



## **Town Board Regular Meeting February 14, 2023**

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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 – 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 the Pledge of Allegiance led by Councilman Aiken.

### **Committee Reports:**

Supervisor Leggett **opened** Committee Reports at 7:01 pm.

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

- Abstract No. 17 and No. 2
- Town Board Minutes for the Organizational and Regular Meeting January 10, 2023
- Zoning Administrator Activity Report for January 2023
- Zoning Board of Appeals Minutes for January 24, 2023
- Planning Board Minutes for January 23, 202
- Town Assessor Report: 2022 Year in Review
- Assessors Report for February 2023
- Animal Control Report for January 2023
- Town Clerk Monthly Report for January 2023
- Town Court Report dated February 6, 2023
- Communications Report for February 2023
- Youth Commission Report for January 2023
- Occupancy Tax Application from the Tri-Lakes Community Alliance for the St. Patrick's Day Parade
- Letter from the Chestertown Farmers market advising the Board that the market will begin on Wednesday, June 14, and run until Wednesday September 13, 2023

### **Town Board Reports:**

Mr. Aiken reported general conversations with people about what is going on regarding this agenda.

Mr. Packer said he worked on the fire company exemption.

Mrs. DuRose reported that she zoomed a meeting with the Adirondack Foundation concerning housing issues and land banks to redevelop blighted and foreclosed properties, she called several area businesses to see how they dispose of tires, and also had the normal phone calls concerning the highway garage and short-term rentals (STRs).

Mr. Turcotte spoke to the representative from the Department of Health (DOH) about our water system with the Chestertown Wellhouse, he is trying to put together a worksheet for the general public to show the potential increase for the highway garage, he reviewed the proposed STR Local Law, spoke with the Zoning Administrator about a few septic variances, and he also looked around for a tire disposal place to help with costs at the Transfer Station.

### **Supervisor's Report:**

Since the January 10th Town Board Meeting:

- Met with representatives from the Glens Falls Family YMCA to discuss getting back on track with the Wellness Center programming that was started pre-COVID. Deputy Supervisor Eagan and I talked about using the Municipal Center for their youth programs. (this was on Jan 10th but did not make into my report at the meeting). Had a follow up meeting with their new program director, Angela Todriff.
- Met with Carol and Gary Confer with Councilman Aiken to discuss use of the Municipal Center next year for Santa with Christmas and expanded events to create more draw.
- Attended a joint Chamber of Commerce mixer at Tannery Pond. Persons from Indian Lake, Schroon Lake, Warrensburg, Lake George, Johnsbury and Chester were there. Good exchange of information and networking that may help us produce a more unified approach to promoting our larger area and benefiting all our small towns. Councilman Aiken was present as well.
- Met with Cedarwood Engineering to discuss Pottersville Water District Pre-Engineering Report Plans. This is part of a CBDG grant. They are underway and we will have a public meeting next month with an anticipated final report by June. Jessica Leerkes is tasked with getting information to them and tracking what we need to do.
- Met with representatives of GFNB and our Bookkeeper and set up Positive Pay for our checking accounts. This bank product curbs the possibility of check fraud, which is becoming a widespread problem. We also set up Money Market accounts with GFNB that will pay higher interest rates on funds we have on hand.
- Attended the NWCoC Board meeting. Ed Larkin and Jesse Jackson presented their design for Lake George Connected TV that will help all hospitality-related businesses to showcase what they have in this up and coming media format that is streamed on computers, TVs, and mobile devices – for free.
- Met with Jack Bartlett to go over the Town's Social Media programming, which he has been in charge of for more than a year. A look at the Town's Facebook page will show you a very informative and professional "face" of the Town. We discussed the ability to send out surveys regarding items of interest and about building an email list to be used to push out notifications of import, such as water disruptions, road closures, power outages, etc.
- Met with the owner of the old Pottersville School and got an update on their plans and timeline for converting the building into 22 market-rate apartments. Marion Eagan got them connected with NY Empire State Development for possible grant funding to help with the project.

- We had a conference call with ESD about our Restore NY application for redevelopment of 88 Riverside Dr. Their feedback on our elements for this competitive grant
- Attended and spoke at the Exit 18, I Love NY Travel Center for the unveiling of the Division of Veterans Services new electronic kiosk – one of several set up around the State. The kiosk informs veterans of available services and who to / how to contact the local offices for help. Warren County has very active Veterans Service Office that helps with benefits, insurances, medical appointments, etc.
- Attended the County BOS meeting and Committee meetings. Renovations are going on at Countryside Adult Home now. This will improve the facility and provide a better living environment for our aging residents that are no longer able to keep up their own home. Committee assignments came out and I appointed by Chairman Geraghty to be Finance Chair for the second year, which is also the BOS Vice-chair position.
- Attended a webinar put on by Northern Forest Center and the Adirondack Foundation to review a publication they are producing regarding the how-to's of addressing housing needs for our communities.
- Deputy Supervisor Eagan and I met with representatives of Small Tales Day Care and discussed the possibility of them establishing a childcare center in the Municipal Center, using the old Meal Site room. That room has been vacant since the start of COVID and it is questionable if there will be enough demand to have congregate meals there again. (Before closing, they did not have required usage numbers to continue operations as they were). Small Tales produced a survey to gauge interest and we have pushed it out through our media outlets. They received 51 responses from families with children.
- Met with the Chester Advisory Committee, an ad hoc group that discusses economic development actions the community can do. A few more interested citizens are encouraged to join the group. Housing, historic district designation, broadband, and branding are issues that get much discussion, as well as identifying and pursuing the redevelopment of commercial or residential properties that would make a noticeable difference to the Town.
- Met with representatives from the North Creek Fire District along with Attorney Bob Hafner and Town Clerk Conway to discuss the consolidation of their district and our North Creek Fire Protection District. A consolidation would equalize the tax rate for properties and would take the cost out of the Town's operations budget.
- Attended a virtual meeting of the Adirondack Intercounty Legislative. Discussed items of concern for our region. No action taken.
- Attended a virtual meeting of Forever Adirondacks, which is a coalition of agencies and organizations in the Adks that advocate for a group of issues that affect where we live. Housing and infrastructure are two. The group is planning a lobby day at the Capital next month to advocate for funding and programs. I am one of the few elected officials that participate and, hopefully, that puts us in a good position to be involved for future grant programs.
- Had a debriefing with the DOS regarding the LWRP grant that we applied for and did not get. It was part of our larger plan to improve the pedestrian and bicycle connection of Main Street Chestertown with Dynamite Hill, which is one of the recommended projects listed in one of our planning documents.
- Had phone conversations with Lisa Brown from CST regarding IT compliance items. We will begin two factor authentication for signing into the Town's network. This is a

cyber security tool that everyone will be adopting (Google, Warren County, GFNB and others already use it). It is a pain, but worth the security.

- Followed up with the WC EDC regarding the Environmental Assessment done for 88 Riverside drive (they funded the work in 2019) and advocated they help us for the cleanup phase.
- Spoke with LLPDA President Kevin Wickert about the year ahead, plans for it and funding for it. I brought up the idea of starting the boatwash inspection season later.
- Met with Highway Superintendent and others to discuss Highway Garage design and materials. The Fort Edward Highway Garage used stress-skin panels that seem to be practical and cost effective. Discussed the possible uses for a remodeled old Hwy Garage and timeline from bid to finished construction. A spring 2024 start is recommended (versus earlier).
- Attended the Adk Assoc of Towns and Villages in Minerva with Chairman Geraghty. Discussed our legislative agenda for this year. The gun laws enacted last year now have the Adk State Park removed from places where guns are not allowed. Still advocating for increased cellular and broadband coverage.
- A furnace technician replaced damaged tubes in the pellet boiler and put it back together. It will be operational this week for the first this heating season. Custodian Leonbruno helped and watched and learned a lot about how it works.
- Congratulations to NW Cougars Varsity Basketball team for their Adirondack League Championship Title on Saturday and good luck to them for the Sectional games. Congratulations to the Cougar's Varsity Girls for their impressive season.
- The Municipal Center is getting a lot of use. We will be facing the need to staff the building into the evening in order to accommodate all the desired activities. Looking at possible scheduling. Look for your input.
- Spoke with Adk Distance Festival Director Joel Friedman. He asked if the Town would take on the 5K-10K race again. He needed to know now so they can place ads and get going. I told him yes, but we would also try to find another organization to put on the profitable and fun event.
- Sent a load of tires for recycling. Rather than going with the County bid that would cost \$17/tire plus hauling, we shipped them for \$4 per car tire with no hauling charge, saving more than \$500 for the load.

**Financials:**

- Received 4th quarter Sales Tax. Total for 2022 is \$2,259,694. That is \$138,388 more than 2021 – a 6.52% increase – and \$342,300 more than budgeted for 2022.
- Total cash on hand for all funds at end of January 2023 is \$5,599,202. That is an increase of \$1,077,625 (23%) over January 2022.
- Total cash on hand over 4 years (for January 2020-2023) has increased by \$3,602,936 (172%).

**Privilege of the Floor:**

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

Tony Taverni thanked the Town for the reimbursement of funds to the Friends Lake Association for the money they spent towards the Friends Lake Aquatic Plant Control District.

Daren Harvey recommended that the number of years of service in the Volunteer Fire Department for the exemption should be two (2) years to start. At that point you have 120 hours of training in the department. New York State gives a \$200 credit on your State Income Tax and you would lose that if you take this exemption, so in order for anyone to get an advantage a 10% exemption would need to be set. They are also saying that you need to live in the Fire District that you volunteer in. For example, you cannot live in the Pottersville Fire District and volunteer in the Chestertown Fire District and still claim the exemption.

Daren Harvey asked if the Tri-Lakes Business Alliance could use Foster Flats Road and Little Tannery Road for the St. Patrick's Day Parade line up.

Daren Harvey asked about extending broadband to places where storms are going to put people without communication because they don't have cell phones. Rock Ave is an example, the last storm they were without power for eleven (11) days, which left them with no communication or anything including cell coverage. Supervisor Leggett said that he has confirmed with the broadband map what houses have it and what houses do not. Each house is worth about \$5,000 in funding as it comes down through and would offset the price for getting it through a roll out, so it is in motion.

Supervisor Leggett asked if there was anyone else who would like to speak.

Hearing none, Supervisor Leggett **closed** Privilege of the Floor at 7:26 pm.

**Old Business:**

Supervisor Leggett **opened** Old Business at 7:26 pm.

**RESOLUTION NO. 33 OF 2023: ACCEPT THE MINUTES FROM THE JANUARY 10, 2023 ORGANIZATION AND REGULAR TOWN BOARD MEETING**

**RESOLVED**, to accept the minutes from the January 10, 2023 Organization and Regular Town Board Meeting as presented.

On a motion by Mr. Aiken, seconded by Mrs. DuRose, Resolution No. 33 of 2023 was **ADOPTED**.

AYE 5 NO 0

**Short-Term Rentals:**

Supervisor Leggett showed pictures of an overflowing dumpster and a short-term rental with bedrooms with no exterior access and commented that these are some of the areas that the Town is trying to address. Zoning Administrator commented that the septic could probably not support the number of bedrooms advertised.

Supervisor said they will go through the proposed Short-Term Rental Local Law section by section:

**ARTICLE 3. PERMIT REQUIRED**

- A. *Whenever a Dwelling Unit is to be used as a Short-Term Rental, an owner of a Short-Term Rental Dwelling Unit shall obtain a revocable Short-Term Rental Permit from the Town of Chester.*

- B. A Short-Term Rental Permit shall be obtained prior to using the Short-Term Rental Dwelling Unit as a Short-Term Rental. The cost and duration of the permit shall be set by the Town Board from time to time by resolution.*
- C. Short-Term Rental Permits are non-transferrable and do not expire. If a Short-Term Rental Dwelling Unit is sold or otherwise transferred, at any time that the new owner plans to utilize the Dwelling Unit as a Short-Term Rental, the new owner must apply for and obtain a new Short-Term Rental Permit within sixty (60) days of the planned date of rental.*

Supervisor Leggett asked the Board if there were any questions about Article 3. Permit Required. Hearing none, Supervisor Leggett moved on to Article 4.

#### **ARTICLE 4. PERMIT APPLICATION REQUIREMENTS**

*An Application for a Short-Term Rental Permit shall be submitted to the Town Zoning Office, which may include the Zoning Administrator, Zoning Enforcement Officer and/or authorized assistants or deputies.*

- A. Made on a Form titled "Short-Term Rental Permit Application" provided by the Town of Chester.*
- B. Signed by all persons and entities that have an ownership interest in the proposed Short-Term Rental Property.*
- C. Accompanied by:*
  - a. A copy of the vesting deed or other document showing how title to the proposed Short-Term Rental Property is held. A list of the Short-Term Rental Owners including their names, addresses, telephone numbers and e-mail addresses.*
  - b. A list of the Short-Term Rental Owners including their names, addresses, telephone numbers and e-mail addresses.*
  - c. Proof of a satisfactory inspection of the Short-Term Rental Property by the Warren County Department of Fire Prevention and Building Codes conducted within the sixty (60) days immediately preceding the Application date and at the Owner's expense; and which proof sets forth the maximum overnight occupancy for the Short-Term Rental Dwelling Unit.*
  - d. A site plan of the proposed Short-Term Rental Property (not required to be professionally drawn) showing all the buildings locations and off-street parking area(s).*
  - e. A copy of the filed Warren County Occupancy Tax Registration Form.*

*f. Payment of the Short-Term Rental Permit fee as set by resolution of the Town Board.*

Supervisor Leggett asked if there were any questions.

Mrs. DuRose asked which department the Department of Fire Prevention and Building Codes was in. Supervisor Leggett responded Charles Wallace's.

Mrs. DuRose asked if we know the fee. Supervisor Leggett said that the proposed fee is \$100 onetime fee.

Mrs. DuRose asked what the fee was for the inspection. Supervisor Leggett said \$80 to be paid for by the owners.

Mr. Turcotte commented that he thinks there should be something in there about a president of a company being able to sign instead of every owner having to, authorized representative.

Mr. Aiken asked if the number of occupancy was based on the number of bedrooms and they were not opening up the septic tanks. Supervisor Leggett replied yes, the need for a septic inspection was removed from an earlier version.

Supervisor Leggett asked if there were any other comments on Article 4.

**ARTICLE 5. APPLICATION PROCEDURE**

- A. Within thirty (30) days of filing a Short-Term Rental Permit Application with the Zoning Office, including all documents required by this Local Law, a permit shall be either issued or denied, with an explanation for the denial in the case of denied permit.*
- B. In issuing a Short-Term Rental Permit, the Zoning Office may set conditions which are directly related and incidental to the use of the Short-Term Rental so long as such conditions are consistent with the requirements of this Local Law and are imposed for the purposes of maintaining safety or minimizing any adverse impact the proposed Short-Term Rental Property may have on the community or neighborhood.*

Supervisor Leggett asked if there were any questions.

Mrs. DuRose we already have the in the Purpose, "maintaining the health, safety, and welfare" so it makes it one lengthy sentence and we don't need to keep reminding that it is for the health, safety, and welfare. The Attorney for the Town, Mark Schachner commented that they will likely have the opposite view because the purpose and intent is the feel-good part at the beginning that sets the stage and the purpose and intent clauses are not enforceable by law, so from our perspective if you are going to keep something like that in then it is appropriate to have it in this section and not just in the purpose and intent despite seeming like a redundancy. This

gives a large amount of discretion to the Zoning Office, and we may have some thought about that.

Mr. Turcotte asked if the Town had a list of conditions that the Zoning Office may or may not use for this. Supervisor Leggett commented that the Zoning Administrator had the same concerns, and this came from the original through committee and is somewhat a safety valve because there will be a range of properties that come through here.

Mr. Aiken said that the Town Board is the final say if there is a problem.

## **ARTICLE 6. SHORT-TERM RENTAL REQUIREMENTS**

*Short-Term Rentals shall comply with the following requirements:*

- A. Short-Term Rental Properties shall not be rented to more persons than the occupancy load as determined by the Warren County Department of Fire Prevention and Building Codes.*
- B. Short-Term Rental Properties shall provide off-street parking with at least one space for every four (4) guests.*
- C. Short-Term Rental Owners shall establish written rules and regulations for the Short-Term Rental. The rules and regulations are expected to be activated when rentals are active. The content and intent of these rules and regulations is to assure public health, safety, and general welfare by promoting a clean, wholesome and attractive environment for the owner's property, adjacent property owners and the neighborhood.*
- D. The Short-Term Rental Owner must provide all property owners within one hundred (100) feet of the Short-Term Rental Property with a copy of the signed short-term rental permit.*
- E. A garbage collection plan shall be in place during rental periods. Garbage containers shall be secured with tight fitting covers to prevent leakage, spillage and odors.*
- F. The current Short-Term Rental Permit shall be posted inside the Short-Term Rental Dwelling Unit whenever it is rented and shall be visible upon entry.*
- G. An E911 house number shall be visible from the street or road.*
- H. The Short-Term Rental Owner must provide accurate information to the Zoning Office regarding any changes from the information originally supplied at the time of Application.*

Supervisor Leggett asked if there were any questions on Article 6.

Mr. Turcotte asked if the 100 ft notification was from the rental itself or from boundary of the parcel of land. The Zoning Administrator commented that it is from the boundary line.



Mr. Aiken asked if it was the owner's responsibility to notify the property owners within the 100 ft. Mr. Schachner commented that they are as it is written now.

Mr. Turcotte thinks that the Town should send out the notifications to make sure it is done right.

The Zoning Administrator, Jeremy Little, commented that they could certainly supply the owner with address of the property owners within the 100 ft buffer. They did look at other Towns and other Town do leave it up to the short-term rental owner to notify and provide a copy of the short-term rental permit. None of the Towns that they looked at had the Town mail out the permit to these property owners.

Mrs. DuRose asked, if when we have a variance does the Zoning Office send out a notice to the property owners next door. The Zoning Administrator replied that they send out notices to property owners within 500 ft of the subject property for any variance, site plan review, or appeal application, but they only get 20 variance applications per year verses 100+ in the short-term rental scheme so that is going to be quite a burden on our office to send out all of those copies of permits and it is going to be an expense.

Mr. Aiken commented that it is a one-time deal and once you get them out you are done until it changes or another rental comes on. Initially it would be a burden, but once you send out a hundred of them you would be pretty much done. Mr. Aiken likes the idea of done and done right.

## **ARTICLE 7. ENFORCEMENT AND PENALTIES**

- A. *When a complaint about the operations of a Short-Term Rental is received by the Zoning Office, and enforcement process will begin. The complaint is to be in writing and on the officially designated Town of Chester Complaint Form, available online and at the Zoning Office.*

*The Zoning Office will review the complaint form and take actions to determine its applicability to this Local Law. If there is no applicability, it will be noted, and the complainant and Short-Term Rental Owner will be notified in writing of the determination.*

- B. *When a Short-Term Rental is found to be in violation of items within this Local Law, the Zoning Office will engage with the Short-Term Rental Owner to remedy the situation within a certain period of time.*

*When a Short-Term Rental Owner fails to remedy the violation voluntarily, further enforcement actions will be taken.*

*Enforcement actions may include a Short-Term Rental Permit being revoked, suspended or conditioned according to the following:*

- a. *For a first or second violation of this Local Law or the terms of a Short-Term Rental Permit by a Short-Term Rental Owner related to a particular Short-Term Rental Property, the Zoning Office shall issue a written Notice of Violation to the Short-Term Rental Property Owner mailed to the addresses set forth on the Short-Term Rental Permit by certified or registered mail, return- receipt requested.*

*The Notice of Violation shall specify the violation, what actions must be taken to remedy the violation and provide for a reasonable time in which to remedy the violation. If a property owner fails to remedy the violation within the timeframe specified, the Zoning Administrator may revoke, suspend or attach reasonable conditions to an existing Short-Term Rental Permit.*

- b. *For a third or any subsequent violation of this Local Law or the terms of a Short-Term Rental Permit by a Short-Term Rental Owner related to a particular Short-Term Rental Property, the Zoning Office shall issue a written Notice of Violation that may revoke, suspend or attach conditions to an existing Short-Term Rental Permit.*

*The Notice of Violation and any determination of the Zoning Administrator to revoke, suspend or condition an existing Short Term Rental Permit shall be provided to the Short-Term Rental Property Owners in writing to the addresses set forth on the Short-Term Rental Permit by certified or registered mail, return receipt requested.*

- c. *The Zoning Administrator may suspend or revoke a Short- Term Rental Permit immediately, regardless of the number of prior violations, in the event of a violation of this Local Law or the terms of a Short-Term Rental Permit which poses a threat to the health, safety or welfare of any occupants or the general public. In the case of an immediate suspension or revocation, the Zoning Administrator, Zoning Enforcement Officer and/or authorized assistants or deputies shall notify the Short-Term Rental Property Owners in writing to the addresses set forth on the Short-Term Rental Permit by certified or registered mail, return-receipt requested.*
- d. *Short-Term Rental Property Owners may appeal a determination of the Zoning Administrator to suspend, revoke or condition a Short-Term Rental Permit no later than thirty (30) days after the mailing of notice of the determination.*

*The appeal must be made in writing to the Town Clerk and such appeal shall be heard by the Town Board at a regularly scheduled Town Board Meeting.*

*During the time following submission of an appeal and prior to the decision of the Town Board, the determination of the Zoning Administrator, Zoning*

*Enforcement Officer and/or authorized assistants or deputies shall be stayed.*

*At the hearing the Town Board shall accept evidence offered by the Short-Term Rental Owner, any complaining parties, the Zoning Administrator, the Zoning Enforcement Officer, and/or authorized assistants or deputies and any other witness with relevant evidence.*

*The Town Board shall make its determination within ten (10) days after the hearing, and may uphold, reverse or modify the Zoning Administrator's determination. The Town Board's determination shall be provided to the Short-Term Rental Property Owners in writing to the addresses set forth on the Short-Term Rental Permit by certified or registered mail, return-receipt requested.*

- e. If a Short-Term Rental Permit is revoked, no Short-Term Rental Permit may be obtained for the subject property by the same owner for at least one year following the revocation.*
- C. The Zoning Administrator shall have the authority, pursuant to the Criminal Procedure Law, to issue an appearance ticket or summons and complaint, subscribed by him or her, directing a designated person to appear in court at a designated time in connection with the commission of a violation of this Local Law.*
- D. Penalties. Any person or entity who shall violate any provision of this Local Law, any order made hereunder, or any rules or regulations adopted pursuant to this Local Law in addition to other penalties provided for in this Local Law shall be guilty of an offense punishable in the following manner:*
  - a. A fine of not more than \$350 for the first offense.*
  - b. A fine of not less than \$350 and not more than \$700 for a second offense; and*
  - c. A fine of not less than \$750 and not more than \$1000 for a third or any subsequent offense.*
- E. A civil action or proceeding in the name of the Town of Chester, New York, may be commenced in any court of competent jurisdiction to compel compliance with or restrain by injunction the violation of any provision of this Local Law or any rule or regulation adopted pursuant to hereto. Such remedy shall be in addition to penalties otherwise prescribed by law and may be commenced with the consent of a majority of the Town Board.*
- F. No remedy or penalty specified in this section shall be the exclusive remedy or penalty available to address any violation described in this section, and each*

*remedy or penalty specified in this Local Law shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this Local Law, or in any other applicable law. Any remedy or penalty specified in this Local Law may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this Local Law. The Town may initiate enforcement proceedings under this Local Law at any time following receipt of a complaint or if the Zoning Administrator, Zoning Enforcement Officer and/or authorized assistants or deputies determines that a violation has occurred.*

*G. Each day a violation continues shall constitute a separate and distinct offense to which all penalties shall apply.*

Mr. Turcotte commented that even if the property owner rectifies the violation(s) according to the way it is written they cannot apply for another permit for a year. Do we need a mechanism to reapply within a year.

Christine Hayes asked if the Town Board makes a private decision or would it be discussed in public. Mr. Schachner commented that the Town Board could have a special meeting to accommodate the 10 days referenced in the proposed law.

Supervisor Leggett asked if the discussion about the property would be in executive session or open to the public. Mr. Schachner said open to the public, which means the public has a right to attend, but necessarily comment.

Mr. Packer asked if you have a complaint about anything then who do you call, Jeremy (Zoning Administrator). Supervisor Leggett said you would fill out a complaint form.

Mr. Aiken said that the way he understood it was that the area property owners had a copy of the permit with a phone number on it, so if they had a problem with their neighbor's short-term rental situation, they would call the owner. Taking the Town out of the frontline of handling it every time someone has a complaint. So neighbors could work it out before it becomes a written complaint. Supervisor Leggett told Mr. Aiken he was correct. Mr. Schachner asked if the contact information was going to be on the permit itself. It is clearly on the application, but will it be on the permit that is sent out. Supervisor Leggett said good question.

Darren Harvey commented that you can make false statements against your neighbor, but you can't make false statements to the police, so if fireworks are being shot off you need to call the police. There should be some sort of law enforcement involved to make a complaint.

Supervisor Leggett asked if there were any more questions.

Mrs. DuRose asked if we know if there are short-term rentals in Chester that are not registered with Warren County. Supervisor Leggett commented that he has emailed the Warren County Treasure but has not heard back at this time.

Supervisor Leggett asked Counsel to get back to the Board with a final draft at the next meeting for us to consider. Mr. Schachner said yes.

**Highway Garage:**

Supervisor Leggett said that they have had discussions with the Highway Superintendent about having a standalone garage put where the sand pile is now and take the old highway garage and convert that to use for Parks and Rec. and do renovations on that. If it was all in one building, then the two additional bays would be for Parks and Rec. at a cost of about one (1) million dollars and it would be less to renovate the old building.

Mr. Packer commented that it the cost to heat the old building is high. Supervisor Leggett replied that part of the renovations would include new insulation.

Mr. Turcotte said that he though the plan was for Highway and Parks and Rec. to share a building and use the old garage for cold storage. Supervisor Leggett commented that the cost to renovate would be about \$400,000. Mrs. DuRose said that the Town could probably do some of the renovation.

Mr. Turcotte asked if we have decided on a final design. Supervisor Leggett said that the next step is to put out and RFP (request for proposal) for the initial conceptual design. It has been highly recommended to go with radiant floors.

Mr. Turcotte asked if we were going to do two (2) RFPs, one for the new building and one to reno the old building.

Mrs. DuRose asked if someone asks us what option are we talking about, option 1 and renovation. Supervisor Leggett said option 2 and renovation.

Discussion ensued over putting everyone in one building.

**RESOLUTION NO. 34 OF 2023: AUTHORIZE SUPERVISOR TO PUT OUT AN RFP FOR A COUPLE OF HIGHWAY GARAGE OPTIONS**

**WHEREAS**, the Town Board would like to move forward with a new highway garage, **BE IT REOLVED**, the Town Board authorizes Supervisor Leggett to put out an RFP in order to move forward with a new highway garage.

On a motion by Mr. Aiken, seconded by Mr. Packer, Resolution No. 34 of 2023 was **ADOPTED**.

AYE 5 NO 0

**Tax Exemption for Volunteer Firefighters:**

**RESOLUTION NO. 35 OF 2023: SET A PUBLIC HEARING FOR THE PROPOSED LOCAL LAW REGARDING PROPERTY TAX EXEMPTION FOR VOLUNTEER FIREFIGHTERS ON MARCH 14, 2023 AT 7:00 PM**

**WHEREAS**, the Town Board has discussed the minimum service requirement for volunteer firefighters and the percentage of exemption for the Town of Chester property tax, and

**WHEREAS**, the Town Board has discussed offering a lifetime percentage of exemption for volunteers with at least twenty (20) years of service as long as they maintain their primary residence in the Town, and

**WHEREAS**, the Town Board has also discussed allowing unmarried surviving spouses of eligible volunteers to retain their exemption,

**BE IT RESOLVED**, the Town Board sets a minimum service requirement of two (2) years and ten (10) percentage of exemption for volunteer firefighters, and

**BE IT RESOLVED**, the Board sets ten (10) percentage of exemption for volunteers with at least twenty (20) years of service, and

**BE IT RESOLVED**, the Board approves allowing unmarried surviving spouses to retain their exemption,

**BE IT FURTHER RESOLVED**, the Town Board sets a public hearing for the proposed Local Law regarding Property Tax Exemptions for Volunteer Firefighters on March 14, 2023 at 7:00 pm.

On a motion by Mrs. DuRose, seconded by Mr. Turcotte, Resolution No. 35 of 2023 was **ADOPTED**.

AYE 5 NO 0

**Loonie/Wen Septic Variance #SV2020-03:**

Tabled at request of applicant and will be discussed at the March 14<sup>th</sup> Meeting.

**New Business:**

Supervisor Leggett **opened** new Business at 8:47 pm.

**RESOLUTION NO. 36 OF 2023: REAPPOINT ADAM HOROWITZ TO THE SCHROON LAKE PARK COMMISSION**

**WHEREAS**, the appointment for Adam Horowitz to the Schroon Lake Park Commission expired December 31, 2022, and

**WHEREAS**, Adam Horowitz would like to be reappointed,

**BE IT RESOLVED**, the Town Board reappoints Adam Horowitz to the Schroon Lake Park Commission for a three-year term ending December 31, 2025.

On a motion by Mr. Packer, seconded by Mr. Turcotte, Resolution No. 36 of 2023 was **ADOPTED**.

AYE 5 NO 0

**Day Care Center Programing in the Municipal Center:**

Supervisor Leggett introduced Michael from Small Tales.

Small Tales Director, Michael Dittmer spoke about the results of the survey the Town conducted about the need for day care in the Town. 51 people participated in the survey: 4 had no kids, 28 needs care for 6 weeks to 36 months, and 9 need care for 3- to 4-year-olds.

Supervisor Leggett asked Mr. Dittmer if he though there was sufficient demand. Mr. Dittmer replied yes.

Supervisor Leggett commented that they originally just looked at the Mealsite Room, but then Small Tales was looking at their programing to be able to have 6 weeks to 4-year-olds they

would need two different rooms, so he asked Mr. Dittmer if there was enough demand for two rooms. Mr. Dittmer replied yes, because of the Office of Family and Child Care Services they cannot have all the age groups in one room. That is why they are looking at a second room if possible. Supervisor Leggett said that the second room would be the whole Youth Commission Room and we do have one tenant in there that we would need to relocate. The Town Clerk asked if that included everything but the garage, which would be used for the records. Supervisor Leggett asked Mr. Dittmer if they would need all of the small rooms. The Deputy Supervisor said that they definitely need the room where the court records are.

Supervisor Leggett asked when they would like to start using the space. Mr. Dittmer said it could be as quick as May or as long as August if the Town Board gives authorization tonight.

Supervisor Leggett asked about funding and then stated that the Office for the Aging did not pay rent for 20 years. This is definitely a need in our community. The Town did apply for \$15,000 from the Adirondack Foundation.

The Board agreed that it would be a good idea.

Mr. Dittmer commented that there is also interest in before school and after-school care and stated that they were also interested in running that program. Supervisor Leggett asked if that program need any special facility. Mr. Dittmer comment just access to a bathroom.

The Town Clerk asked about the square footage of Dynamite. Supervisor Leggett at least 24,000 square feet.

Supervisor Leggett thanked Kayla Carlozzi for reaching out.

Supervisor Leggett asked if Dynamite would work for after school programs. Ms. Carlozzi said that she would show Mr. Dittmer the space.

Supervisor Leggett asked John Maday, President of the North Warren Central School Board, if there has been talk about an after-school program. Mr. Maday commented that there will always be a need.

#### **North Creek Fire District:**

Supervisor Leggett commented that Bill Thomas has brought this to the Town before. We currently have people on this side of the bridge paying one rate and people on the other side of the bridge pay another rate and we are trying to equalize this. This would not affect our tax cap, we would only collect the taxes.

#### **RESOLUTION NO. 37 OF 2023: JOINT RESOLUTION BETWEEN THE NORTH CREEK FIRE DISTRICT AND THE TOWN OF CHESTER ON BEHALF OF THE NORTH CREEK FIRE PROTECTION DISTRICT APPROVING CONSIDERATION OF CONSOLIDATION AND AUTHORIZING CREATION OF PROPOSED CONSOLIDATION AGREEMENT**

**WHEREAS**, the Town of Chester Town Board established the North Creek Fire Protection District (the “NCFPD”); and

**WHEREAS**, the North Creek Fire District is a duly established fire district under New York State Town Law Article 11; and

**WHEREAS**, the Town of Chester Town Board and the Board of Commissioners of the North Creek Fire District (the “NCFD”) wish to consider the benefit of consolidating the NCFPD and NCFD;

**NOW, THEREFORE, EACH BOARD HEREBY RESOLVES AS FOLLOWS:**

**RESOLVED**, that the Town of Chester and the NCFD will cooperate and work together on the preparation of a Consolidation Agreement, with the goal of creating such Consolidation Agreement to detail the information required by New York General Municipal Law Article 17-A; and be it further

**RESOLVED**, that upon completing such proposed Consolidation Agreement, the Boards envision duly calling the required Public Hearing for the public to weigh in on such proposed Consolidation Agreement; and be it further

**RESOLVED**, that the Town Supervisor, Town Clerk and the NCFD’s Secretary/Treasurer are authorized and directed to take all actions necessary to effectuate this Resolution.

On a motion by Mr. Aiken, seconded by Mr. Turcotte, Resolution No. 37 of 2023 was

**ADOPTED.**

AYE 5 NO 0

**RESOLUTION NO. 38 OF 2023: AUTHORIZE THE TOWN CLERK TO POST FOR THE POSITION OF SR. BUILDING MAINTENANCE MECHANIC IN THE TOWN MUNICIPAL CENTER EFFECTIVE FEBRUARY 27, 2023**

**WHEREAS**, William Rowell, Sr. Building Maintenance Mechanic, will be retiring at the end of February 2023,

**BE IT RESOLVED**, the Town Boards authorizes the Town Clerk to post the job opening as per CSEA Contract for 10 days and then advertise the position opening, if needed.

On a motion by Mr. Turcotte, seconded by Mrs. DuRose, Resolution No. 38 of 2023 was

**ADOPTED.**

AYE 5 NO 0

**Townwide Reevaluation:**

Supervisor Leggett said that our equalization rate is 87% out of 100%. The Assessor can bump it up to 91%. Johnsbury was at 100% and now they are at 82%. Bolton was at 90% and they are at 74%. Christine Hayes, Town of Bolton Assessor, commented that she is claiming 75%.

Supervisor Leggett said that if we do a reevaluation now it would show up on the 2025 Town Tax Bills.

Mr. Aiken asked for pros and cons.

Supervisor Leggett commented that the total assessment should go up, sales tax should go up, and exemption rates should go up. Ms. Hayes said that exemption rates are proportional.

Ms. Hayes said that Chester has not done a reevaluation since 2008.

Supervisor Leggett asked John Maday if there were any thoughts from the school about Chester doing a reevaluation. Mr. Maday commented that typically he has seen it be a positive thing.



Supervisor Leggett asked Ms. Hayes if trending would work instead of a reevaluation. Ms. Hayes commented that it would not work because Chester has not done a reevaluation in 14 years.

**RESOLUTION NO. 39 OF 2023: APPROVES TRI-LAKES COMMUNITY ALLIANCE REQUEST OF OCCUPANCY TAX FUNDS IN THE AMOUNT OF \$1,200.00 TO DEFER THE COST OF THE ST. PATRICK'S DAY PARADE TO BE HELD ON MARCH 11, 2023**

**WHEREAS**, the Tri-Lakes Community Alliance sponsors a St. Patrick's Day Parade each year, and

**WHEREAS**, they have submitted a request for \$1,200 of Occupancy Tax Funds,

**BE IT RESOLVED**, the Town Board approves Tri-Lakes Community Alliance request for Occupancy Tax Funds in the amount of \$1,200 to defer the cost of the St. Patrick's Day Parade held on March 11, 2023.

On a motion by Mr. Packer, seconded by Mrs. DuRose, Resolution No. 39 of 2023 was **ADOPTED**.

AYE 5 NO 0

**RESOLUTION NO. 40 OF 2023: GRANT PERMISSION FOR THE ST. PATRICK'S DAY PARADE LINE-UP TO BE ON FOSTER FLATS ROAD AND LITTLE TANNERY ROAD ON SATURDAY, MARCH 11, 2023**

**WHEREAS**, the Tri-Lakes Community Alliance sponsors a St. Patrick's Day Parade each year,

**BE IT RESOLVED**, the Town Board grants permission for the St. Patrick's Day Parade line-up to be on Foster Flats Road and Little Tannery Road on Saturday, March 11, 2023 with a rain date of Saturday, March 18, 2023.

On a motion by Mr. Packer, seconded by Mrs. DuRose, Resolution No. 40 of 2023 was **ADOPTED**.

AYE 5 NO 0

**RESOLUTION NO. 41 OF 2023: AUTHORIZE SUPERVISOR TO SIGN CONTRACT WITH CIVIC PLUS AND AMEND RESOLUTION NO. 103 OF 2022**

**WHEREAS**, the Town Board authorized the Supervisor to sign a contract with CivicPlus for a new Town website as per Resolution No. 103 of 2022, and

**WHEREAS**, the original Contract was for \$11,550 with annual fees of \$2,400 starting year 2, and

**WHEREAS**, the Town website was a standard template design and after lengthy research it was found that we were able to create a custom website for less money over four (4) years,

**BE IT RESOLVED**, the Town Board authorizes the Supervisor to sign the Contract with CivicPlus for the custom website with an annual fee of \$4,550 for a total savings over four (4) years of \$550 which amends Resolution No. 103 of 2022.

On a motion by Mr. Aiken, seconded by Mr. Turcotte, Resolution No. 41 of 2023 was **ADOPTED**.

AYE 5 NO 0

**Senior Citizen Income Eligibility for Property Tax Exemption:**

Supervisor Leggett commented that right now the Town gives an exemption for income more than \$24,000 to less than \$32,400.

Ms. Eagan said that 51 people qualified as of last year with the old numbers. This year there will probably be an additional 10 to 15 that will qualify. We would be matching what the County gives.

Ms. Hayes commented that we have kids that are struggling to pay mortgages that make less than \$50,000 a year. \$50,000 is not low income in this area. Supervisor Leggett asked if Horicon was taking action on this. Ms. Hayes replied no, \$32,400 max.

**RESOLUTION NO. 42 OF 2023: SET A PUBLIC HEARING FOR THE PROPOSED LOCAL LAW TO INCREASE PARTIAL EXEMPTION ON REAL PROPERTY TAXATION FOR ELIGIBLE PERSONS SIXTY-FIVE (65) YEARS OF AGE AND OVER AND TO REPEAL AND REPLACE LOCAL LAW NO. 2 OF 2012 ON MARCH 14, 2023 AT 7:00 PM**

**WHEREAS**, Warren County has increased the amount of partial exemption on real property taxation for eligible persons sixty-five (65) years of age and over, and

**WHEREAS**, the Town of Chester would like to do the same,

**BE IT RESOLVED**, the Town Board schedules a public hearing March 14, 2023 at 7:00 pm to discuss the proposed Local Law to increase partial exemption on real property taxation for eligible persons sixty-five (65) years of age and over and repeal and replace Local Law No. 2 of 2012.

On a motion by Mr. Aiken, seconded by Mrs. DuRose, Resolution No. 42 of 2023 was **ADOPTED**.

AYE 5 NO 0

**RESOLUTION NO. 43 OF 2023: AMEND ORGANIZATIONAL SCHEDULE A TABLE 2023**

**WHEREAS**, the Town Board approved a Schedule A for Rates of Pay at the January 10, 2023 Organizational Meeting, and

**WHEREAS**, two positions were listed incorrectly, and a correction needs to be made,

**BE IT RESOLVED**, the Town Board amends the 2023 Schedule A to reflect and increase from \$1,300 to \$1,820 for the Communications Director and the change Zoning Assistant rate to \$17/hr.

**BE IT FURTHER RESOLVED**, to add Office Assistant with a rate of pay of \$20.50/hr, effective January 1, 2023.

On a motion by Mr. Packer, seconded Mr. Turcotte, Resolution No. 43 of 2023 was **ADOPTED**.

AYE 5 NO 0

**RESOLUTION NO. 44 OF 2023: HIRE JESSICA LEERKES AS PERMANENT PART-TIME OFFICE ASSISTANT**

**WHEREAS**, Jessica Leerkes was hired as a temporary part-time Office Assistant per Resolution No. 97 of 2022, and

**WHEREAS**, there is sufficient workload and appropriation have been made in the adopted FY 2023 budget,

**BE IT RESOLVED**, the Town Board hires Jessica Leerkes as a permanent part-time Office Assistant for no more than 25 hours per week.

On a motion by Mrs. DuRose, seconded by Mr. Packer, Resolution No. 44 of 2023 was **ADOPTED.**

AYE 5 NO 0

**RESOLUTION NO. 45 OF 2023: SET PUBLIC HEARING FOR CDBG GRANT FOR POTTERSVILLE WATER DISTRICT ENGINEERING EVALUATION STUDY**

**WHEREAS**, in order to satisfy the requirements of the CDBG Planning Grant, a public hearing must be scheduled as part of the final Draft of the Pottersville Water District Engineering Evaluation Study,

**BE IT RESOLVED**, the Town Board authorizes the Town Clerk to advertise for a public hearing and sets a public hearing for the Pottersville Water District Engineering Evaluation Study to be held on Tuesday, March 14, 2023 at 7:00 pm.

On a motion by Mr. Aiken, seconded by Mrs. DuRose, Resolution No. 45 of 2023 was **ADOPTED.**

AYE 5 NO 0

**RESOLUTION NO. 46 OF 2023: ACCEPT THE BUDGET AMENDMENTS AND BOTH ABSTRACTS OF AUDITED VOUCHERS AND AUTHORIZE PAYMENT**

**WHEREAS**, the Town Clerk has entered the vouchers for Abstract No. 17 of 2022 and Abstract No. 2 of 2023 of Audited Vouchers, and

**WHEREAS**, the Town Board has reviewed the Abstracts,

**BE IT RESOLVED**, the Town Board amends the 2023 Budget: increases A5010.41 engineering by \$25,000 and decreases unappropriated Fund Balance by \$25,000 and increases A6410.41 by \$20,000 and decreases unappropriated Fund Balance of unused Occupancy Tax by \$20,000, and

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

***No. 17 of 2022***	
General A	3,3735.93
Highway DA	2,649.57
Chestertown Water SW1	67.51
Pottersville Water SW2	2,256.51
Total	\$8,709.52

***No. 2 of 2023***	
General A	213,958.25
Highway DA	122,610.83
Library L	985.03
Riverside Fire Protection District SF1	10,000.00
North Creek Fire Protection District SF2	30,000.00
Chestertown Fire District SF3	451,722.00
Pottersville Fire District SF4	325,297.00
EMS District SM	300,000.00

Loon Lake Park District SP	84.01
Friends Lake Aquatic Plant Control District SP1	9,550.00
Chestertown Water SW1	3,151.58
Pottersville Water SW2	8,713.95
Other TA	4,068.30
Total	\$1,480,140.95

On a motion by Mr. Turcotte, seconded by Mr. Aiken, Resolution No. 46 of 2023 was **ADOPTED.**

AYE 5 NO 0

**RESOLUTION NO. 47 OF 2023: ADJUST THE TIRE PRICES AT THE TRANSFER STATION**

**WHEREAS**, the Town of Chester has found another company to take tires from the Transfer Station at a lower rate,

**BE IT RESOLVED**, the Board agrees to adjust the tire prices at the transfer Station to reflect the new rates.

On a motion by Mr. Turcotte, seconded by Mrs. DuRose, Resolution No. 47 of 2023 was **ADOPTED.**

AYE 5 NO 0

On a motion by Supervisor Leggett, the Board entered executive session to discuss to discuss the appointment of a particular company at 9:47 pm.

AYE 5 NO 0

On a motion by Mr. Aiken, seconded by Mr. Turcotte, the Board exited execution session at 10:10 pm.

AYE 5 NO 0

No action taken.

**RESOLUTION NO. 48 OF 2023: APPROVE SUPERVISOR LEGGETT TO SIGN A CONTRACT WITH MAXWELL APPRAISAL SERVICES**

**WHEREAS**, the Town Board is interested in having a reevaluation completed of the Town by 2025,

**BE IT RESOLVED**, the Town Board approves Supervisor Leggett to sign a contract with Maxwell Appraisal Services for the amount of \$160,000 for the reevaluation of the Town of Chester when in a form acceptable to the Attorney for the Town.

On a motion by Supervisor Leggett, seconded by Mr. Packer, Resolution No. 48 of 2023 was **ADOPTED.**

AYE 5 NO 0

On a motion by Mr. Aiken, seconded by Mr. Turcotte, meeting adjourned at 10:12 pm.

AYE 5 NO 0

Respectfully submitted,

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Town Clerk

DRAFT