



Town Board

Regular Meeting

February 8, 2022

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 – Present
Councilman Chris Aiken - Present
Councilwoman Karen DuRose – Present
Councilman Mike Packer – Present
Councilman Larry Turcotte – Present
Deputy Supervisor Marion Eagan – Present
Attorney for the Town, Mark Schachner – Present
Town Clerk, Mindy Conway - Present

Regular Meeting:

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

RESOLUTION NO. 31 OF 2022: ACCEPT THE MINUTES FROM THE JANUARY 11, 2022 TOWN BOARD

RESOLVED, to accept the minutes from the January 11, 2022 Town Board Meeting as presented.

On a motion by Mrs. DuRose, seconded by Mr. Aiken, Resolution No. 31 of 2022 was **ADOPTED**.

AYE 5 NO 0

Committee Reports:

Supervisor Leggett **opened** Committee Reports at 7:02 pm.

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

- Town Board Minutes for the Regular Meeting January 11, 2022
- Abstract #15 of 2021 and #2 of 2022
- Zoning Administrator Activity Report for January 2022
- Zoning Board of Appeals Minutes for December 28, 2021
- Assessor Report for February 2022
- Town Clerk Monthly Report for January 2022
- Town Court Report dated February 1, 2022
- Communications Report for February 2022
- Historian's Annual Report for 2021
- Letter from Cedarwod Engineering regarding the review of the Gruner Property
- Copy of Warren County Connection for February 2022

Town Board Reports:

Mr. Turcotte reported that he spoke with the Highway Superintendent and the foreman, Mike, and gave them a quick update that he was on the Highway Committee this year. They went over road sand ideas for long term planning and thoughts on the highway garage. Checked in on them after the weekend storm and they had one truck break down.

Mrs. DuRose reminded everyone that there will be a Friends of the Library book sale Friday and Saturday, the 25th and 26th of February. She spoke with Wendy and Alma and there are no big issues in the Library, communicated with Bernie McCann about the Sumy Project for the Historical Society, and had a few conversations about short term rentals.

Mr. Packer reported that he checked out the new fire truck that the Chestertown Volunteer Fire Department Company got and discussed them giving the Town the tanker. Supervisor Leggett said we may need it for a tanker or to haul containers. Mike said it's available.

Mr. Aiken was involved in a youth commission interview with Craig and Marion, met with Karen and the Zoning Administrator about property maintenance around Town, had several talks about short term rental proposal, and the countertop was templated for the Senior Center.

Supervisor Leggett reported the following:

- Submitted the Generous Acts Grant for \$12,500 for a pavilion at the Pottersville Playground and for painting and rehab of the walls in the gymnasium
- Met with Horicon Supervisor and Lake George Supervisor about EMS District
- Met with Southern Adirondack Regional Childcare Network, which includes the Tri-County United Way, about money for rural childcare providers through grants
- CST is our manage service provider for cybersecurity and we are now in compliance
- Regional Wellness Center meeting with the YMCA to get an update
- Spoke with the Director of Building Codes about the Chester Garage on Riverside Drive
- Sat in on a Land Bank Steering Committee, there are 26 allowed in New York and there are 9 let to be incorporated
- Water Superintendent fixed the water main break in Pottersville
- Our Animal Control Officer, Florence Converse, made it into a book, I am Dexter, she is very dedicated

Supervisor Leggett **closed** Committee reports at 7:17 pm.

Public Hearing for Septic Variance Application (#SV2021-08) Gruner:

Supervisor Leggett **opened** the Public Hearing for Septic Variance Application #SV2021-08 Gruner at 7:17 pm.

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

Supervisor Leggett asked Mr. Mann, Engineer for the project, to explain what has been done over the last month.

Robert Mann said he took the comments from last month and the comments from Cedarwood Engineering and reworked the plans to reflect the comments and sent out the updated drawing this afternoon.

Supervisor Leggett **closed** the Public Hearing for Septic Variance Application #SV2021-08 Gruner at 7:19 pm.

Public Hearing for Septic Variance Application (#SV2021-09) Campbell:

Supervisor Leggett **opened** the Public Hearing for Septic Variance Application #SV2021-09 Campbell at 7:19 pm.

Supervisor Leggett asked if anyone would like to speak.

Supervisor Leggett **closed** the Public Hearing for Septic Variance Application #SV2021-09 Campbell at 7:20 pm.

Privilege of the Floor:

Supervisor Leggett **opened** Privilege of the Floor at 7:20 pm

Diane Smith said that the NWEMS has an ambulance committee and will decide whether they should lease or purchase an ambulance. There were 52 calls: 31-Chester, 13-Horicon, and 8 mutual aid. They have written new bylaws and are waiting for the EMS Board to approve them. She will be stepping down as Chair and Ed Sims will be taking over. They are still having trouble filling shifts.

Supervisor Leggett said he asked about health insurance. Diane said that the EMTs want a new ambulance.

Supervisor Leggett **closed** Privilege of the Floor at 7:28 pm.

Old Business:

Supervisor Leggett **opened** Old Business at 8:27 pm.

Septic Variance Application (#SV2021-08) Gruner:

Mr. Turcotte asked how the effluent was going to work with the two different size lengths and how far is the trench below grade. Mr. Mann said the two different sizes won't affect it and the trench will be 12"-24" below grade.

Mr. Turcotte asked if they found out where the well was on the Turner Property. Mr. Mann said he has not but asked the surveyor to go back out to locate it.

Mr. Turcotte asked if the building was on a slab or if there was a basement underneath it. Mr. Mann replied that there is a small basement for utilities.

Mr. Mann commented that the new layout was recommended by Cedarwood, to move to the horizontal configuration.

Supervisor Leggett asked if the following items recommended by Cedarwood were taken care of:

- Is the applicant replacing all of the fixtures in the home with new lower flow fixtures? Confirm that fixtures were upgraded to low-flow fixtures on the as-built drawings, as noted on the design plans.
- The location of the water supply well on the neighboring Turner property needs to be identified and distance shown on the drawing.
- The basis of design calculations on Sheet 1/5 indicates a required length of laterals of 124 linear feet but on Sheet 4/5, lateral length is shown as 132 linear feet. Which is correct? Cedarwood ran all of the calculations (in accordance with Appendix 75-A) and found that the actual required trench length is 138 feet.
- Does the existing building have a foundation or is it built on a slab? If it has a basement, a vertical impervious barrier shall be installed between the basement and the absorption area to prevent any migration of contamination into the basement.
- Based on the design laid out in the drawings, the proposed system is not buildable in the current location and configuration. In accordance with Appendix 75-A and the manufacturers guidance, the trenches should run parallel with the contours. The proposed system shows the trenches running perpendicular to the contours. Since the trench bottoms must be level this would create a substantial drop from the upper end of the field to the lower end. This would result in the laterals at the lower end of the system sticking out of the ground, which is unacceptable. There are a number of possible options that could be investigated to allow a replacement system to be constructed. These options included relocating the deck to allow for the system as proposed to be shifted and run with the contours, changing the absorption trench configuration from 3 trenches that are 43+/- feet long to 6 trenches that are 24+/- feet long.
- To facilitate review by the Town and Cedarwood Engineering, please include a variance table showing existing and proposed non-conformities and proposed contours for the wastewater absorption area. If there is no grading needed, please indicate so.
- There appears to be conflicting test pit soil profile depths, (0-20", 10"-30"), and there was no note indicating the boundary condition that was encountered. Please correct any discrepancies and included description of the boundary condition.
- Typically, the effluent application rate is included in the basis of design calculations, however in the basis of design information on Sheet 1/5 the effluent application rate is not shown. Please update plans to indicate the effluent application rate.
- Risers and an access port for the "Polylok" effluent filter need to be added to the septic tank detail, similar to what is shown on the pump station detail, for easy access.
- As-builts will need to be supplied to the Town of Chester.

Mr. Mann replied yes. Supervisor Leggett said with the exception that we have not found the Turner well.

Mrs. DuRose asked if it makes a difference if it is a dug well or a drilled well on the Turner property. Robert Mann said the only information he has about the well is that it is beyond 100 feet. Supervisor Leggett asked if he was certain, it was over a 100 ft. Robert said they are positive that it is.

Mr. Turcotte asked if they could put a condition on the resolution that the permit can't be issued until or will be issue depended on the location of the Turner well is greater than 150 feet from the proposed system, the disposal field.

Mr. Aiken asked if it was a dug well or a drilled well, is it just a 100 ft. Larry commented that if the drilled well is less than 50 ft deep then it is 150 ft, it is the depth of the well that triggers the extra percentage. Robert asked how he was going to know the depth of the well. Larry replied that he should try to get a hold of the property owner.

RESOLUTION NO. 32 OF 2022: APPROVE SEPTIC VARIANCE #SV2021-08 AND GRANT THE REQUESTED VARIANCES FOR A REPLACEMENT SEPTIC WASTEWATER TREATMENT SYSTEM. PROPERTY IS LOCATED AT 122 CHESTER SHORES DRIVE, IDENTIFIED BY TAX MAP PARCEL # 86.18-1-58

WHEREAS, the Town Board acting as the Local Board of Health has received a completed application and has held a public hearing on February 08, 2022 regarding the Septic Variance #SV2021-08 for Katherine and Joshua Gruner, located at 122 Chester Shores Drive, identified by Tax Map #: 86.18-1-58, 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 Katherine and Joshua Gruner, located at 122 Chester Shores Drive, identified by Tax Map #: 86.18-1-58 as designed and presented by Robert Mann, P.E. of Consultant Engineering Services PLLC (Site Plan and Details (Pages 1-5) prepared for: Joshua and Kate Gruner, dated 12/22/2021 and last revised 02/08/2022) 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 the following variances listed in the table below:

| Proposed Variance Schedule | | | | |
|---|-------------------|-------------------|-------------------|---------|
| Set Back | Required Distance | Proposed Distance | Proposed Variance | Percent |
| Absorption Field to Property Line East | 10' | 4' | 6' | 60% |
| Absorption Field to Property Line South | 10' | 2'6" | 7'6" | 75% |
| Absorption Field to Dwelling | 20' | 5'6" | 14'6" | 73% |
| Distribution Box to Property Line East | 10' | 1'9" | 8'3" | 82.5% |
| Distribution Box to Property Line South | 10' | 9' | 1' | 10% |
| Effluent to Distribution Box to Property Line East | 10' | 1'3" | 8'9" | 87.5% |
| Effluent to Distribution Box to Property Line South | 10' | 9'10" | 2" | 20% |

BE IT FURTHER RESOLVED, such approval is granted upon a condition of confirmation that there is a distance of a minimum of 150 feet from the proposed system to the existing well on the Turner property with confirmation given to the Zoning Administrator.

On a motion by Mr. Aiken, seconded by Mr. Turcotte, Resolution No. 32 of 2022 was **ADOPTED**.

AYE 5 NO 0

Septic Variance Application (#SV2021-09) Campbell:

Supervisor Leggett explained that the Town Board approved the first variance request, but when it came time to actually install the system, they ran into a water main for the Town of Chester. What we have before us is the summation of the as built.

Bret Winchip said there were two mains located. The Water Superintendent located the main to shut the water off to the building and when the excavating contractor was removing the existing system behind the building they located a water main and the old system was leaching effluent directly over the top of that main. They contacted the Water Superintendent, he came back and determined that main was the live main that the water supply to the building was coming off. Digging further to install the tanks they hit another water main, so there are two water mains on the property. We do not now if the second one is live, we do not think so, but we do not know. After a discussion on-site, the placement of the bed is much closer to the wetlands than what was approved; however the existing system was basically dumping into the wetlands over the top of the water main. They got as much separation as they possibly could from all the components.

Supervisor Leggett thanked Bret.

RESOLUTION NO. 33 OF 2022: APPROVE SEPTIC VARIANCE #SV2021-09 AND GRANT THE REQUESTED VARIANCES FOR A SEPTIC WASTEWATER TREATMENT SYSTEM. PROPERTY IS LOCATED AT 54 RIVERSIDE DRIVE, IDENTIFIED BY TAX MAP PARCEL # 104.10-6-8

WHEREAS, the Town Board acting as the Local Board of Health has received a completed application and has held a public hearing on February 08, 2022, regarding the Septic Variance #SV2021-09 for Chris Campbell, 54 Riverside Drive, identified by Tax Map #:104.10-6-8, 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 Chris Campbell, located at 54 Riverside Drive, identified by Tax Map #: 104.10-6-8 as designed by Winchip Engineering and presented by Chris Campbell (Site Plan prepared for: Riverside Drive Properties, dated 04/05/2021 and last revised 12/27/2021) 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 the following variances listed in the table below:

| Setback Schedule Campbell SV2021-09 | | | | | | | |
|--|-------------------|-------------------|-------------------------|---------|-------------------|-------------------|---------|
| Setback | Required Distance | Existing Distance | Existing Non-Conformity | | Proposed Distance | Proposed Variance | |
| | | | Distance | Percent | | Distance | Percent |
| Existing Seepage Pit to Existing Building | 20' | 8.4'± | 11.6'± | 58.0%± | - | - | - |
| Existing Seepage Pit to Wetlands | 100' | 0.2' ± | 99.8'± | 99.8%± | - | - | - |
| Existing Septic Tank to Existing Building | 10' | 0.6' ± | 9.6' ± | 96.0%± | - | - | - |
| Existing Septic Tank to Wetlands | 50' | 5.5' ± | 44.5' ± | 89.0% ± | - | - | - |
| Existing Septic Tank to Water Main | 10' | 00.0'± | 110.0'± | 100.0%± | - | - | -- |
| Existing Seepage Pit to Water Main | 10' | 00.0'± | 110.0'± | 100.0%± | - | - | - |

| | | | | | | | |
|--|------|---|---|---|-------|-------|--------|
| Proposed Absorption Bed to Existing Barn | 20' | - | - | - | 11.3' | 8.7' | 43.5% |
| Proposed Absorption Bed to Wetlands | 100' | - | - | - | 22.9' | 77.1' | 77.1% |
| Proposed Building Sewer to Wetlands | 50' | - | - | - | 15.2' | 34.6' | 69.6% |
| Proposed Precast Concrete Septic Tank to Wetlands | 50' | - | - | - | 18.6' | 31.4' | 62.8% |
| Proposed Effluent Line to Wetlands | 50' | - | - | - | 24.7' | 25.3' | 50.6% |
| Proposed Precast Concrete Pump Chamber to Wetlands | 50' | - | - | - | 23.6' | 26.4' | 52.8% |
| Proposed 2" Force Main to Wetlands | 50' | - | - | - | 26.6' | 23.4' | 46.8% |
| Proposed 1" Force Main to Building | 50' | - | - | - | 5.7' | 14.3' | 71.5% |
| Proposed Septic Tank to Building | 20' | - | - | - | 4.2' | 5.8' | 58.0% |
| Proposed Effluent Line to Building | 10' | | | | 5.8' | 4.2' | 42.0% |
| Proposed Pump Chamber to Building | 10' | | | | 2.4' | 7.6' | 76.0% |
| Proposed Septic Tank to Water Main | 10' | | | | 5.6'± | 4.4'± | 44.0%± |
| Proposed Pump Chamber to Water Main | 10' | | | | 5.9'± | 4.1'± | 41.0%± |
| Proposed Absorption Bed to Water Main | 10' | | | | 8.5'± | 1.5'± | 15.0%± |
| Proposed Sewer Line to Water Main | 10' | | | | 8.2'± | 1.8'± | 18.0%± |
| Proposed Effluent Line to Water Main | 10' | | | | 8.3'± | 1.7'± | 17.0%± |

BE IT FURTHER RESOLVED, that the Board of Health reaffirms the prior condition to one bedroom.

On a motion by Mrs. DuRose, seconded by Mr. packer, Resolution No. 33 of 2022 was **ADOPTED**.

AYE 5 NO 0

Proposed Friends Lake Aquatic Plant Growth Control District:

Supervisor Leggett reported that the Map, Plan, and Report was submitted to the Town Clerk today.

Mr. Turcotte asked why it was called Friends Lake Aquatic Plant Growth Control District and not just Friends Lake Park District. The Attorney for the Town, Mark Schachner, said that there is specific authority for aquatic plant control districts and as he understands it that is what the Friends Lake Park Owners Association wanted the district for strictly aquatic plant control.

Tony Taverni thanked Craig and the Board, they first started working on this in 2015, and appreciate the fact that they are moving this forward and are one step closer to getting this done. Supervisor Leggett said that it is because of the citizen-based initiative that it is here before us now. The property owners around Friends Lake have brought this up and contributed a tremendous amount of work.

Supervisor Leggett asked Mr. Schachner to describe the process as this point. Mr. Schachner said that if you adopt the proposed resolution which is the proposed Order then you are scheduling a public hearing for next month's Board meeting, so there is a public hearing and at that time the Town Board will conduct review of the proposal under the State Environmental Quality Review Act (SEQRA) and assuming you want to go forward, you will adopt an order based on the Map, Plan and Report establishing the District, which is subject to permissive referendum and then when the time period is passed the District is deemed to be established. This is a limited purpose district which is supposed to be operated by the Town Board.

Mr. Turcotte asked if the easement needed to be in place before the District is formed. Mr. Schachner said the easement is in effect. Ms. Eagan commented that the easement was filed with the County on January 10, 2022.

The Town Clerk asked if we were having the public hearing in the meeting room. Supervisor Leggett said yes.

Supervisor Leggett asked Tony Taverni if the people affected by this are more apt to zoom in. Tony said that the notice has to be in the hands of the people within 10 days of the public hearing and not more than 20 days of the public hearing and in the month of March, most of the people won't be here, they would be on Zoom, maybe there are 100 people who reside here permanently.

RESOLUTION NO. 34 OF 2022: ORDER SETTING PUBLIC HEARING CONCERNING PROPOSED FRIENDS LAKE AQUATIC PLANT GROWTH CONTROL DISTRICT

WHEREAS, the Friends Lake Property Owners Association (FLPOA) was concerned about the possible impact of invasive plants on Friends Lake and thought it critical to have a District established to be able to promptly and effectively respond to any such invasion, and

WHEREAS, the Chester Town Board (the "Board") is considering forming the Friends Lake Aquatic Plant Growth Control District (the "District") in accordance with Article 12-A of New York Town Law for the purpose of controlling milfoil and other non-native, invasive aquatic plant species in Friends Lake, and

WHEREAS, the Friends Lake Protective Association, on behalf of its members, requested that the Town Board form such a District, and

WHEREAS, a Map, Plan and Report (the "Map, Plan and Report") has been prepared by the Chester Town Supervisor with the FLPOA, concerning the proposed District, and

WHEREAS, the Map, Plan and Report has been duly filed in the Chester Town Clerk's Office and is available for public inspection, and

WHEREAS, the Map, Plan and Report describes the boundaries of the proposed District, the proposed aquatic plant control plan and method of operation, the maximum amount proposed to be expended for the plan, and the cost of the proposed District to the typical property and, if different, the typical one or two family home, and the proposed method of financing to be employed, if any, and

WHEREAS, establishment of the proposed District has been determined to be an Unlisted Action under the State Environmental Quality Review Act (SEQRA) and a SEQRA Short Environmental Assessment Form (EAF) will be prepared for the proposed District prior to the public hearing;

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The boundaries of the proposed Friends Lake Aquatic Plant Control District are as set forth in the Map, Plan and Report and are the properties listed on Exhibit A attached hereto. Roads within the proposed District have \$0 assessed value and will not be assessed.

2. The Town Board will operate and be the governing body for the District. The proposed aquatic plant control plan consists of annual water quality testing to discover if any invasive plants are discovered and, if so, analyze methods of recourse, aquatic vegetation surveys and hand harvesting, as well as possible aquatic herbicide treatment, if allowed by DEC and deemed appropriate by the Town Board. Hand harvesting would be completed by a contractor hired by the Town. If or when the presence of an invasive species has been detected in the Lake, as the result of the annual volunteer surveys, the discovery by a single property owner, or the product of a biennial contracted lake survey, the focus of the district will change from prevention to control. The Town Board would consider asking the Adirondack Park Invasive Plant Program (APIPP) to mobilize its fast response team to address this first discovery. In anticipation of such an event, the District would follow a response plan with input from the APA and APIPP which will be annually reviewed as events unfold. No capital improvements are required for the proposed District.

3. The maximum estimated cost of formation of the proposed District is approximately \$34,000 including survey, legal, costs of obtaining the required access easement and miscellaneous fees. No capital improvement costs are anticipated for the proposed District. The yearly costs associated with operation and maintenance of the District will vary depending whether invasive plants are discovered. The estimated annual costs would be \$34,000 for year

one (2023) and \$15,000 for year two (2024). Costs will be paid by an ad valorem tax on each of the properties located within the District.

4. No capital improvement costs are anticipated for the proposed District, so there will be no debt service costs related to the proposed District.

5. The estimated annual cost of the District to the typical property in the District, which typical property is not a typical one or two family home, for operation and maintenance and other charges, will be \$128.80 for the first year of operation. The estimated annual cost of the District to the typical one or two family home is \$69.62 for the first year of operation.

6. A detailed explanation of how the estimated costs of the District were computed is included in the Map, Plan and Report which has been filed with the Chester Town Clerk and is available for public inspection.

7. The Town Board hereby determines to conduct uncoordinated SEQRA review of the proposed District establishment.

8. The Town Board shall meet and hold a public hearing at the Chestertown Town Hall, 6307 State Route 9, Chestertown, NY at 7:00 p.m. on Tuesday, March 8, 2022 to consider the Map, Plan and Report and to hear all persons interested in the proposal and to take such other and further action as may be required or authorized by law.

9. The Town Board hereby authorizes and directs the Chester Town Clerk to duly publish and post this Order not less than ten (10) days nor more than twenty (20) days before the public hearing date, as required by Town Law §209-d, and complete or arrange for the securing of two (2) Affidavits of Publication of Notice and two (2) Affidavits of Posting of Notice of the Public Hearing required hereby and to file a certified copy of this Order with the State Comptroller on or about the date of publication.

On a motion by Mr. Turcotte, seconded by Mr. Packer, Resolution No. 34 of 2022 was **ADOPTED.**

AYE 5 NO 0

Supervisor Leggett **closed** Old Business at 8:11 pm.

New Business:

Supervisor Leggett **opened** New Business at 8:11 pm.

Septic Variance Application (#SV2022-01) for Feeney Family Trust:

Mr. Turcotte recused himself and left the room at 8:11 pm.

Bret Winchip, Winchip Engineering, said that at this time the cesspool is too close to the property line, the building, their own well, their shallow well, and it is too close to the Lake as well. They will be removing that and replacing it with a holding tank which eliminated the non-conformities of the neighboring shallow well, eliminating any non-conformities to the Lake, and reduces the non-conformity to the drilled well. Bret read the following chart:

Setback Schedule Feeney SV2022-01

| Setback | Required Distance | Existing Distance | Existing Non-Conformity | | Proposed Distance | Proposed Variance | |
|---|-------------------|-------------------|-------------------------|---------|-------------------|-------------------|---------|
| | | | Distance | Percent | | Distance | Percent |
| Existing Wastewater to Neighboring Shallow Well | 225' | 118.7'± | 106.3'± | 47.2%± | - | - | - |
| Existing Wastewater to Drilled Well | 150' | 42.3'± | 107.7'± | 71.8%± | - | - | - |
| Existing Wastewater to Property Line | 10' | 3.2'± | 6.8'± | 68.0%± | - | - | - |
| Existing Wastewater to Building | 20' | 4.9'± | 15.1'± | 75.5%± | - | - | - |
| Proposed Holding Tank to Drilled Well | 50' | - | - | - | 36.8' | 13.2' | 26.4% |
| Proposed Holding Tank to Property Line | 10' | - | - | - | 7.6' | 2.4' | 24.0% |
| Proposed Holding Tank to Building | 10' | - | - | - | 5.7' | 4.3' | 43.0% |

Bret said that it is a four-bedroom residence.

Mrs. DuRose asked if the address of Mills Road was correct. Bret said yes and it is not plowed.

RESOLUTION NO. 35 OF 2022: DEEM SEPTIC VARIANCE APPLICATION #SV2022-01 FOR FEENEY FAMILY TRUST (MARY T. FEENEY, TRUSTEE) FOR PROPERTY LOCATED AT 24 MILLS RD. TO BE COMPLETE AND SET A PUBLIC HEARING FOR MARCH 08, 2022 AT 7 P.M.

WHEREAS, Winchip Engineering PC has submitted a Septic Variance Application (#SV2022-01) for Feeney Family Trust (Mary T. Feeney, Trustee) for property located at 24 Mills Road, Chestertown, New York, Tax Map #: 120.10-1-32, 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 #SV2022-01 for Feeney Family Trust (Mary T. Feeney, Trustee) for property located at 24 Mills Road, 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 #SV2022-01 on Tuesday, March 08, 2022 at 7 pm at a Regular Town Board Meeting and directs the Town Clerk to notice the public hearing in the Post Star newspaper, and

BE IT FURTHER RESOLVED, to refer Septic Variance Application #SV2022-01 to Cedarwood Engineering as Town Engineer for its evaluation and opinion at the expense of the applicant.

On a motion by Mrs. DuRose, seconded by Mr. Packer, Resolution No. 35 of 2022 was **ADOPTED.**

AYE 4 NO 0
Mr. Turcotte - Recused

Mr. Turcotte returned to the meeting at 8:24 pm.

RESOLUTION NO. 36 OF 2022: AUTHORIZE FRIENDS OF THE TOWN OF CHESTER LIBRARY TO BUILD A STORYBOOK TRAIL AT DYNAMITE HILL

WHEREAS, the Friends of the Town of Chester Library in conjunction with the Board of Trustees of the Library is seeking to build a storybook trail within the Town, and

WHEREAS, their goal is to combine outdoor activity, appreciation of nature and love of reading, and

WHEREAS, they are proposing to use the existing nature trail at Dynamite Hill Recreation Center,

BE IT RESOLVED, the Town Board authorizes the Friends of the Town of Chester Public Library to build a storybook trail at Dynamite Hill.

On a motion by Mrs. DuRose, seconded by Mr. Aiken, Resolution No. 36 of 2022 was **ADOPTED.**

AYE 5 NO 0

Linda Taverni said thank you for approving the storybook trail.

RESOLUTION NO. 37 OF 2022: AUTHORIZE TOWN CLERK TO ADVERTISE FOR POTTERSVILLE WELLHOUSE COMPLETION BID

WHEREAS, the Pottersville Well Improvement Project consists of work including all labor materials, machinery, tools, equipment and other means of construction necessary for completion of work shown on the Plans and described in the specifications, and

WHEREAS, sealed bids for the construction of the Town of Chester Pottersville Well #2 Improvement Project (TC-WP2022-G) will be received by the Town of Chester Town Clerk no later than March 11, 2022, 12 p.m. noon,

BE IT RESOLVED, the Town Board authorizes the Town Clerk to advertise for the Pottersville Wellhouse Completion Bid to be opened March 11, 2022 at 12 pm noon, and

BE IT FURTHER RESOLVED, to schedule a special meeting on March 16, 2022 at 4:30 pm to consider bids.

On a motion by Mr. Aiken, seconded by Mr. Packer, Resolution No. 37 of 2022 was **ADOPTED.**

AYE 5 NO 0

Chestertown Water District:

Supervisor Leggett introduce dDaniel Marshall from Barton & Loguidice, who provided the proposal.

Mr. Marshall said that the proposal will develop a document that would be used to seek funding and a basic engineering report for the water system. It would entail everything that you would

need to do to prioritize a master plan to decide which way you would want to go for funding, but also for your projects.

Supervisor Leggett commented that this is a necessary piece in order to get into funding these streams. Mr. Marshall said he would like to get it done and approved by the 17th of June, which is the deadline for the application for this year, and that would set up the Town for money for the 2022-2023 fiscal years.

RESOLUTION NO. 38 OF 2022: AUTHORIZE THE TOWN SUPERVISOR TO SIGN THE CONTRACT WITH BARTON & LOGUIDICE FOR A PRE-ENGINEERING REPORT FOR IMPROVEMENTS TO THE CHESTERTOWN WATER DISTRICT

WHEREAS, the 2012 Assessment of Chestertown Water District identified certain deficiencies and recommended upgrades, and

WHEREAS, further engineering documents are required to advance work and secure funding to address the deficiencies and recommended upgrades, and

WHEREAS, Barton & Loguidice have submitted a Proposal for Engineering Services for Preparation of a Chestertown Water District Preliminary Engineering Report, and

WHEREAS, the deliverable will be a comprehensive evaluation of Chestertown's water system with a funding agency compliant Preliminary Engineering Report for a cost not to exceed \$28,000, therefore

BE IT RESOLVED, the Town Board authorizes the Town Supervisor to sign an agreement for professional services with Barton & Loguidice for a Preliminary Engineering Report, including funding services and WIA Application for the Chestertown Water District, and

BE IT FURTHER RESOLVED, the funding source for the work will be from the fund balance of the Chestertown Water District.

On a motion by Mr. Packer, seconded by Mrs. DuRose, Resolution No. 38 of 2022 was **ADOPTED**.

AYE 4 NO 0
Mr. Turcotte - Recused

Road Sand:

Mr. Turcotte spoke with the Highway Superintendent, Jason Monroe, about purchasing more sand than needed for the next couple of years, so when the sand runs out we will have some until we figure out the next step, because the next step is going to be much more money when we figure out where we have to haul road sand from.

RESOLUTION NO. 39 OF 2022: AUTHORIZE THE TOWN CLERK TO ADVERTISE FOR SAND BIDS

WHEREAS, the Town of Chester Highway Department desires to purchase sand for winter road maintenance,

BE IT RESOLVED, the Town Clerk is authorized to advertise for bids for an amount of sand set by the Highway Superintendent with a submission date by March 8, 2022 at 2 pm and will be publicly opened and read aloud at March 8, 2022 at 2:05 pm at the Town Clerk's office. The Town Clerk will then submit the Bids and the recommendation of the Highway Superintendent to the Town Board for consideration and approval, if any, at its next regularly scheduled meeting.

On a motion by Mr. Turcotte, seconded by Mr. Aiken, Resolution No. 39 of 2022 was **ADOPTED.**

AYE 5 NO 0

RESOLUTION NO. 40 OF 2022: READVERTISE FOR THE POSITION OF ZONING ASSISTANT

WHEREAS, the position for Zoning Assistant is still available,
BE IT RESOLVED, the Town Board authorizes the Town Clerk to advertise for the position of Zoning Assistant until the position has been filled.

On a motion by Mrs. DuRose, seconded by Mr. Turcotte, Resolution No. 40 of 2022 was **ADOPTED.**

AYE 5 NO 0

RESOLUTION NO. 41 OF 2022: APPOINT MINDY CONWAY AND CAROL GOODY TO THE BOARD OF ASSESSMENT AND REVIEW

WHEREAS, there are two openings on the Board of Assessment and Review,
BE IT RESOLVED, the Town Board appoints Mindy Conway and Carol Goody to the Board of Assessment and Review for a five (5) year term.

On a motion by Mr. Aiken, seconded by Mrs. DuRose, Resolution No. 41 of 2022 was **ADOPTED.**

AYE 5 NO 0

RESOLUTION NO. 42 OF 2022: AUTHORIZE THE USE OF DYNAMITE HILL FOR BACKCOUNTRY SKI CLINICS ON FRIDAYS

WHEREAS, Skylight Mountain Guides have asked the Town if they would be able to use Dynamite Hill Recreation Area on Fridays from 4 p.m. to 6 p.m.,

WHEREAS, Skylight Mountain Guides will provide free ski clinics to the public,

WHEREAS, Skylight Mountain Guides has agreed to provide the Town with proper business insurance certificate naming the Town as additional insured,

BE IT RESOLVED, the Town Board authorizes Skylight Mountain Guides for the use of Dynamite Hill for backcountry ski clinics on Fridays in February and March 2022.

On a motion by Mr. Turcotte, seconded by Mr. Packer, Resolution No. 42 of 2022 was **ADOPTED.**

AYE 5 NO 0

RESOLUTION NO. 43 OF 2022: TOWN BOARD HAS NO OBJECTION TO THE APPLICATION OF AN ON-PREMISE ALCOHOLIC BEVERAGE LICENSE BY THE CAROL CENTER FOR THE ARTS, INC. FOR THE CAROL THEATER LOCATED AT 102 RIVERSIDE DRIVE, CHESTERTOWN, NY

WHEREAS, the Town Clerk for the Town of Chester has received the Standardized Notice Form for Providing 30-Day Advance Notice to a Local Municipality or Community Board from The Carol Center For The Arts, Inc. for The Carol Theater Located At 102 Riverside Drive, Chestertown, NY on February 7, 2022,

BE IT RESOLVED, the Town of Chester Town Board has no objection to the application of an on-premise alcoholic beverage license by The Carol Center For The Arts, Inc. for The Carol Theater Located At 102 Riverside Drive, Chestertown, NY.

On a motion by Mrs. DuRose, seconded by Mr. Aiken, Resolution No. 43 of 2022 was **ADOPTED.**

AYE 5 NO 0

RESOLUTION NO. 44 OF 2022: APPOINT KATELYN HILL AS THE CHESTER-HORICON YOUTH DIRECTOR

RESOLVED, appoint Katelyn Hill as Chester-Horicon Youth Director effective February 28, 2022 with a 90 day probation period and a salary to be determined.

On a motion by Mr. Aiken, seconded by Mr. Turcotte, Resolution No. 44 of 2022 was **ADOPTED.**

AYE 5 NO 0

LED Sign:

Ms. Eagan would like to get quotes for a programmable LED sign for the sign in front of the Town Hall.

Community Forest Grant:

Supervisor Leggett said that DEC has a Community Forest Grant and Warren County is willing to put together a grant application for any acquisition of community forest.

RESOLUTION NO. 45 OF 2022: ACCEPT BOTH ABSTRACTS OF AUDITED VOUCHERS AND AUTHORIZES PAYMENT

WHEREAS, the Town Clerk has entered the vouchers and created Abstract No. 15 of 2021 and Abstract No. 2 of 2022 of Audited Vouchers, and

WHEREAS, the Town Board has reviewed the Abstracts,

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

| ***No. 15 of 2021*** | |
|------------------------|-------------|
| General A | \$9,567.03 |
| Highway DA | \$1,914.30 |
| Library L | \$476.13 |
| Chestertown Water SW1 | \$125.11 |
| Pottersville Water SW2 | \$67.11 |
| Total | \$12,149.68 |

| ***No. 2 of 2022*** | |
|----------------------------|--------------|
| General A | \$162,004.36 |
| Highway DA | \$72,398.94 |
| Library L | \$349.31 |
| Fire Protection SF2 | \$30,000 |
| Loon Lake Park District SP | \$50.56 |
| Chestertown Water SW1 | \$1,608.45 |

| | |
|-------------------------------|--------------|
| Pottersville Water SW2 | \$2,725.59 |
| Schroon Lake Park District SX | \$2,153.00 |
| Other TA | \$2,407.15 |
| Total | \$273,697.36 |

On a motion by Mr. Turcotte, seconded by Mr. Aiken, Resolution No. 45 of 2022 was **ADOPTED.**

AYE 5 NO 0

On a motion by Mrs. DuRose, seconded by Mr. Aiken, meeting adjourned at 9:02 pm.

AYE 5 NO 0

Respectfully submitted,

Town Clerk

DRAFT