



Town Board

Regular Meeting

May 10, 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 – via Zoom
Deputy Supervisor Marion Eagan – Present
Attorney for the Town, Mark Schachner – via Zoom
Town Clerk, Mindy Conway - Present

Regular Meeting:

Supervisor Leggett **opened** the Regular Town Board Meeting at 7:02 pm with Councilwoman DuRose leading the Pledge of Allegiance.

RESOLUTION NO. 75 OF 2022: ACCEPT THE MINUTES FROM THE APRIL 12, 2022 TOWN BOARD MEETING

RESOLVED, to accept the minutes from the April 12, 2022 Town Board Meeting and Special Town Board Meeting as presented.

On a motion by Mr. Aiken, seconded by Mrs. DuRose, Resolution No. 75 of 2022 was **ADOPTED**.

AYE 5 NO 0

Committee Reports:

Supervisor Leggett **opened** Committee Reports at 7:03 pm.

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

- Town Board Minutes for the Regular Meeting April 12, 2022
- Abstract No. 5
- Zoning Administrator Activity Report for April 2022
- Planning Board Minutes for April 18, 2022
- Assessors Report for May 2022
- Assessors Friends Lake Aquatic Plant Growth Control District Notes
- Animal Control Report for April 2022
- Town Clerk Monthly Report for April 2022
- Town Court Report dated May 2, 2022
- Youth Commission Meeting Notes for April 13, 2022
- Communication Report for April and May 2022
- 2022 Water Warrant

Town Board Reports:

Mr. Aiken reported that he has several conversations about the short-term rental proposal that is going around, as well as sit down meetings, the Pottersville Cemetery is back up with its renovation project, couple meetings to consider ARPA funds with Supervisor Leggett, attended a Youth Commission meeting and 154 signed up for Little League and the banners have been a great fundraiser.

Mr. Packer met with the guy from Simmons Elevator for a price for installing a lift instead of putting work into the ramps, but he thinks it may be cheaper to fix the ramps.

Mrs. DuRose attended the grand opening the Town of Chester Dog Park, which was well attended, emailed the CPA's firm, met with Amy at the Food Pantry, which is very well stocked; however, she is very concerned about a power outage, attended a Library meeting where they discussed constructing a lean-to in the children's section, and had many phone calls about the speed limit signs, the Pottersville fountain and the short-term rental law.

Mr. Turcotte had nothing drastic to report.

Supervisor Leggett reported the following:

- Submitted the first ARPA funds report
- The Dog Park has been a big success
- Attended a safety training course put on by Warren County
- Approval from DOH for the Pottersville wellhouse so we can move ahead
- We have had interest in expanding pickleball
- Climate Smart Communities Grant is open
- United Way is seeking volunteers for "518 day" on May 18th
- Discussions with Mr. Packer about a generator and new roof
- County has paved Church St and is now on to Atateka Drive

Diane Smith reported that there was 27 calls for Chestertown and 3 calls for Horicon, the second payroll protection plan was converted into a grant, and they are still looking into financing for a new ambulance. Mr. Packer asked about how gas prices were affecting them. Diane said she would follow up next month. Supervisor Leggett commented that Warrensburg is trying to get an EMS District together by August.

Supervisor Leggett **closed** Committee reports at 7:22 pm.

Privilege of the Floor:

Supervisor Leggett **opened** Privilege of the Floor at 7:22 pm by introducing Ben Driscoll.

Mr. Driscoll thanked the Board for the invitation to come and speak, 2019 was the last time he visited all the towns and the City of Glens Falls. He is employed by Catholic Charities of Saratoga, Warren, and Washington Counties and are located on Broad Street in Glens Falls and the main office is located in Saratoga Springs and funded through an agency called "The Hunger Solution of New York," which is a statewide agency funded by Social Services. His job is to go out into the community to visit food pantries and assist in registering people for the SNAP program. Everyone pays into this program through their paycheck.

Mr. Driscoll asked the Board to share the information with individual that they know.

Mr. Driscoll also serves on the Warren County Board of Supervisors which afford him the opportunity to get to know elected officials from around the County better and to share information better.

Supervisor Leggett asked if SNAP was available at Farmers Markets. Mr. Driscoll commented that the Glens Falls Market does accept food stamps.

Mr. Driscoll thanked the Board for their time.

Supervisor Leggett **closed** Privilege of the Floor at 7:40 pm.

New Business:

Supervisor Leggett **opened** New Business at 7:40 pm.

RESOLUTION NO. 76 OF 2022: ADOPT FINAL ORDER FOR CREATION OF FRIENDS LAKE AQUATIC PLANT CONTROL DISTRICT (FLAPCD)

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

WHEREAS, a Map, Plan and Report (the "Map, Plan and Report") concerning the proposed District was prepared by the Town and filed in the Chester Town Clerk's Office and made available for public inspection, and

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

WHEREAS, the estimated annual cost to the "typical property" was filed with the Town Clerk as a part of the Map, Plan and Report, and

WHEREAS, on February 8th, 2022 subsequent to the filing of the Map, Plan and Report with the Town Clerk, the Town Board adopted an Order (the "Public Hearing Order") reciting (a) the boundaries of the proposed District; (b) the proposed services and the proposed method of operation; (c) the maximum amount proposed to be expended for the services; (d) the cost of the District to the typical property and the typical one or two family home (if not the typical property); (e) that no capital improvements are anticipated for the District and, therefore, no financing will be employed; (f) the fact that a Map, Plan and Report describing the proposed District and services is on file in the Town Clerk's Office; and (g) the time and place of a public hearing on the proposed District, and

WHEREAS, copies of the Public Hearing Order were duly published and posted and were filed with the Office of the State Comptroller, all as required by law, and

WHEREAS, prior to publication of the Public Hearing Order, a detailed explanation of how the estimated cost of the District to the typical property and typical one or two family home (if not the typical property) were computed was filed with the Town Clerk for public inspection, and

WHEREAS, a public hearing on the proposed District was duly held on March 8th, 2022 and the Town Board has considered the evidence given thereat together with other information, and **WHEREAS**, establishment of the proposed District was determined to be an Unlisted Action under the State Environmental Quality Review Act (SEQRA), a SEQRA Short Environmental Assessment Form (EAF) was prepared for the proposed District, the Town Board determined to conduct uncoordinated SEQRA review and determined that establishment of the District and providing of the services described in the Map, Plan and Report will not have a significant adverse impact on the environment and authorized the filing of the completed EAF as a SEQRA Negative Declaration - Notice of Determination of Non-Significance with respect to the action, and

WHEREAS, on March 8th, 2022 the Town Board adopted a Resolution (the “Approval Resolution”) (1) determining that (a) the Notice of Public Hearing was published and posted as required by law and is otherwise sufficient; (b) all of the property and property owners within the District are benefited thereby; (c) all of the property and property owners benefited are included within the limits of the District; (d) it is in the public interest to establish the District as described in the Map, Plan and Report and (2) approving the establishment of the District and the providing of the services in accordance with the boundaries and descriptions set forth in the Map, Plan and Report, subject to the following: (a) the obtaining of any necessary permits or approvals from the New York State Department of Health and the New York State Department of Environmental Conservation; (b) the obtaining of any required approval(s) of the New York State Comptroller’s Office; (c) permissive referendum in the manner provided in New York State Town Law Article 7; and (d) the adoption of a Final Order by the Chester Town Board, and

WHEREAS, the Town Clerk duly posted and published the notice required for resolutions subject to permissive referendum and no such petition was filed within 30 days after the date of the Approval Resolution, and the Town Clerk has caused a Certificate to that effect to be filed in the office of the County Clerk, and

WHEREAS, upon further review by the Assessor for the Town and the Warren County Real Property Tax Services there were noted a few minor inconsistencies between the Map, Plan and Report and the list of District properties and as a result the following corrections have been made: Removal of Tax Map parcel #103.-1-49, addition of Tax Map Parcel #120.3-1-1.32 to the list of properties (was on the Map), and addition of three (3) Tax Map Parcels to the Map (were on the List): 120.-1-10.111, 136.-1-19, 136.2-1-7, and

WHEREAS, the permission of the State Comptroller is not required in accordance with Town Law §209-f, and

WHEREAS, the Town Board wishes to adopt a Final Order creating the District,

NOW, THEREFORE, IT IS HEREBY

ORDERED, that the Friends Lake Aquatic Plant Growth Control District is hereby authorized, approved and established and the services may be provided, all in accordance with the boundaries and descriptions set forth in the Map, Plan and Report, upon the required funds being made available or provided for, and

BE IT FURTHER,

ORDERED, that the Town Clerk shall make arrangements to record a certified copy of this Order in the Warren County Clerk’s Office and send a certified copy of this Order to the State Department of Audit and Control at Albany, New York, and the Town of Chester Assessor’s Office within 10 days of the date of adoption of this Order.

On a motion by Mrs. DuRose, seconded by Mr. Packer, Resolution No. 76 of 2022 was **ADOPTED.**

Councilman Turcotte	AYE
Councilwoman DuRose	AYE
Councilman Packer	AYE
Councilman Aiken	AYE
Supervisor Leggett	AYE

RESOLUTION NO. 77 OF 2022: AUTHORIZE CERTIFYING OFFICER FOR POTTERSVILLE CDBG GRANT #232CP 19-20 AND SEQR DETERMINATION FOR THE TOWN FUNDING AWARD FOR THE POTTERSVILLE WATER DISTRICT ENGINEERING STUDY

WHEREAS, the Town received a funding award from the NYS Housing Trust Fund Corporation to conduct an engineering study for the Pottersville Water District, and **WHEREAS**, the Town Board has determined that the Funding Award for the identified engineering study to be a Type II action under the NYS Environmental Quality Review Act, **NOW THEREFORE BE IT**

RESOLVED, the Town authorizes Marion Eagan, Deputy Supervisor, as the Certifying Officer for the environmental review associated with this Funding Award, and

BE IT FURTHER RESOLVED, that these actions will be a part of the Town’s community development file for the environmental review record and all required documents will be sent to the NYS Office of Community Renewal.

On a motion by Mr. Aiken, seconded by Mrs. DuRose, Resolution No. 77 of 2022 was **ADOPTED.**

AYE 5 NO 0

RESOLUTION NO. 78 OF 2022: APPROVE THE 2022 WATER WARRANT

WHEREAS, the Town Clerk has prepared the 2022 Water Warrant for the Chestertown and Pottersville Water Districts, and

WHEREAS, the Chestertown Water District total warrant is \$70,087.27 and the Pottersville Water District total warrant is \$22,907.46,

BE IT RESOLVED, the Town Board approves the 2022 Water Warrant as presented by the Town Clerk so that the water bills may be sent out and revenues collected and set collection date from May 16 to June 30, 2022 with no penalty and a 5% penalty added for payments received from July 1st to October 15th.

On a motion by Mr. Packer, seconded by Mr. Aiken, Resolution No. 78 of 2022 was **ADOPTED.**

AYE 5 NO 0

Water Rates:

The Town Clerk asked to remove Word of Life, because the property was sold and will be in district apartments when they go online.

Mr. Aiken asked about the money that Word of Life donates every year. Supervisor Leggett said that it was a host fee and goes into the General Fund. Mr. Aiken suggested that that money go

towards the Pottersville Water District. Supervisor Leggett commented that the property is out of the Pottersville District.

Mr. Turcotte asked if he had heard from the engineer about whether or not we could support some of these things.

The Town Clerk asked if we could remove Glendale from Pottersville and also asked what the “unmetered special rate” referred to. The Board said to leave the “unmetered special rate” for this year.

RESOLUTION NO. 79 OF 2022: SET WATER RATES FOR 2022-2023

WHEREAS, the Town Board set the water rates for the two water districts at the beginning of year of usage so that water customers have knowledge of the costs at the beginning of the billing cycle, which is May 1st through April 30th of each year,

BE IT RESOLVED, the Town Board sets the Water Rates for the Chestertown and Pottersville Water Districts for the period of May 1, 2022 through April 30, 2023 as described in the following chart:

Chestertown Water District		
Description	2021-2022	2022-2023
Base Rate: Metered Residential	\$178.00	\$180.00
Base Rate: Metered Business	\$178.00	\$180.00
Base Rate: Metered Outside of District	\$295.00	\$299.00
Base Rate: Unmetered Inside District	\$285.00	\$289.00
Base Rate: Unmetered Outside of District	\$490.00	\$497.00
Base Rate: NWCS for 30,000 gallons	\$715.00	\$725.00
Flat Rate: Unmetered Special Annual Rate	\$400.00	\$406.00
Rate per 1,000 gallons for Over 30,000 gallons	\$5.00	\$5.10
Swimming Pool Rate	\$300.00	\$305.00
Hydrant Rental	\$675.00	\$675.00
Turn On / Turn Off	\$20.00	\$20.00
Connection Charge - Standard Install	\$1,200.00	\$1,200.00
Replace Water Meter	\$170.00	\$170.00
Tax Rate	0.536	0.534
,000 Property Value = tax of this amount >	\$107.20	\$106.80
Base Rate Plus Property Tax: Total Cost/yr	\$285.20	\$286.80
Base Rate Gallons	30,000	30,000
Chestertown Water District Assessed Value	\$37,317,034	\$37,460,099
Property Tax Value per year	\$20,002	\$20,004

Pottersville Water District		
Description	2021-2022	2022-2023
Base Rate: Metered Residential	\$295	\$295
Base Rate: Metered Business	\$295	\$295
Base Rate: Metered Outside of District	\$470	\$470
Base Rate: Unmetered Inside District	\$400	\$400
Base Rate: Unmetered Outside of District	\$600	\$600
Flat Rate: Unmetered Special Annual Rate	\$330	\$330
Rate per 1,000 gallons for Over 30,000 gallons	\$3	\$3
Swimming Pool Rate	\$300	\$300
Hydrant Rental (9 hydrants + 2 dry)	\$130	\$130
Turn On / Turn Off	\$20	\$20
Connection Charge - Standard Install	\$1,200	\$1,200
Replace Water Meter	\$170	\$170
Tax Rate	\$2.593	\$2.96
,000 Property Value = tax of this amount >	\$479.71	\$547.05
Base Rate Plus Property Tax: Total Cost/yr	\$774.71	\$842.05
Base Rate Gallons	30,000	30,000
Pottersville Water District Assessed Value	\$11,570,327	\$10,144,087
Property Tax Revenue per year	\$30,002	\$29,996

On a motion by Mr. Aiken, seconded by Mr. Packer, Resolution No. 79 of 2022 was **ADOPTED.**

AYE 5 NO 0

RESOLUTION NO. 80 OF 2022: AUTHORIZE THE REVISION OF THE LOON LAKE MANAGEMENT OVERSIGHT AGREEMENT WITH LOON LAKE PARK DISTRICT ASSOCIATION, INC. (LLPDA) AND AMEND THE LOON LAKE PARK DISTRICT BUDGET

WHEREAS, the original 2022 Loon Lake Oversight Agreement with the Loon Lake Park District Association (LLPDA) for management services set the milfoil mitigation and harvesting rate at \$46,000 due to budget uncertainty at the time of adoption of the FY 2022 Budget, and

WHEREAS, the Town has desired to maintain the same level of milfoil control and management from year to year until such a time that less time is needed to manage the milfoil problem, and

WHEREAS, due to improved revenue projections for FY 2022,

BE IT RESOLVED, the Town Board authorizes the revision of the Loon Lake Management Oversight Agreement with the Loon Lake Park District Association, Inc. to show the amount allocated for the milfoil invasive treatment program under 1.C, Activities to be \$60,000, and

BE IT FURTHER RESOLVED, the Town Board amends the Loon Lake Park District budget to show and increase of \$13,800 to appropriations code SP 7110.4, Milfoil Abatement, with the source of funding from General Fund Unassigned Fund Balance.

On a motion by Mrs. DuRose, seconded by Mr. Turcotte, Resolution No. 80 of 2022 was **ADOPTED**.

AYE 5 NO 0

Summerfest:

Mr. Packer commented that it seems like a lot of money, and it didn't seem very well attended last year.

Mr. Aiken asked if it was based on receipts. Supervisor Leggett said yes.

Marion Eagan spoke with Lynn from the Chamber today and they may come up with better ideas. Mr. Packer would like to see changes.

RESOLUTION NO. 81 OF 2022: APPROVE THE OCCUPANCY TAX FUND REQUEST IN THE AMOUNT OF \$4,500 FOR SUMMER FEST 2022

WHEREAS, the North Warren Chamber of Commerce has requested \$4,500.00 in Occupancy Tax funds for Summer Fest 2022,

BE IT RESOLVED, the Town Board approves the Occupancy Tax Fund request in the amount of \$4,500 for Summer Fest 2022.

On a motion by Mrs. DuRose, seconded by Mr. Aiken, Resolution No. 81 of 2022 was **ADOPTED**.

AYE 5 NO 0

RESOLUTION NO. 82 OF 2022: APPROVE THE OCCUPANCY TAX FUND REQUEST IN THE AMOUNT OF \$4,000 FOR THE AUGUST 20th-21st SUMY PROJECT

WHEREAS, the Historical Society of the Town of Chester has requested \$4,000.00 in Occupancy Tax Funds for the August 20th-21st Somy Project,

BE IT RESOLVED, the Town Board approves the Occupancy Tax Fund request in the amount of \$4,000.00 for the August 20th-21st Somy Project.

On a motion by Mr. Packer, seconded by Mr. Turcotte, Resolution No. 82 of 2022 was **ADOPTED**.

AYE 5 NO 0

RESOLUTION NO. 83 OF 2022: APPROVE THE OCCUPANCY TAX FUND REQUEST IN THE AMOUNT OF \$7,200 FOR THE SUMMER FEST 2022 AND AUTHORIZE THE SUPERVISOR TO SIGN THE CONTRACT WITH NORTHSTAR FIREWORKS

WHEREAS, the Town supplies the fireworks for the Summer Fest celebration each year,

BE IT RESOLVED, the Town Board approves the Occupancy Tax Fund request in the amount of \$7,200.00 for the Summer Fest 2022, and

BE IT FURTHER RESOLVED, to authorize the Supervisor to sign the contract with Northstar Fireworks for July 9th, with a rain date of July 10th.

On a motion by Mrs. DuRose, seconded by Mr. Packer, Resolution No. 83 of 2022 was **ADOPTED**.

AYE 5 NO 0

RESOLUTION NO. 84 OF 2022: AUTHORIZE SUPERVISOR TO SIGN MUELLER SOFTWARE CONTRACT FOR REMOTE WATER METER SYSTEM

WHEREAS, renewal of a software license agreement related to the Chestertown and Pottersville Water Districts electronic water meters is due,

BE IT RESOLVED, the Town Board authorizes the Supervisor to sign a software license renewal agreement with Mueller for services related to the Chestertown and Pottersville Water Districts electronic water meters.

On a motion by Mr. Aiken, seconded by Mrs. DuRose, Resolution No. 84 of 2022 was **ADOPTED**.

AYE 5 NO 0

Proposed Local Law for allowing public meetings with video conference:

Mr. Schachner, Attorney for the Town, said that the legislature finally amended the Open Meetings Law to allow for the continuation of virtual meetings, but not as broadly as some people were urging. If the Town wishes to continue to allow virtual participation by a minority of the Board, you could do any board not just the Town Board, you have to adopt a local law and the local law has to adopt a Town policy on virtual meetings. Virtual participation can continue as long as a majority of the members of the Board meet together at the Town Hall or wherever the regular meeting is held, and it would only be a minority of the membership that can participate virtually. The legislation is very vague what would allow or what would be appropriate to participate virtually, it would have to be under unusual/extraordinary circumstances. Illness and short-term travel should be fine, but it is not supposed to facilitate members being away for long periods of time. This is still subject to clarification as it plays out.

Supervisor Leggett read the following proposed Local Law:

Local Law Allowing Members of the Public Bodies of the Town to Participate in Meetings via Videoconference

Local Law No. _____ of 2022

A Local Law authorizing the public bodies of the Town to use videoconferencing technology to participate in public meetings

Section 1. Legislative Intent

It is the intent of this Local Law to give the Town’s public bodies as that term is defined in Public Officers Law Section 102 the authority to participate in meetings via videoconference in a manner consistent with the Town’s videoconferencing policy and the authority granted in Public Officers Law Section 103-a.

Section 2. Authority

This Local Law is adopted pursuant to Public Officers Law Section 103-a which expressly authorizes the Town Board to adopt a Local Law giving the Town's public bodies the authority to participate in meetings via videoconference from locations not accessible to the public so long as a quorum of the Board participates from locations where the public may be physically present and other conditions are met.

Section 3. Videoconferencing for Public Meetings

The Town Board hereby authorizes all Members of the Town's public bodies to participate in meetings using videoconferencing technology in a manner consistent with Public Officers Law Section 103-a and the Town's videoconferencing policy.

Section 4. Effective date.

This Local Law shall take effect immediately upon filing with the Secretary of State.

The Town Clerk asked if the policy could be written before advertising for a public hearing.

Mr. Schachner commented that the virtual meetings as they are now without the majority of members is extended until the end of June.

Supervisor Leggett asked about allowing the public to give them privilege of the floor or Council for the Town not present but participating. Mr. Schachner said that no provision of the Open Meetings Law has ever applied to the Council for the Town, but as far as the public goes, the Board is free to do that.

Mr. Aiken asked if the minority member through Zoom is able to vote. Mr. Schachner replied correct.

Mrs. DuRose thinks we should have that local law. Supervisor Leggett said that right now the concern is that we are advertising for a public hearing which refers to a video conferencing policy.

Mr. Aiken said that it would be good to have something in writing.

The Board will bring it back up at the next Board meeting.

RESOLUTION NO. 85 OF 2022: ACCEPT ABSTRACT OF AUDITED VOUCHERS AND AUTHORIZES PAYMENT

WHEREAS, the Town Clerk has entered the vouchers and created Abstract No. 5 of 2022 of Audited Vouchers, and

WHEREAS, the Town Board has reviewed the Abstracts,

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

No. 5 of 2022

General A	\$110,672.53
Highway DA	\$90,372.73
Library L	\$2,231.80
Loon Lake Park District SP	\$264.52
Chestertown Water SW1	\$9,495.42
Pottersville Water SW2	\$5,155.54
Other TA	\$1,503.47
Total	\$219,696.01

On a motion by Mrs. DuRose, seconded by Mr. Packer, Resolution No. 85 of 2022 was **ADOPTED.**

AYE 5 NO 0

Trout Brook:

The Town Clerk noted that the U.S. Board on Geographic Names had a meeting and did not approve the proposal to change the name to Stone Bridge Creek.

On a motion by Mr. Packer, seconded by Mr. Aiken, meeting **adjourned** at 8:43 pm.

AYE 5 NO 0

Respectfully submitted,

Town Clerk