



**Town Board
Regular Meeting
July 14, 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, Deputy Supervisor, Marion Eagan, and Attorney for the Town, Mark Schachner (by Zoom).

Regular Meeting:

Supervisor Leggett opened the Regular Town Board Meeting at 7:00 pm with Mike Packer leading the Pledge of Allegiance.

Public Hearing for the Holdcraft Sherrard Septic Variance Application #SV2020-02:

Supervisor Leggett opened the Public Hearing for **Holdcraft Sherrard Septic Variance Application #SV2020-02 acting as the Local Board of Health** at 7:01 pm by introducing Bret Winchip of Winchip Engineering in Chestertown who spoke on behalf of the owner Suzanne Holdcraft Sherrard.

Bret Winchip spoke by phone through Zoom about replacing the home and wastewater disposal which would eliminate several nonconformities and there would only be need for a 48% slope variance.

Supervisor Leggett asked if there were any questions.

Hearing none, Supervisor Leggett closed the Public Hearing for the **Holdcraft Sherrard Septic Variance Application #SV2020-02** at 7:03 pm.

RESOLUTION NO. 100 OF 2020: ACCEPT THE MINUTES FROM THE REGULAR TOWN BOARD MEETING JUNE 9, 2020

RESOLVED, to accept the minutes from the Regular Town Board Meeting June 9, 2020 as presented.

On a motion by Mr. Aiken, seconded by Mr. Packer, Resolution No. 100 of 2020 was **ADOPTED**.

AYE 5 NO 0

Committee Reports:

Supervisor Leggett opened Committee Reports at 7:04 pm.

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

- Town Board Minutes for the Regular Meeting June 9, 2020
- Abstract #7 by department
- Zoning Administrator Activity Report for June 2020
- Zoning Enforcement Report for June 2020
- Planning Board Minutes for June 15, 2020
- Zoning Board of Appeals Minutes for June 23, 2020

- Assessor's Report for July 2020
- Animal Control Monthly Report for June 2020
- Town Clerk Monthly Report for June 2020
- Town Court Report dated July 9, 2020
- Communications Report for July 2020
- Transfer Station Visitor Count June 11 – July 12, 2020
- Copy of Warren County Connection for July 2020
- Aqualogic - Look Lake Harvest Report for June 8 - 26 and June 29 - July 3, 2020
- Copy of the Adirondack Lake Assessment Program 2019 Update

Town Board Reports:

Mrs. DuRose reported that she attended the Planning Board and Zoning Board meetings by Zoom and met with Chris Aiken about clean headstones in Pottersville.

Mr. Packer said he would take a few measurements at the Transfer Station to move the bins and he would work with Craig to get the bid specs for the compactor ready.

Mr. Aiken reported that he spoke with Supervisor Leggett about the Pottersville Cemetery Budget to buy supplies for cleaning, brushes and epoxy to repair head stones and attended the Common Ground Alliance Forum through Zoom.

Mr. Turcotte reported that he attended the Zoning Board Meeting and the Common Ground Alliance Meeting through Zoom and commented that the topic was how to get and retain the younger population. He had a quick meeting with Jeremy Little, Zoning Administrator, a lengthy meeting with Tom Thorsen, Zoning Enforcement Officer, and stopped by the Transfer Station a few times.

Mr. Packer asked about the price of the epoxy. Mr. Aiken said he wasn't sure of the price but he would keep him in the loop.

Supervisor Leggett ask Mr. Turcotte to give Mr. Packer a copy of the aerial map he has of the Transfer Station

Supervisor Leggett reported the following:

- Town Hall opened on June 15th to the public
- Farmer's Market started up June 17th on the playing fields behind the Municipal Center
- Attended the Adirondack Action Broad Band call on June 18th
- The Town received a \$1,000 grant from Adirondack Foundation for the Pottersville Playground, thank you Marion
- The Communications Director, Jack Bartlett has been doing a great job keeping up with Facebook, thank you
- Met with Jason Monroe, Water Superintendent, and Tom Suozzo from Cedarwood Engineering about the Pottersville Well and Well House

- On Thursday we will be having a phone conference with FEMA concerning mitigation at the Pottersville Well House
- Received a report that Occupancy Tax is down 74%
- The Sales Tax Report is out and we are down 6% through the second quarter
- Met with the Loon Lake Park District Association President and Vice President about having the safety patrol hours increased and their concerns about boats rafting off Blue Bay and East Shore Drive
- The soil at the Highway Garage has been disposed of properly
- The fountain in Pottersville has a leak
- Loon Lake Beach opened on June 29th with a 50% reduced capacity, thanked Mindy for helping out July 4th weekend at the gate
- Attended the Common Ground Alliance Forum today and the other half is tomorrow

Mr. Aiken added that he wanted to thank the Supervisor for cleaning a drain at the beach July 4th weekend.

Supervisor Leggett closed Committee Reports at 7:16 pm.

Privilege of the Floor:

Supervisor Leggett opened Privilege of the Floor at 7:16 pm.

Hearing none, Supervisor Leggett closed Privilege of the Floor at 7:16 pm.

New Business:

Supervisor Leggett opened New Business at 7:17 pm.

RESOLUTION NO. 101 OF 2020: LOCAL BOARD OF HEALTH GRANTS A VARIANCE FOR THE PROPOSED REPLACEMENT SEPTIC WASTEWATER TREATMENT SYSTEM (#SV2020-02) LOCATED AT 170 CHESTER SHORES DRIVE, IDENTIFIED BY TAX MAP #86.18-1-50

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 #SV2020-02 for property located at 170 Chester Shores Drive, Chestertown, NY, Tax Map # 86.18-1-50 owned by Suzanne Holdcraft Sherrard and represented by Bret Winchip of Winchip Engineering, 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 listed criteria applicable,

BE IT RESOLVED, the Town Board acting as the Local Board of Health finds the Holdcraft Sherrard 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.

BE IT FURTHER RESOLVED, the Local Board of Health finds the septic system as designed and presented by Winchip Engineering 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 resources,

BE IT FURTHER RESOLVED, the variance granted is as follows (from application and Site Plan prepared by Winchip Engineering dated 05-30-18 and last revised 05-27-20).

Setback Schedule Holdcraft Sherrard			
Setback	Proposed Distance (%)	Proposed Variance	
		Distance (%)	Percent (%)
Wastewater Field Slope	22.2	7.2	48

On a motion by Mr. Packer, seconded by Mr. Aiken, Resolution No. 101 of 2020 was **ADOPTED**.

AYE 4 NO 0
Mr. Turcotte - Recused

2020 Agreement for the Expenditure of Highway Moneys:

Supervisor Leggett commented that Jason Monroe, the Highway Superintendent received quotes and presented the following agreement:

2020 Agreement for the Expenditure of Highway Moneys

AGREEMENT between the Town Superintendent of the Town of Chester, Warren, New York, and the undersigned members of the Town Board.

Pursuant to the provisions of Section 284 of the Highway Law, we agree that moneys levied and collected in the Town for the repair and improvement of highways, and received from the State for State Aid for the repair and improvement of highways, shall be expended as follows:

1. GENERAL REPAIRS. The sum of **\$195,000** shall be set aside to be expended for primary work and general repairs upon **2.13 miles** of town highways, including sluices, culverts and bridges having a span of less than five feet and boardwalks or renewals thereof.

2. PERMANENT IMPROVEMENTS. The following sums shall be set aside to be expended for the permanent improvement of Town highways:

- a) On the road commencing at **Agard Road** from Natural Stone Bride Road and leading to Agard Road, a distance of 0.57 miles, there shall be expended not over the sum of \$52,183.10. **Type:** Type 6 Overlay. **Width of traveled surface:** 20'. **Thickness:** 2 inches. **Subbase:** Existing paved surface.
- b) On the road commencing at **Middle Agard Road** from Agard Road and leading to Agard Road, a distance of 0.19 miles, there shall be expended not over the sum of \$17,394.37. **Type:** Type 6 Overlay. **Width of traveled surface:** 20'. **Thickness:** 2 inches. **Subbase:** Existing paved surface.
- c) On the road commencing at **Stone Bridge Road** from pavement end and leading to Dead End, a distance of 0.13 miles, there shall be expended not over the sum of \$11,901.40. **Type:** Type 6 Overlay. **Width of traveled surface:** 20'. **Thickness:** 2 inches. **Subbase:** Existing paved surface.
- d) On the road commencing at **Spring Street** from Dead End and leading to Theriot Avenue, a distance of 0.10 miles, there shall be expended not over the sum of \$9,154.93. **Type:** Type 6 Overlay. **Width of traveled surface:** 20'. **Thickness:** 2 inches. **Subbase:** Existing paved surface.
- e) On the road commencing at **Vetter Avenue** from Spring Street and leading to Theriot Avenue, a distance of 0.15 miles, there shall be expended not over the sum of \$13,732.40. **Type:** Type 6 Overlay. **Width of traveled surface:** 20'. **Thickness:** 2 inches. **Subbase:** Existing paved surface.
- f) On the road commencing at **Theriot Avenue** from Northeasterly and leading to State Route 8, a distance of 0.99 miles, there shall be expended not over the sum of \$90,633.80. **Type:** Type 6 Overlay. **Width of traveled surface:** 20'. **Thickness:** 2 inches. **Subbase:** Existing paved surface.

RESOLUTION NO. 102 OF 2020: TOWN BOARD AGREES TO SIGN THE 2020 AGREEMENT FOR THE EXPENDITURE OF HIGHWAY MONEYS PURSUANT TO SECTION 284 OF HIGHWAY LAW

WHEREAS, each year the Town Board and the Town Highway Superintendent sign an agreement pursuant to the provision of Section 284 of the Highway Law that moneys levied and collected in the Town for the repair and improvement of highways, and received from the State for State Aid for the repair and improvement of highways, shall be expended for specified General Repair and Permanent Improvement projects, and

WHEREAS, the Highway Superintendent has completed the Section 284 Agreement form, **BE IT RESOLVED**, the Town Board agrees to sign the 2020 Agreement for the Expenditure of Highway Moneys pursuant to Section 284 of Highway Law and directs the Town Clerk to send 2

copies of the signed Section 284 agreement to the Warren County DPW Superintendent for his approval.

On a motion by Mr. Turcotte, seconded by Mrs. DuRose, Resolution No. 102 of 2020 was **ADOPTED.**

AYE 5 NO 0

Road Drains by Catholic Church:

Mr. Packer said that the two road drains by the Catholic Church are too deep.

Supervisor Leggett asked if that was on Riverside Drive. Mr. Packer replied that there was one there and one where Church Street comes down through there.

Mr. Turcotte commented that he thinks one of them is on the County section of road.

Supervisor Leggett said it was a new catch basin and they worked with Soil and Water.

Mike said they are too deep and need to be fixed.

Trash Compactor:

Supervisor Leggett asked Mr. Packer if he was ready to put the trash compactor out to bid.

Mr. Packer said he would like to wait.

Supervisor Leggett commented that we should wait until next month and then we will know how the finances are looking. We should have enough but we won't know until the bids come back.

Veteran Banners:

Mrs. DuRose brought up that she received a phone call asking if we could put up the flags before Memorial Day and leave them up until after Veteran's Day.

Supervisor Leggett said that the original resolution was based on the Veteran's banners going up after Columbus Day when the Town took down the banners that business owners paid. As it turns out there are extra poles and the VFW bought extra brackets so that the Town does not have to remove one flag to replace it with another.

RESOLUTION NO. 103 OF 2020: APPROVE AMENDING RESOLUTION NO. 125 OF 2019 TO HANG THE BANNERS FOR THE "HOMETOWN HEROES" BANNERS FROM AT LEAST A WEEK BEFORE MEMORIAL DAY UNTIL THE WEEK AFTER VETERAN'S DAY

WHEREAS, the Town of Chester approved hanging the "Hometown Heroes" banners for the VFW in celebration of Veterans Day from Columbus Day to Thanksgiving, and

WHEREAS, the VFW Post #5513 has requested to start hanging the flags before Memorial Day,

BE IT RESOLVED, the Town of Chester approves amending Resolution No. 125 of 2019 to hang the banners for the "Hometown Heroes" Banners from at least a week before Memorial Day until the week after Veteran's Day.

On a motion by Mrs. DuRose, seconded by Mr. Packer, Resolution No. 103 of 2020 was **ADOPTED.**

AYE 5 NO 0

RESOLUTION NO. 104 OF 2020: AUTHORIZE THE FOLLOWING 2020 BUDGET TRANSFERS

RESOLVED, to authorize the following 2020 Budget transfers.

BUDGET TRANSFERS – JULY 2020

FUND	FROM ACCT#	AMOUNT	TO ACCT#	AMOUNT
General Fund	A6410.41	2,050.00	A6410.44	550.00
			A6410.499W	1,500.00
Loon Lake Fund	SP915	30,000.00	SP7110.2	30,000.00
Pottersville Water	SW2-915	13,682.43	SW2-8320.2	13,682.43

On a motion by Mr. Aiken, seconded by Mrs. DuRose, Resolution No. 104 of 2020 was **ADOPTED.**

AYE 5 NO 0

RESOLUTION NO. 105 OF 2020: AUTHORIZE PAYMENT OF ABSTRACTS

WHEREAS, the Town Clerk has entered the vouchers and created an Abstract of Audited Vouchers, and

WHEREAS, the Town Board has reviewed the Abstract,

BE IT RESOLVED, the Board accepts the Abstract of Audited Vouchers and authorizes payment as presented.

Number 7 of 2020	
General A	\$131,614.30
Highway DA	\$69,154.44
Library L	\$976.70
Loon Lake SP	\$33,773.43
Chestertown Water SW1	\$3,016.68
Pottersville Water SW2	\$1,905.40
Other TA	\$2,810.23
Total	\$243,251.18

On a motion by Mrs. DuRose, seconded by Mr. Turcotte, Resolution No. 105 of 2020 was **ADOPTED.**

AYE 5 NO 0

Supervisor Leggett asked if there was any other business to come before the Board at this time.

The Town Clerk clarified that the Veteran's banners will be going up only where there is space and business sponsored banners will not be coming down. Mrs. DuRose said that was correct.

Mr. Packer said that after stopping by the beach and speaking with Mindy he would like a fence put up at the beach to divide the beach. So that when the beach fills up swimmers there would be space for picnicking and fishing.

Supervisor Leggett asked if this would help with the count. Mindy replied yes.

Mrs. DuRose asked if non swimmers count now. Mindy replied yes, everyone who enters the area is counted. Karen asked if they had to be counted even if they were fishing. Mindy said yes, anyone who enters the area has to sign in and be counted for tracing.

Supervisor Leggett asked Mike to work with Brett to have a fence installed for fishing and picnicking.

Mrs. DuRose asked if the new time clock was at the garage. Marion commented that they were here yesterday on how to work it.

Supervisor Leggett will get with Mr. Turcotte about the rafting of boats on Loon Lake. Supervisor Leggett asked Mr. Schachner, Attorney for the Town if he knew of any options.

Mr. Schachner said he could do so without any detail, that Towns in New York in theory have authority to regulate "the operation of boats" on waters within 1,500 feet of shore. Mr. Schachner said that the Town Board will have to think very carefully about whether you want to try to regulate that sort of activity and how to do so in an understandable, clear, objective and enforceable manner.

On a motion by Mr. Packer, seconded by Mr. Aiken, meeting adjourned at 7:38 pm.

AYE 5 NO 0

Respectfully submitted,

Town Clerk