



# Town Board

## Regular Meeting

### July 13, 2021

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

#### **Regular Meeting:**

Supervisor Leggett opened the Regular Town Board Meeting at 7:03 pm by Councilwoman DuRose leading the Pledge of Allegiance.

#### **RESOLUTION NO. 97 OF 2021: ACCEPT THE MINUTES FROM THE REGULAR MEETING JUNE 8, 2021**

**RESOLVED**, to accept the minutes from the Regular Meeting June 8, 2021, as presented. On a motion by Mrs. DuRose, seconded by Mr. Turcotte, Resolution No. 97 of 2021 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 8, 2021
- Abstract No. 7 by department
- Zoning Administrator Activity Report for June 2021
- Planning Board Minutes for June 21, 2021
- Zoning Board Minutes for May 25, 2021 and June 22, 2021
- Assessors Report for July 2021
- ACO Report for June 2021
- Town Clerk Monthly Report for June 2021
- Communications Report for July 2021
- Chester Town Court Report dated July 6, 2021
- Transfer Station Report for May 10<sup>th</sup> – June 7<sup>th</sup> and June 10<sup>th</sup> – July 11<sup>th</sup>
- Youth Commission Report for June 2021
- Copy of Warren County Connection for July 2021
- Library News Spring 2021

#### Town Board Reports:

Mr. Aiken reported he had several conversations about Youth Commission and sidewalks at the south end, the Pottersville Cemetery Project continues, met with Supervisor Leggett and two representatives from the Northern Forest Alliance Group (NFAG), finished getting quotes for the Senior Center cabinets, and attended the Loon Lake Park District Association (LLPDA) annual meeting.

Mr. Packer met with Supervisor Leggett and National Grid to discuss street lights. National Grid will install a 40 watt LED on the corner of Main Street and Theriot Ave. and a 24 watt LED by the Starbuckville Dam.

Mr. Turcotte said he updated the Transfer Station POS for the staff and worked with the Schroon Lake Park Commission (SLPC) on elevations for their signs that they would like to install at the south end of Schroon Lake.

Mrs. DuRose reported that she fielded phone calls about our Property Maintenance and Zoning Laws, messages concerning the proposed dog park in the Town of Chester, and attended Summerfest.

Supervisor Leggett reported the following:

- Attended retirement party for John Frasier for 35 years of dedicated service;
- Highlighted the article in Adirondack Explorer about water infrastructure in the Adirondacks;
- NYSDOT is reviewing our application for the “Welcome to Pottersville” to be placed on the northern border of Beadland Park;
- Submitted application for the American Rescue Plan Act;
- Back and forth with Warren County Planning about Schroon Lake invasive plant plans to continue the fight against invasive species;
- CDBG Grant for Pottersville water engineering came through for \$36,100;
- Loon Lake Grant was submitted for reimbursement for all the dam engineering and prework;
- Water meter installation
  - Jason Monroe, Water Superintendent, reported that the Town is replacing all the meters in the Chestertown Water District with the newest, greatest system there is. Jason and Jeff are going house to house replacing meters and taking notes where meters and shut offs are located;
- Well testing at Loon Lake
  - Jason commented that the results were not back yet;
- Town Roads
  - Jason Monroe, Highway Superintendent, said that the culverts on VanGuilder Road were replaced and the second half of the road has been reclaimed and waiting to be paved, all of the paved section on East Hudson River Drive will be replaced, and North Gore Road from Hardscrabble to Bird Pond will be replaced;
  - Jason said if there is CHIPs money left over he would like to go over the chip seal on Igera Road;
  - Supervisor Leggett commented that CHIPs money last year was cut, but has now been reinstated;
- Mortgage Tax has come in at \$105,000;
- Sales Tax is up 40% over last year;
- Overall assessment for the Town is up over 3 million dollars from last year, which helps with the tax rates;

- Meet with Leslie Nat from the Northern Forest Center regarding attracting new resident strategy;
- Attended the North Warren Central School Graduation, all outdoors this year; congratulations Karen on two grandsons graduating;
- Meet with Attorney for the Town, Bob Hafner, regarding the Friends Lake map, plan and report for the Friends Lake Aquatic Plant Control District easement;
- Attended the National Association of Counties Conference in Washington, D.C.

Jason Monroe reported that the Highway is doing general maintenance, cutting brush, waiting to pave and hired Kevin Norton.

Supervisor Leggett closed Committee Reports at 7:29 pm.

**Privilege of the Floor:**

Supervisor Leggett opened Privilege of the Floor at 7:30 pm.

**Dog Park:**

Supervisor Leggett asked if there was anyone who would like to speak to the idea of having a dog park.

Bill Millington proposed having a dog park in the Town of Chester. Communities are changing and we are trying to get more people to come to our area and everyone is traveling with their dogs. Bill said they would like to have it over by the cemetery where the old ball park was with a layout size of 200 ft by 100 ft area with a 50 ft by 50 ft area for smaller dogs, double entry, double gated.

Jason said there is already water in the cemetery that could be run over for the dog park.

Supervisor Leggett commented that that will also be the trail head for the Cunningham Community Forest.

Mrs. DuRose commented that in a previous Board Meeting they designated that area for a park. Mindy commented a ball field and play ground. Karen said she would look it up in the minutes. Karen said her concern is that the area is not big enough for all. Supervisor Leggett said that there were plans for it in about 2014.

Supervisor Leggett said another place that was suggested was where the snow dump is and asked Jason if there were any issues. Jason said that it would be ok during the summer but you don't know how much snow you're going to have. Jason asked if there was enough room for both a park and a dog park on the sight. Mr. Millington said that he didn't think it was a good idea. Bill said they also thought of by Caroline Fish, but there is no water there. Jason said the County and State also use the snow dump site so that would be a bad site in the winter.

Bill looked at Dynamite also if the bank could be adjusted. The biggest thing is to have water. Karen DuRose volunteered to be the liaison.

Supervisor Leggett said they have also discussed Pine Street, but found that it would not be a good site.

Mr. DuRose asked about liability. Mr. Schachner commented that many communities have dog parks and he is not aware of any significant liability issues.

Supervisor Leggett thanked Bill Millington and everyone who showed up for the dog park and asked if there were any other comments about having a dog park.

Gary Ferree said let's do it and said he would ask Cedarwood to help with the plans.

Supervisor Leggett closed Privilege of the Floor at 7:43 pm.

**New Business:**

Supervisor Leggett opened New Business at 7:43 pm.

**RESOLUTION NO. 98 OF 2021: DECLARING THE TOWN OF CHESTER LEAD AGENCY FOR SEQRA REVIEW FOR THE PROPOSED ZONING AMENDMENTS**

**WHEREAS**, the Town of Chester Town Board seeks to be established as SEQRA Lead Agency for the proposed amendments to the Use Chart of the Town of Chester Zoning Local Law; and **WHEREAS**, the Town of Chester Town Board has received a response from the Adirondack Park Agency and the APA concurs with the Town's determination to be SEQRA Lead Agency; and,

**WHEREAS**, the Town of Chester Town Board has also received the Project Review and Referral Form from the Warren County Planning Department with the County Planning Recommendation to Approve the proposed amendments; and,

**NOW THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Chester declares itself Lead Agency for this action.

On a motion by Mr. Turcotte, seconded by Mr. Aiken, Resolution No. 98 of 2021 was

**ADOPTED.**

AYE 5 NO 0

Mr. Schachner commented that the Town Board is now the SEQRA Lead Agency which means you are now responsible for conducting a review for potential environmental impacts and how you do that is to fill out the Full Environmental Assessment Form, Part 2 – Identification of Potential Project Impacts, which asked eighteen (18) questions, which someone has prepared a draft suggesting that all of them can be answered in the negative, meaning that there are no potential environmental impact to any of these eighteen areas.

Mrs. DuRose asked who prepared the form. Supervisor Leggett replied that Jeremy Little, Zoning Administrator, provided the draft form.

Supervisor Leggett asked if the Board had reviewed Part 2 – Identification of Potential Project Impacts and all eighteen questions and if they are all in agreement that they are appropriately filled.

**RESOLUTION NO. 99 OF 2021: ADOPTING NEGATIVE DECLARATION AND REQUESTING REFERRAL TO THE ADIRONDACK PARK AGENCY FOR THE PROPOSED AMENDMENTS TO THE USE CHART OF THE TOWN OF CHESTER ZONING LOCAL LAW**

**WHEREAS**, the Town Board of the Town of Chester has been established as SEQRA Lead Agency for the proposed amendments to the Use Chart of the Town of Chester Zoning Local Law; and

**WHEREAS**, the Town of Chester Town Board has reviewed the SEQRA Environmental Assessment Form and determined that adoption of the proposed amendments to the Use Chart of the Town of Chester Zoning Local Law will have no significant adverse environmental impacts;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Chester does hereby determine that adoption of the amendments to the Use Chart of the Town of Chester Zoning Local Law will not result in any significant adverse environmental impacts and therefore authorizes issuance of the SEQRA Negative Declaration and directs the Town Clerk to publish notice of SEQRA action in the Environmental Notice Bulletin (ENB); and,

**BE IT FURTHER RESOLVED**, that the Town Supervisor and the Town Clerk are hereby authorized and directed to submit the amendments to the Use Chart of the Town of Chester Zoning Local Law together with the SEQRA documents and copy of this Resolution to the Adirondack Park Agency with an appropriate request seeking APA review and approval.

On a motion by Mrs. DuRose, seconded by Mr. Turcotte, Resolution No. 99 of 2021 was **ADOPTED**.

AYE 5 NO 0

Supervisor Leggett said that unfortunately someone from the Chamber was not able to attend.

Mindy said that when she spoke with the girls from the Chamber they said that the Chamber took \$6,000 from each Town; Johnsbury, Horicon, and Chester to create the map itself, so that each Town has a third of the pie in.

Supervisor Leggett commented that they are tapping us for an additional \$3,456.52, right. Mindy said correct, because we have occupancy tax available.

Mr. Aiken said that the map is user friendly.

Mr. Turcotte likes the caricatures instead of just using stock photos.

Mrs. DuRose asked if we were the only Town being asked for additional money. Supervisor Leggett replied that we were the only Town.

Mindy asked how many brochures were printed. Supervisor Leggett pulled the voucher and replied 12,000.

Mr. Packer said it really doesn't tell you much about the businesses. Supervisor Leggett said most people travel with their cell phones.

Mindy asked if we could put the map on our website. Supervisor Leggett said it was owned by the North Warren Chamber of Commerce.

**RESOLUTION NO. 100 OF 2021: NORTH WARREN CHAMBER OF COMMERCE HAS REQUESTED AUTHORIZATION FOR \$3,456.52 IN OCCUPANCY TAX FUNDS FOR THE PRODUCTION OF A NEW TOURIST MAP & BROCHURE**

**WHEREAS**, the North Warren Chamber of Commerce is producing a new tourist and map brochure, which will highlight activities, attractions and places to eat and shop in the Towns of Chester, Horicon and Johnsbury; and,

**WHEREAS**, distribution of the brochures will be located at the Chamber of Commerce, local businesses and events; and,

**WHEREAS**, the total cost to produce the brochure is \$3,456.52;

**BE IT RESOLVED**, the Town Board authorizes \$3,456.52 in Occupancy Tax Funds to be paid to the Chamber of Commerce.

On a motion by Mr. Packer, seconded by Mr. Turcotte, Resolution No. 100 of 2021 was **ADOPTED**.

AYE 5 NO 0

**Dynamite Hill Road and Parking Lot:**

Jason Monroe commented that the road has deteriorated and met with Supervisor Leggett on site and feels that the upper parking lot should be paved at the same time. Jason feels that the amount for paving should be split 50/50. Dynamite Hill is a Town Road but then it turns into a parking lot.

Supervisor Leggett asked for Jason's assessment of the paving up there right now. Jason said with some site work and a top coat we can save the road.

Mr. Turcotte asked when the last Dynamite was paved. Jason commented that he had no idea, but we have improved everything else at Dynamite; snow gun, ski lift and lighting, we should pave the road and the parking lot. The driving and parking conditions are horrific.

Mrs. DuRose asked if the amount could come out of the money coming from the American Recue Plan Act. Supervisor Leggett did not think so, but there will be more information coming out about how the funds can be spent.

**RESOLUTION NO. 101 OF 2021: APPROVE AMOUNT OF FUNDS TO SPEND FOR THE PAVING OF DYNAMITE HILL ROAD AND PARKING LOT**

**WHEREAS**, the Dynamite Hill Road has deteriorated and needs repair; and,

**WHEREAS**, it is in the best interest of the Town to repave the road;

**BE IT RESOLVED**, the Town Board agrees to repair and repave Dynamite Hill Road and Parking Lot for a cost not to exceed \$35,000.00 to be evenly split between A7140.4 (Dynamite Hill) and DA5110.4 (Highway General Repair).

On a motion by Mr. Turcotte, seconded by Mr. Packer, Resolution No. 101 of 2021 was **ADOPTED**.

AYE 5 NO 0

**RESOLUTION NO. 102 OF 2021: APPOINT GREGORY GROSS TO THE LIBRARY BOARD OF TRUSTEES TO FILL THE UNEXPIRED TERM OF LYNN THOMAS WHO RESIGNED EFFECTIVE APRIL 22, 2021. THE UNEXPIRED TERM WILL END DECEMBER 31, 2024**

WHEREAS, there is a vacancy on the Board of Trustees for the Town of Chester Public Library, left by the resignation of Lynn Thomas,

**BE IT RESOLVED**, the Town Board approves the appointment of Gregory Gross to fill the unexpired term of Lynn Thomas which expires on December 31, 2024,

**BE IT FURTHER RESOLVED**, Gregory Gross is instructed to take an Oath of Office at the Town Clerk's office within thirty (30) days of appointment.

On a motion by Mrs. DuRose, seconded by Mr. Aiken, Resolution No. 102 of 2021 was **ADOPTED**.

AYE 5 NO 0

**RESOLUTION NO. 103 OF 2021: AUTHORIZE TOWN OF CHESTER WATER SUPERINTENDENT TO ATTEND NORTHERN NEW YORK WATER WORKS CONFERENCE FROM ON AUGUST 13, 2021**

WHEREAS, the Town of Chester Water Superintendent has requested to attend the Northern New York Water Works Conference to receive the required credit hours,

WHEREAS, the Conference date is August 13, 2021 in Alexandria Bay, New York,

**BE IT RESOLVED**, the Town of Chester Water Superintendent is authorized to attend the Northern New York Water Works Conference in Alexandria Bay, New York, arriving August 12, 2021 and leaving August 13, 2021 and funds to be appropriated for registration, rooms, meals, and travel.

On a motion by Mr. Aiken, seconded by Mr. Packer, Resolution No. 103 of 2021 was **ADOPTED**.

AYE 5 NO 0

**Friends Lake Limited Access Easement:**

Mr. Turcotte asked if we should apply for the variance first.

Mr. Schachner replied no, if we do not get approval for the variance the Town will give the easement back.

Supervisor Leggett commented that this is a 12 ft wide lot by the dam and is an unbuildable lot.

Mrs. DuRose asked if there was a limit on the size of an easement. Mr. Schachner replied that and easement is a type of real property right that grants access but not ownership, it can be for 8 inches or 8 million feet, there is not legal limit on the dimensions of an easement.

**RESOLUTION NO. 104 OF 2021: ACCEPTING EASEMENT FROM ASSUNTA LOUIS PROPERTIES, LLC; AUTHORIZING THE APPLICATION FOR ANY VARIANCES NEEDED AND ADIRONDACK PARK AGENCY REVIEW; AND AUTHORIZING PAYMENT OF LEGAL FEES**

**WHEREAS**, Friends Lake is located in the Town of Chester and is a Class AA Special Lake pursuant to the New York State Department of Environmental Conservation Lake Classification and Inventory Program; and

**WHEREAS**, the Town of Chester is contemplating forming a Special District (hereinafter “District”) pursuant to Article 12-A of the Town Law of the State of New York to protect Friends Lake from the devastating effects caused by invasive aquatic plant species (hereinafter “invasive species”) and to control and remediate the spread of such invasive species; and

**WHEREAS**, there are no public access points to Friends Lake that would allow access for the surveying, management and control of invasive species; and

**WHEREAS**, the Town of Chester will not consider proceeding with District formation unless or until it has adequate and reliable access to Friends Lake; and

**WHEREAS**, Assunta Louis Properties, LLC (hereinafter “Assunta”) is sole owner in fee simple of an approximately 12-foot by 136-foot parcel of land located on the shore of Friends Lake, commonly known as Sunset View Road, and more particularly described on the Warren County tax map as Tax Parcel 120.7-1-7 (hereinafter “The Property”); and

**WHEREAS**, Assunta has agreed to allow such access over the Property for the above stated purposes;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town hereby accepts the Limited Access Easement offered by Assunta together with all rights and subject to all terms and conditions contained therein; and be it further

**RESOLVED**, that the Town Board hereby authorizes the Town Supervisor, Town Zoning Officer and Town Counsel to seek in the name of the Town any and all State and Local regulatory, land use and zoning approvals that may be necessary for use of the Easement for its intended purpose; and

**BE IT FURTHER RESOLVED**, that the Town Board hereby authorizes and directs payment to Attorney Anthony J. Amodeo, Jr. of \$1650 for legal fees related to drafting the Limited Access Easement, to be reimbursed by the Friends Lake Aquatic Plant Control District to the Town of Chester General Fund upon formation of the Friends Lake Aquatic Plant Control District.

On a motion by Mr. Turcotte, seconded by Mr. Aiken, Resolution No. 104 of 2021 was

**ADOPTED.**

AYE 5 NO 0

**Water Districts and COVID-19 State of Emergency:**

Mr. Schachner stated that there was a moratorium on non-payment and re-levying during COVID. The moratorium has expired and there are new requirements dealing with back owed money. This is the first step.

**RESOLUTION NO. 105 OF 2021: AUTHORIZING ACTIONS RELATED TO COVID STATE DISASTER EMERGENCY AND TERMINATION**

**WHEREAS**, on May 11, 2021 Governor Cuomo signed into law amendments to the Public Service Law that prevented the Town from terminating water service provided to residents and qualifying small businesses for non-payment during the COVID-19 State of Emergency or re-levying previously unpaid water charges on or after May 11, 2021 until the end of the COVID-19 State of Emergency; and

**WHEREAS**, the Governor allowed the COVID-19 State Disaster Emergency to expire on June 24, 2021; and

**WHEREAS**, the Town Board wishes to comply with requirements related to the COVID State Disaster Emergency and its termination;

**NOW, THEREFORE, BE IT:**

**RESOLVED**, that the Town Supervisor is hereby authorized and directed to execute and deliver such agreements, instruments and other documents, and take such further actions as he, in his sole discretion after consultation with Town Counsel, deems necessary or desirable to carry out the intent of this Resolution; and

**BE IT FURTHER RESOLVED**, that the Town Clerk, Town Water Superintendent and Town Counsel are hereby authorized and directed to take such actions as they, after consultation with Town Counsel, deem necessary or desirable to carry out the intent of this Resolution.

On a motion by Mr. Aiken, seconded by Mrs. DuRose, Resolution No. 105 of 2021 was **ADOPTED**.

AYE 5 NO 0

**Schroon Lake Invasive Species:**

Supervisor Leggett said that the Town of Chester has had an agreement with the Town of Schroon Lake regarding the invasive species in Schroon Lake. The Town has about 10% of the assessable value on the Lake. Ethan Gaddy is requesting support to submit a grant for Warren County Planning to extend our fight against invasive species two (2) more years. This would bring in a mobile contamination station.

**RESOLUTION NO. 106 OF 2021: SUPPORT FOR SUBMISSION OF A GRANT APPLICATION TO CONTINUE THE FIGHT AGAINST INVASIVE SPECIES**

**WHEREAS**, the Town Board of the Tow of Chester recognizes the immense environmental, community, and economic value of clean and healthy waterways; and

**WHEREAS**, the Town of Chester recently participated in the local Waterfront Revitalization Program (LWRP) to assist with the recently updated Schroon Lake Watershed Management Plan and the Upper Hudson River Watershed Management Plan, both of which emphasize the need to protect waterways from aquatic invasive species, and;

**BE IT RESOLVED**, the Town Board supports the submission of an application for a multi-year grant program that will continue ongoing milfoil eradication efforts, help fund boat stewards and decontamination stations, and explore new boat decontamination strategies and technologies, with the understanding that the Town's share of the required match will not exceed \$6,000 annually over the course of two years.

On a motion by Mr. Turcotte, seconded by Mr. Packer, Resolution No. 106 of 2021 was **ADOPTED**.

AYE 5 NO 0

**Pottersville Playground:**

Supervisor Leggett pointed out a rendition of the Pottersville Playground hanging on the chalk board. Marion said the equipment should be here in two months. Craig said he has spoken with Parks and Rec. about preparing the site. Marion commented that there is a seesaw, swing set, one big unit, and a balance beam.

**5k/10k Race Logo:**

Supervisor Leggett commented that the 5k/10k Race logo was hanging on the chalk board.

**Proposed New Highway Garage:**

Supervisor Leggett said that the last item hanging on the chalk board was a draft rendering of the proposed Highway Garage which will include Parks and Rec. Department.

Gary Ferree from Cedarwood Engineering said the plows would be able to be left on the trucks.

Mr. DuRose asked about a price. Supervisor Leggett commented that last year we were estimating 4 million dollars.

Supervisor Leggett said we will have to do some creative funding.

Gary Ferree said that the new building will be more energy efficient and the lighting will be LED. Gary recommended getting a survey of the property before continuing.

Supervisor Leggett thanked Gary.

**RESOLUTION NO. 107 OF 2021: AUTHORIZE PAYMENT OF ABSTRACT OF CLAIMS**

**WHEREAS**, the Town Clerk has entered the vouchers and created an Abstract of Audited Vouchers No. 7 of 2021, and

**WHEREAS**, the Town Board has reviewed Abstract No. 7 of 2021,

**BE IT RESOLVED**, the Board accepts the Abstract of Claims and authorizes payment as presented.

***Number 7 of 2021***	
General A	\$63,242.77
Highway DA	\$96,398.67
Library L	\$1,015.28
Loon Lake Park District SP	\$1,481.19
Chestertown Water SW1	\$2,144.89
Pottersville Water SW2	\$6,083.69
Other TA	\$2,198.03
Total	\$172,564.52

On a motion by Mrs. DuRose, seconded by Mr. Aiken, Resolution No. 107 of 2021 was **ADOPTED.**

AYE 5 NO 0

Mrs. DuRose asked about lifeguards. Mindy commented that at this time we have two lifeguards; one that works six (6) days a week and one that works one (1) day, with the beach being closed on Mondays.

Supervisor Leggett said that Brian Bearor has taken a job with United Way and thanked him for working with the Board and being a great partner.

Mr. Turcotte asked if mobile home were the same as single family dwelling. Mr. Schachner said that yes, mobile home regulations have to be treated the same as single family dwelling regulations.

Mr. Turcotte commented that if the Infrastructure Act passes we need to think ahead and five (5) shovel ready projects ready to roll.

**RESOLUTION NO. 108 OF 2021: AUTHORIZE THE TOWN SUPERVISOR TO SIGN THE NYS CDBG GRANT PROJECT NO. 232CP18-20 GRANT AGREEMENT TO RECEIVE \$36,100**

**RESOLVED**, to authorize the Town Supervisor to sign the NYS CDBG Grant Project No. 232CP18-20 Grant Agreement to receive \$36,100.

On a motion by Mr. Aiken, seconded by Mrs. DuRose, Resolution No. 108 of 2021 was **ADOPTED**.

AYE 4      NO 0  
Mr. Turcotte - Recused

Supervisor Leggett asked if there was anything else to come before the Board.

On a motion by Supervisor Leggett, seconded by Mr. Packer, meeting adjourned at 9:37 pm.

AYE 5      NO 0

Respectfully submitted,

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Town Clerk