,
BE IT RESOLVED, the Town Board authorizes the Supervisor to sign the Addendum for Professional Service Agreement with the LA Group for professional services connected with the development of the Cunningham Community Forest Master Plan, when in a form acceptable to the Attorney for the Town. On a motion by Mr. Aiken, seconded by Mr. Packer, Resolution No. 43 of 2020 was **ADOPTED**.

AYE 4 NO 0
Mr. Turcotte - Recused

RESOLUTION NO. 44 OF 2020: AUTHORIZE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH PAUL SMITH'S COLLEGE FOR THE DEVELOPMENT OF A COMMUNITY FOREST MANAGEMENT PLAN FOR THE CUNNINGHAM COMMUNITY FOREST SMART GROWTH GRANT

WHEREAS, the Town of Chester was awarded a NYS DEC Smart Growth for the development of the Cunningham Community Forest Master Plan, and
WHEREAS, Paul Smith's College is qualified and able to produce a Forest Management Plan as outlined in the Objectives and Task of the grant Work Plan, and
WHEREAS, the Town of Chester Procurement Policy states that when directed by the Town Board, no solicitation of written proposals or quotations shall be required under certain set of circumstances, which includes the acquisition of professional services (paragraph 9 (a)), and
WHEREAS, the Contracts Coordinator with the NYS DEC Division of Lands and Forests concurs that a Forest Management Plan is considered a professional service,
BE IT RESOLVED, the Town Board authorizes the Supervisor to enter into a Professional Services Agreement with Paul Smith's College / Forestry Department for the development of a Community Forest Management Plan as part of the Cunningham Community Forest Master Plan Smart Growth Grant, when in a form acceptable to the Attorney for the Town, and
BE IT FURTHER RESOLVED, the funds for the service will be appropriated from A8530.4 Forestry Management for an amount not to exceed \$4,000 and will constitute a portion of the match required by the Town for the Cunningham Community Forest Master Plan Smart Growth Grant. On a motion by Mr. Packer, seconded by Mrs. DuRose, Resolution No. 44 of 2020 was **ADOPTED**.

AYE 4 NO 0
Mr. Turcotte - Recused

RESOLUTION NO. 45 OF 2020: ALLOW THE YMCA TO PLACE THEIR THERMOMETER BANNER, LIKE THEY DID LAST YEAR, ON THE FRONT LAWN OF THE MUNICIPAL CENTER MARCH 03, 2020 THROUGH APRIL 03, 2020 DURING THEIR FUNDRAISING CAMPAIGN

WHEREAS, the YMCA has requested to place their fundraising banner on the front of the lawn at the Town Municipal Center,
BE IT RESOLVED, the Town Board allows the YMCA to place their thermometer banner on the front lawn of the Town Municipal Center March 03, 2020 through April 03, 2020. On a motion by Mrs. DuRose, seconded by Mr. Aiken, Resolution No. 45 of 2020 was **ADOPTED**.

AYE 5 NO 0

RESOLUTION NO. 46 OF 2020: AMEND RESOLUTION NO. 21 OF 2020 TO APPROVE THE APPOINTMENT OF ROBERT WALP TO THE LIBRARY BOARD OF TRUSTEES FOR A FIVE (5) YEAR TERM EXPIRING DECEMBER 31, 2024

WHEREAS, Charles Lytz resigned from the Library Board of Trustees after fulfilling an unexpired term, **BE IT RESOLVED**, that the Town Board amends Resolution No. 21 of 2020 to approve the appointment of Robert Walp to the Library Board of Trustees for a five (5) year term expiring December 31, 2024.

On a motion by Mr. Turcotte, seconded by Mrs. DuRose, Resolution No. 46 of 2020 was **ADOPTED**.

AYE 5 NO 0

RESOLUTION NO. 47 OF 2020: SCHEDULE A SPECIAL TOWN BOARD MEETING, FRIDAY, FEBRUARY 14, 2020 AT 4 PM

WHEREAS, the Town of Chester Municipal Center was without power for three (3) days, and

WHEREAS, the monthly abstract could not be completed,

BE IT RESOLVED, the Town Board schedules a Special Town Board Meeting, Friday, February 14, 2020 at 4 pm to approve abstracts and accounting requirements as well anything else that may come before the Board.

On a motion by Mrs. DuRose, seconded by Mr. Packer, Resolution No. 47 of 2020 was **ADOPTED**.

AYE 5 NO 0

Short Term Rental:

Mr. Turcotte asked the Board what their views were on the short term rental law with a few variations out there he would like some direction. Larry asked in general does the Board think they need a law because if not we don't need to put any more time and effort into trying to create one, if we do think we need one then we direction.

Mrs. DuRose thinks if there is an issue then you should call the police and she doesn't think we need another law.

Mr. Packer doesn't think we need it.

Mr. Aiken said he has a problem with the enforcement section and is not convinced that we need it.

Mr. Turcotte thinks we could use something basic and have the County do their inspections and post the occupancy load that would eliminate some of the concerns that we have heard about in the meetings prior. Tom Thorsen commented that maybe we could set guidelines and send them out through the LLPDA and the FLPDA.

Nan Williams commented that one time her neighbors informed her that there was too many at her rental and she told them to call the police.

Supervisor Leggett said the police cannot enforce the occupancy if there is no law to enforce.

David Gross asked if there was a way for the managers who rent to police themselves.

Supervisor Leggett would like to have something in place to address the health, safety and welfare issues and would like to keep it under discussion after hearing from concerned people.

On a motion by Supervisor Leggett, seconded by Mrs. DuRose, meeting adjourned at 8:31 pm.

Respectfully submitted,

DRAFT