



**Town Board
Regular Meeting
October 13, 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 (via Zoom).

Regular Meeting:

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

RESOLUTION NO. 127 OF 2020: ACCEPT THE MINUTES FROM THE REGULAR TOWN BOARD MEETING SEPTEMBER 15, 2020 AND THE TENTATIVE BUDGET MEETING OCTOBER 5, 2020

RESOLVED, to accept the minutes from the Regular Town Board Meeting September 15, 2020 and the Tentative Budget Meeting October 5, 2020 as presented.

On a motion by Mr. Turcotte, seconded by Mr. Aiken, Resolution No. 127 of 2020 was **ADOPTED**.

AYE 4 NO 0
Mrs. DuRose – Abstained

Public Hearing for the Septic Variance Application #SV2020-04 DeLuke Friends Lake Property LLC:

Supervisor Leggett opened the Public Hearing for Septic Variance Application #SV2020-04 DeLuke Friends Lake Property LLC at 7:01 pm by introducing Lucas Dobie from Hutchins Engineering.

Mr. Dobie noted that Mr. Bob DeLuke was via Zoom as well. Mr. Dobie said that the property has a two bedroom camp with limited space with the lot only being 100' x100' with a cesspool on the road side of the camp in failure and after discussion with the DeLuke Family they feel the most appropriate solution would be a holding tank system. They are asking for two (2) 1250 gallon tanks so that it would allow most of a season between pump outs in the seasonal residence and set back relief to the property line for the sewer line.

Supervisor Leggett asked if there were any questions from the public. Hearing none, Supervisor Leggett asked the Town Board if there were any questions.

Supervisor Leggett confirmed with Mr. Dobie that they were looking for relief of installing two (2) 1250 gallon wastewater holding tanks and house sewer minimum separation distance from property line of four (4) feet relief.

Hearing no other comments, Supervisor Leggett closed the Public Hearing at 7:05 pm.

Public Hearing for the Proposed Law to Override the Tax Levy Limit for 2021:

Supervisor Leggett opened the Public Hearing for the Proposed Law to Override the Tax Levy Limit for 2021 at 7:06 pm.

Supervisor Leggett asked if there were any questions from the public.

Hearing no other comments, Supervisor Leggett closed the Public Hearing at 7:06 pm.

Committee Reports:

Supervisor Leggett opened Committee Reports at 7:07 pm.

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

- Town Board Minutes for the Regular Meeting September 15, 2020 and the Tentative Budget Meeting October 5, 2020
- Abstract #10 by department
- Zoning Administrator Activity Report for September 2020
- Zoning Enforcement Report for September 2020
- Planning Board Minutes for September 21, 2020
- Zoning Board of Appeals Minutes for September 22, 2020
- Assessors Report for October 2020
- Animal Control Monthly Report for September 2020
- Town Clerk Monthly Report for September 2020
- Town Court Report dated October 1, 2020
- Communications Report for October 2020
- Transfer Station Vehicle Report for August 10 – September 7, 2020 and September 10 – October 11, 2020
- Library Friends Fall Special 2020 Newsletter
- Copy of Warren County Connection for October 2020
- Notice of Incomplete Permit Application for the Loonie and Wen Septic Plans, TM#: 86.13-2-19 from APA
- Resignation Letter from Vanessa Hutton from the Planning Board

Town Board Reports:

Mr. Packer said that there is a lot of street lights out and asked if you notice one out please write down the pole number, go online and report it.

Mr. Aiken reported that he attended the Senior Center reopening, he attended the Special Budget Meeting, toured the Town roads, and the Town has delivered 2 ton of shoulder stone for the Pottersville Cemetery Project.

Mrs. DuRose reported that she attended the Planning and Library Meetings, sat in on a webinar for the NYS Emergency Plan, and worked with a school aged child cleaning cemetery stones in Pottersville.

Mr. Turcotte reported that he attended the Zoning Board Meeting via Zoom, spoke with Warren County Soil and Water about the algae, working in the Zoning Office with Jeremy and Tom, and looked at Walter Foote Road.

Supervisor Leggett reported the following:

- Met with Dee Parks from Office of the Aging. Stating January 2021 the Tow will not have a cook and a manager. They are reorganizing and all the cooking will be done at Countryside down in Warrensburg.
- Adirondack Broad Band call for progress in the region.
- Attended Planning and Zoning Board Meetings by Zoom.
- Went to a North Warren Chamber of Commerce Meeting and explained that the Town would be cutting our contribution to the Chamber by \$4,000.
- Met with Charles Wallace to size up the gymnasium for the reopening plan. 15 people doing gym activities or 150 dancers.
- Attended the Senior Center Board meeting.
- Bird Pond Road culvert is complete.
- Walter Foote Road culvert has been purchased, but our general permit for DEC expired September 30th.

Mrs. DuRose asked how many bids were there for the Bird Pond Road Project. Supervisor Leggett replied that our guys did almost all of the work and we did get quotes for the excavator.

Supervisor Leggett closed Committee Reports at 7:18 pm.

Privilege of the Floor:

Supervisor Leggett opened Privilege of the Floor at 7:18 pm.

Mary Clark asked about Pottersville Garage and commented that Craig has been dealing with them since he started, the Town has rules and there doesn't seem to be anything getting done, only worse. Mary asked why we have a Maintenance Law.

Linda Muench gave an update on the Senior Center's activities since they reopened on September 23rd in the new space. Mrs. Muench thanked Chris Aiken for attending bingo. Linda reported that 23 people have signed in and added that each board member wanted the Town Board to know how much they appreciate your support and how important it was for the board to know that they could safely use the room for this vulnerable population. Linda said that she will give a more formal write up at the end of the year which will include how they spent the monies give o them from the Town earlier this year.

Bob DeLuke asked if there were any questions for him that were not answered, he lost connection. Supervisor Leggett said everything went well.

Supervisor Leggett closed Privilege of the Floor at 7:26 pm.

New Business:

Supervisor Leggett opened New Business at 7:26 pm.

Septic Variance Application #SV2020-04 DeLuke Friends Lake Property LLC:

Mrs. DuRose asked if they met the requirements for 100 ft from neighboring wells. Mr. Dobie said that it is 50 ft for a holding tank and they meet that requirement.

Supervisor Leggett asked Lucas if we should assume that there are no wells within 50 ft. Lucas responded that that is correct. Supervisor Leggett asked Bob if his family can live with a holding tank. Bob said yes, they have minimal usage.

Mr. Turcotte asked if the wells are drilled. Lucas responded yes, the two wells are drilled and cased wells.

**RESOLUTION NO. 128 OF 2020: LOCAL BOARD OF HEALTH GRANTS
VARIANCES FOR TWO 1,250 GALLON HOLDING TANKS AND FOR THE HOUSE
SEWER TO BE 6 FT. FROM THE FRONT PROPERTY LINE INSTEAD OF THE
REQUIRED 10 FT FOR SEPTIC VARIANCE APPLICATION #SV2020-04 FOR TM #
120.14-1-30, DELUKE FRIENDS LAKE PROPERTY LLC, 176 HILL PARK ROAD**

WHEREAS, the Town Board acting as the Local Board of Health has received a completed application and has held a public hearing on October 13, 2020 regarding the Septic Variance #SV2020-04 DeLuke Friends Lake Property LLC, 176 Hill Park Road, identified by Tax Map #: 120.14-1-30, 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 the following criteria applicable:

BE IT RESOLVED, the Local Board of Health finds that:

- a) That there are special circumstances or conditions 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 the granting of the variance is necessary for the reasonable use of the land and that the variance, as granted by the Local Board of Health, is the minimum variance which would alleviate the specific unnecessary hardship found by the Local Board of Health to affect the applicant;
- d) The septic wastewater system for DeLuke Friends Lake Property LLC, 176 Hill Park Road, identified by Tax Map #: 120.14-1-30 as designed and presented by Hutchins Engineering (Site Plan prepared for: De Luke Friends Lake Property, LLC, dated 09/01/2020 and last revised 09/03/2020) 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 Local Board of Health grants variances for two 1,250 gallon holding tanks and for the house sewer line to be 6 ft. from the front property line instead of the required 10 ft.

On a motion by Mr. Packer, seconded by Mrs. DuRose, Resolution No. 128 of 2020 was **ADOPTED**.

AYE 5 NO 0

Municipal Waste Reduction and Recycling Grant:

Supervisor Leggett said we could apply for various projects: education the public, material reuse, promotion of reuse of refillable or reusable packaging, auditing, increasing awareness for non toxic product substitutes, promotion of backyard or on-site composting, or promotion of product stewardship initiatives. The deadline is October 30, 2020.

Supervisor Leggett said with the reconfiguration of the Transfer Station we could use this to come up with a plan for our organic waste.

Mr. Packer asked how much the grant is worth. Supervisor Leggett responded \$10,000 minimum and is a matching grant.

RESOLUTION NO. 129 OF 2020: AUTHORIZE SUPERVISOR TO APPLY FOR THE MUNICIPAL WASTE REDUCTION AND RECYCLING GRANT

WHEREAS, NYS DEC is authorized to provide State assistance for projects that further the primary strategy of the NYS solid waste management hierarchy and offer grants for Waste Reduction and Prevention Projects as part of their Municipal Waste Reduction and Recycling Program (MWR&R), and

WHEREAS, grant applications are due by October 30th,

BE IT RESOLVED, The Town Board authorizes the Supervisor to explore projects that would be applicable for the Town's Transfer Station and apply for a grant to execute the project, if feasible.

On a motion by Mr. Aiken, seconded by Mr. Turcotte, Resolution No. 129 of 2020 was **ADOPTED**.

AYE 5 NO 0

RESOLUTION NO. 130 OF 2020: DEEM 2001 STERLING TANDEM DUMP TRUCK AS SURPLUS EQUIPMENT AND ADVERTISE FOR SALE

WHEREAS, the Highway Superintendent recommends the sale of a 2001 Sterling Tandem Dump Truck with 263,929 miles,

BE IT RESOLVED, the Town Board deems the 2001 Sterling Tandem Dump Truck to be surplus and authorizes the Town Clerk to list it for sale with a minimum bid or reserve of \$10,000.00 for 30 days with Auctions International as per the Town's agreement with said vendor.

On a motion by Mr. Packer, seconded by Mr. Aiken, Resolution No. 130 of 2020 was **ADOPTED**.

AYE 5 NO 0

RESOLUTION NO. 131 OF 2020: APPROVE THE PLACEMENT OF A YMCA BANNER ON THE FRONT LAWN

WHEREAS, the YMCA has requested the placement of a banner on the Front Lawn of the Municipal Center for the month of October to promote the Y's Membership Promotion,

BE IT RESOLVED, to approve the placement of a YMCA Membership Promotion Banner on the front lawn of the Municipal Center.

On a motion by Mr. Turcotte, seconded by Mrs. DuRose, Resolution No. 131 of 2020 was **ADOPTED**.

AYE 5 NO 0

RESOLUTION NO. 132 OF 2020: AUTHORIZE TOWN CLERK TO ADVERTISE FOR BIDS FOR SALE AND DELIVERY OF #2 FUEL OIL, DIESEL FUEL AND KEROSENE FOR 2021

WHEREAS, each year the Town Clerk advertises for bids for sale and delivery of #2 fuel oil, diesel fuel and kerosene,

BE IT RESOLVED, the Town Board authorizes the Town Clerk to advertise in the Post Star Newspaper for bids for sale and delivery of #2 fuel oil, diesel fuel and kerosene for 2021 and to open bids November 6, 2020 at 12 pm.

On a motion by Mr. Packer, seconded by Mr. Aiken, Resolution No. 132 of 2020 was ADOPTED.

AYE 5 NO 0

RESOLUTION NO. 133 OF 2020: ACCEPT THE RESIGNATION OF VANESSA HUTTON FROM THE PLANNING BOARD

WHEREAS, Vanessa Hutton resigned from her position as Board member on the Town of Chester Planning Board effective immediately,

BE IT RESOLVED, the Town Board accepts the resignation of Vanessa Hutton and thanks her for her service to the Town.

On a motion by Mrs. DuRose, seconded by Mr. Turcotte, Resolution No. 133 of 2020 was ADOPTED.

AYE 5 NO 0

RESOLUTION NO. 134 OF 2020: APPOINT GREG TAYLOR TO THE PLANNING BOARD

WHEREAS, Greg Taylor currently is an Alternate on the Town Planning Board,

BE IT RESOLVED, the Town Board appoints Greg Taylor to fill Vanessa Hutton's unexpired term on the Planning Board expiring December 31, 2026.

On a motion by Mr. Packer, seconded by Mr. Aiken, Resolution No. 134 of 2020 was ADOPTED.

AYE 5 NO 0

RESOLUTION NO. 135 OF 2020: ACCEPT HARDWOOD PELLET BID FROM VERMONT RENEWABLE FUELS FOR THE 2020-2021 HEATING SEASON

WHEREAS, the Town Board received one bid for hardwood pellets, and

WHEREAS, Vermont Renewable Fuels submitted a bid for \$265.00 per ton for a max delivery load of 9 ton,

BE IT RESOLVED, the Town Board accepts the bid from Vermont Renewable Fuels for the 2020-2021 heating season.

On a motion by Mrs. DuRose, seconded by Mr. Turcotte, Resolution No. 135 of 2020 was ADOPTED.

AYE 5 NO 0

RESOLUTION NO. 136 OF 2020: ADOPT LOCAL LAW NO. 2 OF 2020 A LOCAL LAW TO OVERRIDE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW §3-C FOR FISCAL YEAR 2021

WHEREAS, a public hearing has been held for Local Law No. 2 of 2020 that would allow the Town to override the tax levy limit set for the Town by New York State, and

WHEREAS, the Town Board has reviewed the Tentative Budget and foresees the potential need to override the tax levy limit set for the Town,

BE IT RESOLVED, the Town Board hereby adopts Local Law No. 2 of 2020 A Local Law to Override Tax Levy Limit Established in General Municipal Law §3-C for Fiscal Year 2021.

On a motion by Mr. Aiken, seconded by Mr. Turcotte, Resolution No. 136 of 2020 was **ADOPTED**.

AYE 5 NO 0

RESOLUTION NO. 137 OF 2020: SET SPECIAL TOWN BOARD MEETING FOR BUDGET WORKSHOP FOR TUESDAY, OCTOBER 20, 2020 AT 4:30 PM

WHEREAS, the Tentative Budget was presented on Monday, October 5, 2020, and

WHEREAS, further discussion was needed before a Preliminary Budget is accepted,

BE IT RESOLVED, the Town Board sets a Special Town Board Meeting for a Budget Workshop for Tuesday, October 20th at 4:30 pm at the Town Hall in Chestertown to discuss the 2021 Budget and anything else that may come before the Board.

On a motion by Mrs. DuRose, seconded by Mr. Turcotte, Resolution No. 137 of 2020 was **ADOPTED**.

AYE 5 NO 0

RESOLUTION NO. 138 OF 2020: APPROVE THE FOLLOWING 2020 BUDGET AMENDMENTS AND ADJUSTMENTS

WHEREAS, the Supervisor has gone over the numbers with the Bookkeeper,

BE IT RESOLVED, the Town Board approves the following 2020 Budget amendments and adjustments as present.

BUDGET ADJUSTMENTS - OCTOBER TOWN BOARD MEETING

Acct Code	Increase	Decrease
A3089	3,400.00	
A1110.43	3,400.00	
A1220.2		300.00
A1220.4	300.00	
A1355.4		215.00
A1355.2	215.00	
A1620.4		500.00
A1660.4	500.00	
A6410.41		3,108.00
A6410.410	1,633.00	
A6410.44	275.00	
A6410.499E	1,200.00	
A8010.12		85.00
A8010.2	85.00	
A8010.111		1,500.00
A8010.44	1,500.00	
A2190	2,200.00	
A8810.4	2,200.00	

A2705G	14,420.00	
A1620.2	14,420.00	
A1420.4		3,700.00
A3510.4	3,700.00	

On a motion by Mr. Aiken, seconded by Mrs. DuRose, Resolution No. 138 of 2020 was **ADOPTED.**

AYE 5 NO 0

Supervisor Leggett commented that Deb Runyon is doing a great job and has been working hard with the final AUD.

Mr. Turcotte asked if there was a set corners on every site. The Town Clerk replied yes. Larry asked if they were physical corners. Mindy said yes, 4’’x4’’ etched out with the first letter of the last name.

Mrs. DuRose said that they don’t have them in Pottersville in the old cemetery.

Supervisor Leggett pointed out that the Landfill has brought in about 8% more this year than last year. He would like to thank Melvin Bishop who is finishing up his seasonal work at the Transfer Station and he would also like to thank Tom and Debbie who have worked very hard through the whole COVID and we are lucky to have them.

Mr. Packer asked how much we have spent on the Transfer Station this year. Supervisor Leggett said that so far this year we have spent over a \$100,000.00 and in 2019 we spent \$129,000.00.

Mr. Turcotte asked if the grant would cover a point of sale system (POS).

Mr. Packer commented that most dumps only have one attendant.

Mrs. DuRose about bids for the F350. Supervisor Leggett said we are working on getting it online.

Mrs. DuRose said she received another complaint on the Pottersville Water not being fit to drink.

Mary Clark asked about the Pottersville waterline. Supervisor Leggett said that it is all on hold because it is a whole other set of grants.

RESOLUTION NO. 139 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 10 of 2020	
General A	\$66,156.37

Highway DA	\$90,042.57
Library L	\$1,428.09
Loon Lake SP	\$8,288.84
Chestertown Water SW1	\$934.20
Pottersville Water SW2	\$713.74
Other TA	\$2,522.30
Total	\$170,086.11

On a motion by Mr. Turcotte, seconded by Mr. Aiken, Resolution No. 139 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 commented that the Chester-Horicon Youth Commission will not be sponsoring a Halloween Parade this year.

Mary Clark asked if Dynamite Hill would be able to open this winter. Supervisor Leggett said it will be open on a limited basis and we have to come up with a reopening plan.

Mrs. DuRose asked about the ski program at Gore Mt. Mindy replied that Gore is waiting for State approval for their plan. Mr. Schachner commented that ORDA is working on a number of things including those programs. Mr. DuRose asked if we are closing down soccer, is it fair to have a ski program. Mindy commented that if the State approves it then she thinks that it is fair to have a program. Mr. Aiken said that anything we could have would be fair.

Supervisor Leggett said that while the Horicon Transfer Station is down they will be using ours and while ours is down our residents will be able to use theirs. Mr. Schachner said he was ok with an informal agreement.

On a motion by Mr. Aiken, seconded by Mr. Packer, meeting adjourned at 8:15 pm.

AYE 5 NO 0

Respectfully submitted,

Town Clerk