



Town Board Regular Meeting July 11, 2023

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

Regular Meeting:

Supervisor Leggett **opened** the Regular Town Board Meeting at 7:00 pm with the Pledge of Allegiance led by Councilperson DuRose.

Committee Reports:

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

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

- Town Board Minutes for the Regular Meeting June 13, 2023
- Zoning Administrator's Activity Report of June 2023
- Planning Board Minutes for June 26, 2023
- Zoning Board of Appeals Minutes for June 27, 2023
- Assessors Report for July 2023
- Town Clerk Monthly Report for June 2023
- Town Court Report dated July 5, 2023
- Letter from Southern Adirondack Library Association requesting term adjustments
- Resolution from the Town of Chester Public Library adjusting terms
- Chester History Today for Spring 2023
- Loon Lake Harvest Report May 29th to June 30th
- Youth Commission Report for June 2023
- Communications Report for July 2023
- Abstract No. 7

Town Board Reports:

Councilperson Aiken reported that he attended a meet and greet at the Panther Mountain House for candidates, went to the LLPDA (Loon Lake Park District Association) Annual Meeting this past Sunday, had many conversations about big ticket items coming up in the Town, had a few conversations about the new Town logo, and had several conversations about the Loon Lake Dam and the water level.

Councilperson Packer said that he kept checking on Loon Lake Dam and he checked the cemeteries in Town and the boys (Parks and Rec) are doing a good job.

Councilperson DuRose attended the Sumy photo exhibit put on by the Library and the Historical Society, attended the Library Board of Trustees Meeting, attended the ribbon cutting at Dynamite Hill for the Storybook Trail, which was presented by the Friends of the Library, attended the LLPDA Meeting, and attended the fireworks. She had nothing but great remarks about the fireworks, the only questions were about having vendors and music next year.

Councilperson Turcotte met with Supervisor Leggett and Councilperson Aiken to conduct interviews candidates for the highway design, attended fireworks, and dug into “Byrd” vs “Bird”.

Supervisor’s Report:

Since the last Town Board meeting on June 13, 2023:

- BOS evening meeting on June 14th
- Attending a program at SUNY Adk sponsored by WC EDC titled “Who Will Do The Work?” on the 15th.
- Met with Assemblyman Matt Simpson and Planning Director Wayne LaMothe and a property owner regarding funding opportunities for a housing project in Pottersville on the 16th
- Attended WC Committee Meetings on the 15th, 20th, 21st and 30th
- Attended the NWCS Baccalaureate on the 20th and Graduation on the 23rd.
Congratulations to the Graduates!
- Attended the graduation ceremony for Miss Joanne’s pre-school class on the 21st. What a promising future we have!
- Deputy Supervisor Eagan and I met with 2 different local individual who are interested in putting together a housing project of 8 to 30 units
- Primary voting took place in the auditorium on Tuesday the 27th
- The Loon Lake Boat Launch opened on Wednesday the 28th for the season and the final flashboard was placed on the dam on the 27th and water topped the board on the 7th
- Attended the Story Book Trail Ribbon Cutting at Dynamite Hill, put on by the Friends of the Library on the 29th
- Met with Tracy Clothier on the 29th to discuss her services to write a grant for Playground and Pickleball courts
- Attended the Fireworks display on July 8th
- Attended the FLPOA annual meeting on the 8th and the LLPDA meeting on the 9th
- A new lighted flagpole was installed on the traffic island in front of the Wells House and a new Pottersville flag was placed on the flagpole at the corner of Vally Farm Road under the American Flag
- Storm damage on Wednesday the 5th created a mess in Stagecoach Acres, Stock Farm Rd and several other areas, taking out power until 5 AM in some places
- Heavy rains on Monday the 6th washed out a lane on the Olmstedville Rd by the S turns, as well as damage on Dell Culver Rd. Byrnes Rd, Cobble Creek Rd, and Byrd Pond Rd.
- Paving of Olmstedville Rd was planned to start this week but will be delayed a little due to weather and road wash out
- Small Tales staff have been working hard on painting, cleaning, decorating the new Child Care Center rooms

- Panther Mtn Chester Challenge Trail is ready to go. Just need Highway to prepare a parking area off of Starbuck Hill Road for parking
- Friday, July 14th is the last day for property owners to settle up with the County Treasurer before their properties go into foreclosure for the fall tax sale
- The State has set the Town's equalization rate at 91% for 2024
- The gym is busy, air condition will be installed soon

Spvr Report 2023						
Fund	5/31/2023	6/30/2023	Month-Month Dif	June 30 2022	2023-2022 Diff	
GENERAL	\$ 1,518,245.00	\$ 1,445,737.85	\$ 72,507.15	\$ 1,246,688.67	\$ 199,049.18	
COMM DEV	\$ -	\$ -	\$ -	\$ -	\$ -	
HIGHWAY	\$ 1,378,714.61	\$ 1,223,816.69	\$ 154,897.92	\$ 847,738.08	\$ 376,078.61	
LIBRARY	\$ 67,172.61	\$ 59,334.78	\$ 7,837.83	\$ 69,984.34	\$ (10,649.56)	
CEMETERY	\$ 45,924.28	\$ 46,299.42	\$ (375.14)	\$ 44,626.91	\$ 1,672.51	
RIVERSIDE FD	\$ -	\$ -	\$ -	\$ -	\$ -	
NORTH CREEK FD	\$ -	\$ -	\$ -	\$ -	\$ -	
CHESTERTOWN FD	\$ -	\$ -	\$ -	\$ -	\$ -	
POTTERSVILLE FD	\$ -	\$ -	\$ -	\$ -	\$ -	
LOON LAKE PD	\$ 222,446.27	\$ 202,681.03	\$ 19,765.24	\$ 161,813.82	\$ 40,867.21	
CTOWN WATER	\$ 446,008.29	\$ 493,302.23	\$ (47,293.94)	\$ 414,869.69	\$ 78,432.54	
PVILLE WATER	\$ 71,857.04	\$ 80,391.55	\$ (8,534.51)	\$ 68,901.90	\$ 11,489.65	
SCHROON LAKE PD	\$ -	\$ -	\$ -	\$ -	\$ -	
TRUST & AGENCY	\$ 20,000.00	\$ 20,000.00	\$ -	\$ -	\$ 20,000.00	
EMS FUND	\$ -	\$ -	\$ -	\$ -	\$ -	
FLAPCD FUND	\$ 24,450.00	\$ 24,450.00	\$ -	\$ -	\$ 24,450.00	
TOTAL	\$ 3,794,818.10	\$ 3,596,013.55	\$ 198,804.55	\$ 2,854,623.41	\$ 741,390.14	
Year to Year Tracking						
Month of June	2019	2020	2021	2022	2023	2023 - 2019 Diff
TOTAL CASH	\$ 1,516,011.01	\$ 1,758,986.49	\$ 2,255,025.45	\$ 2,854,623.41	\$ 3,596,013.55	\$ 2,080,002.54

Public Hearing for Loon Lake Dam Rehabilitation Project:

Supervisor Leggett **opened** the public hearing for the Loon Lake Dam Rehabilitation Project at 7:09 pm.

Supervisor Leggett asked if anyone would like to speak about the Loon Lake Dam Rehabilitation Project.

Mark Williams commented that the sooner the better. He said that he is a firm believer in getting it done sooner than later. He did not want it to linger into next year, but after listening to the Supervisor at the LLPDA Meeting he understands that the coffer dam will be blocked in order to keep the lake levels up, but there still needs to be a plan to get the boats in. This would also be a perfect time to repair the boat launch, there are a few large holes that are under the water.

Supervisor Leggett asked Mark Williams when he thought the best time to do the work would be. Mark Williams said in the winter they could do some demolition, get a lot of the prep work done, but maybe next summer and you never know what you could run into along the way. There are always surprises.

Mark Williams asked for a timeline from the engineer.

Supervisor Leggett asked if anyone else would like to speak. Anyone on Zoom.

Hearing none, Supervisor Leggett **closed** the public hearing for the Loon Lake Dam Rehabilitation Project at 7:12 pm.

Privilege of the Floor:

Supervisor Leggett **opened** Privilege of the Floor at 7:12 pm.

Supervisor Leggett asked if there was anyone who would like to speak to the Board at this time.

Hearing none, Supervisor Leggett **closed** Privilege of the Floor at 7:13 pm.

Old Business:

Supervisor Leggett **opened** Old Business at 7:13 pm.

RESOLUTION NO. 111 OF 2023: ACCEPT THE MINUTES FROM THE JUNE 13, 2023 REGULAR TOWN BOARD MEETING

RESOLVED, to accept the minutes from the June 13, 2023 Regular Town Board Meeting as presented.

On a motion by Councilperson Aiken, seconded by Councilperson DuRose, Resolution No. 111 of 2023 was **ADOPTED**.

AYE 5 NO 0

Short-Term Rental Permit:

Supervisor Leggett asked the Board what they would like, he proposes a one-time fee of \$100. Like a building permit it is to cover administrative costs.

Councilperson DuRose asked if they get a permit and then stop do they have to notify the Zoning Office, who keeps track of this, the County. Supervisor Leggett replied that the County is a one-time fee to sign up that is it but like in Town they come to get a permit to open a business but don't tell the town when they stop.

Councilperson Turcotte said that he is good with \$100 permit fee.

Councilperson Aiken asked if that was in line with the other permit fees. Supervisor Leggett said that other permits for the Town run from \$25 to \$100 and after the fact is \$100.

RESOLUTION NO. 112 OF 2023: SET SHORT-TERM RENTAL PERMIT FEE AND DURATION

WHEREAS, the Town of Chester adopted a Short-Term Rental Local Law on June 13, 2023 with the provision that the Town Board will set the term and cost for a Short Term Rental Permit by resolution (Article 3 B);

BE IT RESOLVED, the Town Board sets \$100 as the Short-Term Rental Permit Fee.

On a motion by Councilperson Turcotte, seconded by Councilperson Aiken, Resolution No. 112 of 2023 was **ADOPTED**.

AYE 5 NO 0

Highway Garage:

Supervisor Leggett said they interviewed two (2) companies last month.

Councilperson Turcotte noted that both companies were highly qualified and the justification for selecting the firm out of Plattsburgh is that they have a vast amount of design experience in highway garages and salt sheds. They had many projects that they had done for many other municipalities, and they also had a large number of professional engineers on staff, on hand. They did not go with the lowest bidder but the most qualified.

Supervisor Leggett called the company’s references.

RESOLUTION NO. 113 OF 2023: AWARD HIGHWAY GARAGE AND SALT SHED RFP, AUTHORIZE SUPERVISOR TO SIGN AGREEMENT, AND APPROVE PAYMENT OF RETAINER

WHEREAS, the Town Board advertised for a Request for Proposal for architectural and engineering design service for a new highway garage and salt shed and received 7 responses prior to the deadline of Friday, May 2023, and

WHEREAS, the Town Board reviewed and evaluated the submitted proposals based on criteria listed in the RFP and conducted interviews with qualified proposers,

BE IT RESOLVED, the Town Board selects the proposal submitted by Architectural & Engineering Design Associates, P.C. (AEDA) of Plattsburgh, NY for the total amount of \$214,300, and

BE IT FURTHER RESOLVED, the Town Board authorizes the Supervisor to sign an agreement with AEDA, P.C. when in a form acceptable to the Attorney for the Town, and

BE IT FIRTHER RESOLVED, the Town Board approves the payment of \$2,000 to AEDA, P.C. as a retainer upon signing of the agreement, from budget code A5132.21 Garage, Capital Outlay.

On a motion by Councilperson DuRose, seconded by Councilperson Aiken, Resolution No. 113 of 2023 was **ADOPTED**.

AYE 5 NO 0

North Creek Fire District / North Creek Fire Protection District:

Supervisor Leggett said that the resolution would set a public hearing Jointly with the North Creek Fire Commissioners at Tannery Pond in North Creek on August 23rd at 7 pm to hear the public and consider action.

Councilperson Turcotte asked if the Town of Johnsbury had to be involved. Supervisor Leggett said no because they have their own board of commissioners. Mark Schachner commented separately elected.

Supervisor Leggett showed what the rate would have been if it had been in place in 2023 based on their budget of \$208,975, Chester would be paying \$1.04 per thousand and Johnsbury would be paying \$1.01 per thousand. 2024 if their budget stays the same then Chester residents would pay 95¢ per thousand and Johnsbury residents would pay \$1.01 per thousand. Based on the \$30,000 contract we have now they are paying 65¢. The North Creek Fire District would prefer to consolidate instead of raising the contract amount. The consolidation would make things fair on each side of the river.

If it was in place							
2023 North Creek Fire District - Apportionment							
Town	EQ Rate	Taxable Value	Full Value	% Share	Levy	Rate	Raised
Chester	97.50%	45,915,184	47,092,496	22.85016%	47,751.12	0.001039985	47,751.10
						0.001039986	47,751.15
Johnsburg	100.00%	159,000,143	159,000,143	77.14984%	161,223.88	0.001013986	161,223.92
						0.001013987	161,224.08
Totals			206,092,639	100.00%	208,975		208,975.02

2024 North Creek Fire District - Apportionment							
Town	EQ Rate	Taxable Value	Full Value	% Share	Levy	Rate	Raised
Chester	91.00%	46,735,703	51,357,915	21.39680%	44,713.96	0.000956741	44,713.96
						0.000956742	44,714.01
Johnsburg	86.00%	162,254,687	188,668,241	78.60320%	164,261.04	0.001012365	164,260.97
						0.001012366	164,261.13
Totals			240,026,156	100.00%	208,975		208,974.93
							208,975.14

Councilperson Aiken asked Supervisor Leggett what kind of feedback he has received from the commissioners. Supervisor Leggett said that in talking to Justin Gonyo and Matt Allen they are in favor of this as are a lot of the members of the fire company. The past six out of seven fire chiefs for the North Creek Fire Company have been Chester residents. It will end the administrative costs at our end. I would be the same as we do for Pottersville Fire District and Chestertown Fire District.

Councilperson Packer asked if it would end the \$30,000 that we have in the budget. Supervisor Leggett replied yes. North Creek Fire District would set the budget and the residents would have a line item on their tax bills.

RESOLUTION NO. 114 OF 2023: JOINT RESOLUTION OF THE NORTH CREEK FIRE DISTRICT AND THE TOWN OF CHESTER ENDORSING A CONSOLIDATION AGREEMENT AND SETTING PUBLIC HEARING CONCERNING PROPOSED CONSOLIDATION OF THE NORTH CREEK FIRE DISTRICT AND THE NORTH CREEK FIRE PROTECTION DISTRICT

WHEREAS, New York General Municipal Law Article 17-A authorizes a fire district and a fire protection district to consolidate into a combined fire district if such combination shall

be conducive to the public health, welfare, and convenience and be of special benefit to the lands of the district, and

WHEREAS, the North Creek Fire Protection District (“NCFPD”) was duly established by the Chester Town Board (“Chester”) to provide fire protection services to the properties located within the NCFPD, and

WHEREAS, the North Creek Fire District (“NCFD”) was duly established by the Johnsbury Town Board to provide fire protection services to the properties located within the NCFD, and

WHEREAS, Chester annually contracts with the NCFD to provide fire protection services to the NCFPD, and

WHEREAS, consolidating the NCFPD and NCFD would be more efficient and allow those properties in the NCFPD to be treated identically as those within the NCFD and allow resident voters in the NCFPD to vote and participate in the NCFD, and

WHEREAS, the Chester Town Board is the body responsible for the administration the North Creek Fire Protection District, and

WHEREAS, the NCFD Board of Fire Commissioners is the body responsible for the administration of the North Creek Fire District, and

WHEREAS, the Chester Town Supervisor and NCFD Treasurer and Board of Fire Commissioners have studied whether it would be to the mutual benefit and in the best interests of the properties and residents within each such district to consolidate the NCFPD into the NCFD and determined that such a combination would create greater operating efficiencies and more equitable distribution of fiscal responsibilities, provide better service to the public served by each District, and allow resident voters in the NCFPD to vote in NCFD elections, and generate cost savings by avoiding duplication in administrative services, and

WHEREAS, the Chester Town Supervisor, NCFD and counsel to the Districts have prepared a proposed Consolidation Agreement and provided it to the Chester Town Board and the NCFD Board of Commissioners for their review, and

WHEREAS, the proposed Consolidation Agreement has been duly filed with (1) the Johnsbury Town Clerk’s Office located at Johnsbury Town Hall, 219 Main Street, North Creek, NY 12853; (2) the Chester Town Clerk’s office located at Chestertown Town Hall, 6307 State Route 9, Chestertown, NY; and (3) the NCFD Offices at its fire station located at 134 Main St, North Creek, NY 12853, and

WHEREAS, New York General Municipal Law Article 17-A requires the local government entities to be consolidated to endorse a Consolidation Agreement by adoption of a joint Resolution to commence consolidation proceedings, and

WHEREAS, the Chester Town Board is the governing entity for the NCFPD and the NCFD Board of Commissioners is the governing entity for the NCFD, and the statutory requirement for a joint Resolution is satisfied by adoption of a this joint Resolution by each such governing entity,

**NOW, THEREFORE, IT IS HEREBY
RESOLVED AS FOLLOWS:**

1. The Chester Town Board (on behalf of the NCFPD) endorses the proposed Consolidation Agreement by adopting this Joint Resolution.

2. The NCFD Board of Commissioners (on behalf of the NCFD) endorses the proposed Consolidation Agreement by also adopting this Joint Resolution.

3. As stated in the proposed Consolidation Agreement, the Chester Town Board and the NCFD Board of Commissioners shall meet at the Tannery Pond Community Center, 228 Main St, North Creek, NY 12853 on Wednesday, August 23rd, 2023 at 7:00 p.m. to hear public comments on the proposed Consolidation Agreement and to take such other and further action as may be required or authorized by law, which date is not less than 35 days and not more than 90 days after commencement of consolidation proceedings by adoption of this Resolution.

4. The Town Board and the NCFD Board of Commissioners hereby authorize and direct the Chester Town Clerk and the NCFD Secretary to:

(a) cause a copy and a Summary of the Agreement to be displayed and readily accessible to the public for inspection in the following public places: (1) the Johnsburg Town Clerk's Office located at Johnsburg Town Hall, 219 Main Street, North Creek, NY 12853; (2) the Chester Town Clerk's office located at Chestertown Town Hall, 6307 State Route 9, Chestertown, NY; and (3) the NCFD Offices at its fire station located at 134 Main St, North Creek, NY 12853

(b) cause a copy and a Summary of the Agreement and a reference to the public places where they may be examined to be displayed on the websites for the Towns of Chester and Johnsburg; and

(c) arrange for the Summary of the Agreement and a reference to the public places where they may be examined to be published at least once each week for four (4) successive weeks in the official newspaper(s) for the Town of Chester and the NCFD; not more than five (5) business days after adoption of this Resolution, as required by the New York General Municipal Law.

5. The Chester Town Board and the NCFD further authorize and direct the Town Clerk and the Secretary to cause a Notice of the Public Hearing, including a Summary of the Agreement and a reference to the public places where it may be examined, to be published in their official newspaper(s) and also displayed on the websites for Chester and for Johnsbury not less than 10 or more than 20 days before the Public Hearing, as required by the New York General Municipal Law.

6. The Chester Town Board authorizes and directs the Chester Town Supervisor, Town Clerk and Town Counsel to take all actions necessary to effectuate this Resolution. The NCFD authorizes and directs the Chair of the Board of Commissioners and the Secretary and its Counsel to take all actions necessary to effectuate this Resolution.

On a motion by Councilperson Turcotte, seconded by Councilperson Packer, Resolution No. 114 of 2023 was **ADOPTED**.

Councilperson Turcotte	AYE
Councilperson DuRose	AYE
Councilperson Packer	AYE
Councilperson Aiken	AYE
Supervisor Leggett	AYE

Loon Lake Dam Bond:

Supervisor Leggett asked the Attorney for the Town if they needed to go through the SEAF (Short Environmental Assessment Form) line by line. Mark Schachner replied that they do not need to go through Part 1 line by line, but they do need to go through the eleven (11) questions of Part 2. The Board needs to be comfortable with Part 1, which Supervisor Leggett has already signed and go through Part 2.

Supervisor Leggett said that Part 1 was completed by GZA Engineers and went through the following with the Board:

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The Board determined that there are no potentially significant environmental impacts and there is no need to prepare an environmental impact statement.

Supervisor Leggett asked if it needed to be adopted by a super majority. Mark Schachner replied yes.

Councilperson Packer asked who came up with the price. Supervisor Leggett said that GZA pulled off whatever information they have and came up with what the construction costs would be and added another \$100,000 for supplemental engineering and oversight construction management and then made sure there was a large contingency, because there might be price changes, which brings the total to \$900,000. They do not expect it to be that much but because of bonding we can borrow up to \$900,000. We want to shoot high to cover all costs and have enough authorized to get the job done.

Mark Williams asked if after the resolution is passed can the Town borrow the money and get things started or do they need to have more public hearings. Mark Schachner said that there are no further public hearing requirements.

Councilperson Turcotte asked for a timeline from GZA so they have an idea of when the project will start.

Supervisor Leggett said that they are applying for a grant that if approved will cover 75% of the cost so the Town would be responsible for 25% over a 30-year period.

Mark Williams asked if after the Town knew if they received the grant then the Town would be able to determine what the Park District residents will be on the hook for. Supervisor Leggett said that is correct and that is another discussion that has to take place with the Board is that after discussion with bond council the way that the District was set up the full cost does not have to be bourn by the District. The Town has the ability to help the District pay the cost. So the Town can raise funds and share the cost with the District. Mark Williams said that he had heard that the Town was looking to distribute the 25%, 12.5% through the Park District and 12.5% through the Town. Supervisor Leggett commented that that has been discussed with bond council, but nothing has been approved through the Board. Mark Williams asked if a public hearing would have to take place for the rest of the Town to pay the 12%. Supervisor Leggett replied no, it would be decided during the regular budget discussions. Mark Williams commented that the Lake is a huge economic benefit to the Town but may not want to pay for dam repair. Councilperson Aiken commented that when the dam is up and functioning it brings people in and that benefits the whole Town through the sales tax.

Councilperson Turcotte asked who was preparing the grant application. Supervisor Leggett said the Lake Champlain - Lake George Regional Planning Board.

RESOLUTION NO. 115 of 2023: RESOLUTION AUTHORIZING THE ISSUANCE OF UP TO \$900,000 IN SERIAL BONDS OF THE TOWN OF CHESTER TO PAY THE COST OF RECONSTRUCTION OF THE LOON LAKE DAM; AND AUTHORIZING THE ISSUANCE OF UP TO \$900,000 IN BOND ANTICIPATION NOTES OF THE TOWN OF CHESTER FOR THE SAME PURPOSE; AND AUTHORIZING THE PROJECT PURSUANT TO TOWN LAW 202-B

WHEREAS, the Chester Town Board duly established the Loon Lake Park District (the “District”) in accordance with New York Town Law as a special taxing district; and

WHEREAS, the Loon Lake Dam (the “Dam”) is owned and operated by the Town on behalf of the District; and

WHEREAS, the Town Board wishes to repair and reconstruct the Dam in accordance with Town Law Section 202-b; and

WHEREAS, GZA GeoEnvironmental of NY prepared a Final Design Report dated July 2020, as revised by the Updated Table 5-1 Estimated Rehabilitation Cost for Loon Lake Dam, dated June 1, 2023 (collectively, the “Engineering Report”) concerning the proposed

improvements, together with an estimate of the cost of such improvements and the plans were duly filed in the Town Clerk's Office and made available for public inspection; and

WHEREAS, the action may be considered Type II exempt from review under the State Environmental Quality Review Act (SEQRA) as maintenance, repair, replacement, rehabilitation, and/or reconstruction of an existing facility in-kind on the same site; and

WHEREAS, the Town Board has undertaken SEQRA review nonetheless in the event that designation as a SEQRA Type II action is questioned or unsupported; and

WHEREAS, the action has been determined to be an Unlisted Action pursuant to the State Environmental Quality Review Act (SEQRA) and a Short Environmental Assessment Form (SEAF) has been prepared and carefully reviewed by the Town Board; and

WHEREAS, the Town Board duly held a Public Hearing on the proposed Dam replacement and improvements as required by N.Y. Town Law Section 202-b;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF CHESTER, WARREN COUNTY, NEW YORK, AS FOLLOWS:

That the Town Board has thoroughly reviewed the SEAF, carefully considered and taken a hard look at potential environmental impacts of this action and discussed and answered all questions in Part II of the SEAF. On the basis of this careful review, the Town Board has determined that there will be no potentially significant environmental impacts and that there is no need for preparation of any Environmental Impact Statement. Therefore, a SEQRA Negative Declaration is hereby issued; and

BE IT FURTHER,

RESOLVED, the Town Board makes the following determinations as required by N.Y. Town Law Section 202-b:

(A) It is hereby found and determined that it is in the public interest to replace the Dam as described in the Engineering Report at a maximum estimated cost of \$900,000.

(B) GZA GeoEnvironmental of NY is hereby authorized and directed to prepare definite plans and specifications for the improvements, and to make a careful estimate of the expense and, with the assistance of Town Counsel, to prepare a proposed contract for the execution of the work.

(C) Such project is hereby authorized and the Town Supervisor and Town Clerk are hereby authorized to take all actions necessary to effectuate this portion of the Resolution; and,

BE IT FURTHER,

RESOLVED, the specific object or purpose for which the obligations authorized by this Resolution (the "Bond Resolution") are to be issued are improvements including reconstruction and repair of the Loon Lake Dam as detailed in the Final Design Report and any necessary, related, preliminary, and/or incidental improvements (the "Project"), and such specific object or purpose is hereby authorized at a maximum estimated cost of Nine Hundred Thousand and 00/100 Dollars (\$900,000.00); and,

BE IT FURTHER,

RESOLVED, the plan for the financing of such maximum estimated cost is issuance of up to \$900,000 in serial bonds and/or bond anticipation notes of the Town, hereby authorized to be issued pursuant to the Local Finance Law.

The proceeds of the bonds or bond anticipation notes may be used to reimburse expenditures paid by the Town from other funds or otherwise on or after the date of adoption of this Bond Resolution. The Town may submit applications for grants and/or low interest loans from various funding sources and, to the extent that any such moneys are received, shall apply such funds to the payment of principal and interest on the bonds or bond anticipation notes. The Town Supervisor is authorized to sign applications for financing and grant requests and to accept such grant and financing from such State and Federal agencies or authorities as they shall determine in the Town's interest. Pursuant to Local Finance Law Section 107.00(d)(9), a down payment from current funds is not required; and

BE IT FURTHER,

RESOLVED, the Town Board anticipates that the Town may pay certain capital expenditures in connection with the Project prior to the receipt of the proceeds of the Bonds. The Town Board hereby declares its official intent to use Bond proceeds to reimburse the Town for such Project expenditures occurring within sixty (60) days prior to adoption of this Resolution. This Section of the Resolution is adopted solely for the purpose of establishing compliance with the requirements of Section 1.150-2 of the Treasury Regulations and does not bind the Town to make any expenditure, incur any indebtedness or proceed with the acquisition, construction and installation of the Project; and

BE IT FURTHER,

RESOLVED, it is hereby determined that the period of probable usefulness of the specific object or purpose is thirty (30) years, pursuant to Local Finance Law Sections 11.00[a](3) and (22)(a); and

BE IT FURTHER,

RESOLVED, the faith and credit of the Town of Chester, Warren County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as they become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such years. There shall annually be levied on all the taxable real property in the Loon Lake Park District a tax sufficient to pay the principal of and interest on such obligations as they become due and payable. This Bond Resolution is not subject to permissive referendum pursuant to Local Finance Law Section 35.00[b][1](2); and

BE IT FURTHER,

RESOLVED, for the purpose of paying the cost of the Project, there are hereby authorized to be issued serial bonds of the Town up to a maximum amount of \$900,000 the maximum maturity of which shall not exceed the thirty (30) year period of probable usefulness set forth above and which shall mature on or before such date as measured from the date of the bonds or from the date of the first bond anticipation note issued in anticipation of the sale of such bonds, whichever date is earlier. The bonds may be issued in the form of a statutory installment bond; and

BE IT FURTHER,

RESOLVED, there are hereby authorized to be issued bond anticipation notes for the specific object or purpose in an amount up to but not exceeding the \$900,000 maximum amount of serial bonds authorized to be issued, in anticipation of the issuance and sale of the serial bonds authorized, including renewals of such bond anticipation notes; and

BE IT FURTHER,

RESOLVED, any bond anticipation notes shall be payable from the proceeds derived from the sale of the bonds or otherwise redeemed in the manner provided by Section 23.00 of the Local Finance Law. The faith and credit of the Town are hereby irrevocably pledged for the payment of the bond anticipation notes and the interest on them; and

BE IT FURTHER,

RESOLVED, there are no bond anticipation notes outstanding which have been previously issued in anticipation of the sale of these bonds. Neither are the bond anticipation notes hereby authorized renewal notes. These bond anticipation notes will be issued in anticipation of bonds for an assessable improvement. These notes shall mature at such time as the Town may determine and may be renewed from time to time, provided that in no event shall such notes or renewals extend more than one (1) year beyond the original date of issue except as permitted in the Local Finance Law; and

BE IT FURTHER,

RESOLVED, subject to the terms and conditions of this Resolution and of the Local Finance Law, and pursuant to the provisions of Sections 30.00, 50.00 and 56.00 to 60.00, inclusive, of the Local Finance Law, the power to authorize bond anticipation notes in anticipation of the issuance of the serial bonds authorized by this Resolution and the renewal of these notes, and the power to prescribe the terms, form and contents of the serial bonds and bond anticipation notes and the power to sell and deliver the serial bonds and bond anticipation notes issued in anticipation of the issuance of the bonds is hereby delegated to the Town Supervisor, the Chief Fiscal Officer of the Town. The Town Supervisor is hereby authorized to sign any serial bonds and bond anticipation notes issued in anticipation of the issuance of the serial bonds and bond anticipation notes issued pursuant to this Resolution by manual or facsimile signature, and the Town Clerk is hereby authorized to affix or impress or imprint a facsimile of the seal of the Town to any of the serial bonds or bond anticipation notes and to attest such seal by manual or facsimile signature. If executed by facsimile signature, such obligation shall be authenticated by the manual countersignature of the Town Supervisor or a designated fiscal agent. The Town Supervisor, as Chief Fiscal Officer of the Town, is authorized to execute and deliver any documents and to take such other action as may be necessary and proper to carry out the intent of the provisions of this Resolution; and

BE IT FURTHER,

RESOLVED, the exact date of issuance of the bonds and/or notes and the exact date upon which they shall become due and payable shall be fixed and determined by the Chief Fiscal Officer, provided, however, that the maturity of the notes or renewals shall not exceed one (1) year from the date of issue except as permitted by the Local Finance Law; and

BE IT FURTHER,

RESOLVED, the Chief Fiscal Officer shall prepare the bonds and/or notes and sell them at public or private sale and in accordance with the provisions of the Local Finance Law including, but not limited to, the provisions of Section 169.00, if applicable, and at such sale shall determine the interest rate to be borne by such bonds and/or notes, and whether fixed or variable. The Town Board authorizes the Chief Fiscal Officer to establish substantially level annual debt service or a declining annual balance for the repayment of such Bonds if the Chief Fiscal Officer believes it is in the best interests of the Town. The Town Board authorizes the Chief Fiscal Officer to issue such serial bonds in the form of a statutory installment bond; and

BE IT FURTHER,

RESOLVED, if issued, the bonds and/or notes shall be in registered form and shall bear interest at the determined rate; and

BE IT FURTHER,

RESOLVED, the Chief Fiscal Officer shall deliver the bonds and/or notes to the purchaser only against a certified check or other immediately available funds. The proceeds of

the sale of the bonds and/or notes shall be deposited and/or invested as required by Section 165.00 of the Local Finance Law, and the power to invest the proceeds of sale is hereby delegated to the Chief Fiscal Officer and the power to invest in any instruments described in Section 165.00 is expressly granted; and

BE IT FURTHER,

RESOLVED, to the extent that it is permitted to do so under the Internal Revenue Code of 1986, as amended (the "Code"), the Town hereby designates the bonds and/or notes as "qualified tax-exempt obligations" under Section 265(b)(3) of the Code. The Town hereby covenants that, to the extent permitted under the Code in effect as of the date of issuance of any bonds and/or notes, it will (i) take all actions on its part necessary to cause interest on the bonds and/or notes to be excluded from gross income for purposes of Federal income taxes and (ii) refrain from taking any action which would cause interest on the bonds and/or notes to be included in gross income for purposes of Federal income taxes; and

BE IT FURTHER,

RESOLVED, the Town of Chester is a town within the Adirondack Park. However, State lands subject to taxation within the boundaries of both the Town and the District are assessed at less than thirty percent (30%) of the total taxable assessed valuation of the Town and District, respectively, so permission of the State Comptroller to issue the bonds and/or notes is not required under Local Finance Law Section 104.10(3); and

BE IT FURTHER,

RESOLVED, Miller, Mannix, Schachner & Hafner, LLC, Glens Falls, New York, is hereby designated bond counsel; and

BE IT FURTHER,

RESOLVED, the validity of these serial bonds and bond anticipation notes may be contested only if:

- (A) These obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (B) The provisions of law which should be complied with at the date of publication of this Resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or
- (C) Such obligations are authorized in violation of the provisions of the State Constitution; and

BE IT FURTHER,

RESOLVED, this Resolution or a summary thereof shall be published in *The Post Star*, which has been designated as the official newspaper of the Town, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law; and

BE IT FURTHER,

RESOLVED, this Resolution shall take effect immediately; and

BE IT FURTHER,

RESOLVED, the question of the adoption of this Resolution was duly put to a vote on roll call which resulted as follows:

On a motion by Councilperson Turcotte, seconded by Councilperson Aiken, Resolution No. 115 of 2023 was **ADOPTED**.

Councilperson Turcotte	AYE
Councilperson DuRose	AYE
Councilperson Packer	AYE
Councilperson Aiken	AYE
Supervisor Leggett	AYE

“Bird Pond Road” vs “Byrd Pond Road”:

Councilperson Turcotte said that he found out that there was definitely a William Bird who lived in the Town. He bought some land from a Meade. There were three (3) people who bought up Township 24 which makes up a bulk of Chester. Then there was a small area that they forgot about north of Township 24 and that commences right near the corner of Igera Road and Bird Pond Road and that would be called the Gore. This is where William Bird purchased land and started selling lots. Councilperson Turcotte searched the grantor and the grantee indexes in the Warren County Clerk’s Office, the index by name of who bought land is the grantee index and the grantor index is by someone who sold the sold land. He could see where William Bird was selling land in that area from where Bird Pond Road starts by Hardscrabble and Byrnes Road. He did not find where William Bird bought the properties from the patentees, so he has not been able to make that connection, because that is in the Secretary of State’s Office because we were not a county yet or it could be in the Washington County Clerk’s Office because we were part of Washington County at that time, 1803. The Department of State has a survey map of the whole area. We need to make the connection that the Bird Pond Road that we have is named after this person who was selling land up there in the early to mid-1800s. There was no record of a Byrd in Warren County selling or buying land. He is making the assumption that it was named after William Bird with an “i”. It could have been a transcription error.

Councilperson DuRose said that she heard Byrd was the English version of Bird.

Supervisor Leggett said that at this point will make sure the road signs are Bird Pond Road.

Chestertown Water District:

Supervisor Leggett said that this is part of the grant application.

The Town Clerk said that the letter of intent to be Lead Agency was sent out on June 28th.

Mark Schachner asked when the Town would review the SEQRA to make a positive or negative declaration.

Councilperson Aiken asked if the Board would be doing the same thing for the Pottersville Water District shortly. Supervisor Leggett said probably next year.

Jenna Monroe asked if there was already studies done to redo a bulk of the water systems would there be a SEQRA already existing. Supervisor Leggett said not necessarily because this requires specific action.

RESOLUTION NO. 116 OF 2023: SET JULY 27, 2023 FOR A SPECIAL MEETING FOR THE CHESTERTOWN WATER DISTRICT SEQRA DETERMINATION

WHEREAS, the Town Board need to schedule a special meeting for the Chestertown Water District to declare Lead Agency and conduct SEQRA review,

BE IT RESOLVED, the Town Board sets July 27, 2023 at 8 am for a Special Meeting.

On a motion by Councilperson Packer, seconded by Councilperson Turcotte, Resolution No. 116 of 2023 was **ADOPTED**.

AYE 5 NO 0

RESOLUTION NO. 117 OF 2023: SCHEDULING SPECIAL MEETING TO SET PUBLIC HEARING CONCERNING PROPOSED IMPROVEMENTS TO THE CHESTERTOWN WATER DISTRICT JULY 20, 2023 AT 8 AM

WHEREAS, a public hearing is required for the proposed improvements to the Chestertown Water District,

BE IT RESOLVED, the Town Board schedules a special meeting to set a public hearing concerning proposed improvements to the Chestertown Water District July 20, 2023 at 8 am.

On a motion by Councilperson DuRose, seconded by Councilperson Aiken, Resolution No. 117 of 2023 was **ADOPTED**.

AYE 5 NO 0

Logo Discussion:

Councilperson Packer would like the flags put back on the logo.

Supervisor Leggett showed a slide presentation. Below are a few highlights.

TOWN OF CHESTER
BICENTENTIAL LOGO
(ONE OF SEVERAL
RENDITIONS). DESIGNED
BY FOREST JONES FOR
THE BICENTENIAL
CELEBRATION.
APPROVED BY THE
TOWN BOARD IN 1997



THE "LONE TREE"
LOGO, THOUGHT TO BE
THE ORIGINAL. DATE
OF ORIGIN, UNKNOWN.
STILL USED ON ALL
HIGHWAY
DEPARTMENT VEHICLES



THE "TRADITIONAL" LONE TREE LOGO. USED BY THE TOWN SINCE THE LATE 1960'S AND IS IN CURRENT USE BY SEVERAL TOWN DEPARTMENTS



UPDATED LOGO MADE WITH A COMBINATION OF THE TRADITIONAL LONE TREE AND BICENTENNIAL LANDSCAPE AND COLORS. APPROVED FOR USE BY THE TOWN BOARD BY RESOLUTION #81 OF 2023. THE NEW DESIGN WAS PROMPTED BY THE NEW WEBSITE.



EXAMPLES OF TWO LETTER HEADS THAT ARE CURRENTLY USED. THEY INCLUDE THE 1960'S TRADITIONAL GREEN LONE TREE AND THE 1990'S BICENTENNIAL LOGO



TOWN OF CHESTER LETTER HEAD, CIRCA 1969, WITH THE TRADITIONAL LONE TREE LOGO. TOWN BOARD AND CLERK ALL MEMBERS OF "THE GREATEST GENERATION" AND VETS (OR MARRIED TO) OF WWII.



Councilperson Aiken commented that he likes the simplicity of the traditional logo, it is simple, easy. He has nothing against the American Flag.

Councilperson Packer would like to take it to a vote. He wants the one with the American Flag.

Councilperson DuRose commented that she would like flags added to the logo but not sticking out like ears.

Supervisor Leggett commented that the Bicentennial, let's call it our ceremonial logo and be used like a dress uniform.

Councilperson DuRose asked what was on the trucks now. Supervisor Leggett commented that John West put the Bicentennial Logo on Parks and Rec trucks to distinguish them from Highway.

The Town Clerk commented that even when the Bicentennial Logo was developed the Town did not stop using the black tree one.

Supervisor Leggett told Councilperson Packer he could make a motion, if there was a second then they would bring it to a vote.

Councilperson Packer made a motion to keep the logo with the flags on it, the American Flag. Councilperson DuRose asked which logo.

Councilperson Turcotte commented that there are two (2) towns of Chester, so we need to say Warren County.

Supervisor Leggett said we have a motion, no second.

Supervisor Leggett commented that we approved for the new logo to be used, not to get rid of the other one.

The Town Clerk commented that she uses the logo with the black tree.

Councilperson Packer said we should drop it.

New Business:

Supervisor Leggett started New Business at 8:42 pm.

Zoning:

Supervisor Leggett commented that there are three (3) or four (4) properties that need to be cleaned up. One (1) property is on Igera Road, two (2) are on Route 28N, and the other one (1) is on Stone Bridge Road.

Councilperson Aiken asked how long the Town has been in contact with these folks prior to the notices went out. Deputy Supervisor Eagan said the property on Igera Road and one on Route 28N go back to when Walt Tennyson was here and one on Route 28N has only been bad the last few years, since they have had renters. The one on Stone Bridge Road is going to foreclosure.

Supervisor Leggett asked Mark Schachner if there was anything he would like to add. Mark Schachner said that he suggests not getting into any level of detail on a property specific basis in an open public session in terms of what steps you want to take for enforcement. If you want to speak generically in open public session that does not bother him but if you want to get into specific details on property-by-property basis it is highly unusual to do this in a public forum regardless of whether we have a lot of attendees. Supervisor Leggett said that we could discuss what the Boards options are at this time generally speaking. Mark Schachner replied absolutely.

Supervisor Leggett commented that the Property Maintenance Local Law as it is written is not that great, very confusing, and not much clarity for enforcement, but it does help on certain actions that can be taken.

Supervisor Leggett asked Mark Schachner if it was the Town Board who did fines and penalties. Mark Schachner said it is not the Town Board but can be the Town Board if the violator wants to resolve the issue amicably that can enter into an agreement with the Town Board to pay a monetary penalty and the Town does not have that kind of track record to have that be a successful path.

Supervisor Leggett said that according to the Property Maintenance Local Law there is provision of being able to clean up, send someone in to clean up and bill the owner back, what action would the Town Board need to take. Mark Schachner said that would require a resolution. Supervisor Leggett said there are companies out there that do that. They come with a dumpster and a backhoe and take stuff away. Mark Schachner said that the only cautionary thing he has to say about that is because he does not believe that Chester has assessed against a tax bill before. Supervisor Leggett said they have never done this before. Mark Schachner feels awkward discussing this in open public session. He does not want the Town Board to think this is going to

be successful merely by Town Board resolution. We may want to coordinate with the various taxing entities that send the tax bills.

Councilperson DuRose commented that she thinks many, many years ago when Laurie Hildebrand was on the Town Board that happened to a property in Pottersville on the corner of Olmstedville Road and Route 9. The property was horrible, and the Town Board hired a group of individuals to clean the building out and put it on the lady's taxes. She feels that we have to do something. Supervisor Leggett commented that these soft touches are not working.

Councilperson DuRose asked the Attorney for the Town if they had to give the property owner the first option of paying the bill before we put it on their taxes. Someone has to pay this company.

Councilperson Turcotte would like to go into executive session to discuss individual cases.

Supervisor Leggett read the following from the Property Maintenance Local Law Section 14. Action Upon Noncompliance:

- B. When the Town, due to failure, neglect or refusal of the property owner or person or entity to properly comply with this Law, has contracted for elimination of the dangerous or blight condition, such contracted maintenance will continue until the property owner notifies the Town Board, in writing, that the property owner has made arrangements to comply with this Law.

Mark Schachner commented to remember that Section 14 A requires fifteen (15) days notice.

Supervisor Leggett said that the Zoning Enforcement Officer, Zoning Administrator in this case is looking for direction on what to do. Supervisor Leggett read Section 14 C:

- C. In addition to any other remedies or penalties that may be imposed, a violation of this Law shall entitle the Town Board to remedy or repair the conditions constituting the violation, at the owner's expense, in order to bring the premises into conformity and compliance with this Law. The disbursements and expenses shall become a charge and a lien upon the premises and the same shall be added to the premises' next annual Town tax bill, to be collected with interest, as may be provided by law. This provision shall be in addition to any other provisions, penalties or powers available to the Town for enforcement of this Law.

Supervisor Leggett commented that they have talked to Real Property Tax Services and they say that by resolution of the Town Board they will go ahead and put a lien on the property and add it to the tax bill.

Supervisor Leggett said they will continue this discussion in detail in executive session.

RESOLUTION NO. 118 OF 2023: APPROVE HIRING JAMES MONACO AS ZONING ASSISTANT AT A RATE SET BY THE 2023 ORGANIZATION SCHEDULE

WHEREAS, the Town Board adopted Resolution No. 85 of 2023: Authorize Hiring A Temporary Zoning Assistant, authorize the Town Supervisor to hire a temporary, up to 20 hours per week, Zoning Assistant at his discretion for 90 days beginning on the date of hire, **BE IT RESOLVED**, the Town Board approves hiring James Monaco as Zoning Assistant at a rate set by the 2023 Organization Schedule.

On a motion by Councilperson Turcotte, seconded by Councilperson DuRose, Resolution No. 118 of 2023 was **ADOPTED**.

AYE 5 NO 0

Municipal Center:

RESOLUTION NO. 119 of 2023: AMEND AGREEMENTS WITH TURNING LEAF COUNSELING SERVICES AND STEVENSON AGENCY

WHEREAS, the Town has need to consolidate office space in the Municipal Center due to the addition of Small Tales Day Care in the building, and

WHEREAS, the Stevenson Agency and Turning Leaf Counseling are able to use Room #204, **BE IT RESOLVED**, the Town of Chester agrees to amend the Memorandum of Agreement Between Town of Chester and Krystal Gleason LMHC, DBA Turning Leaf Counseling Services to use Room #204A at the rate of \$150 per month and Lease Agreement with Stevenson Agency to use Room #204B at a rate \$600 per month, and

BE IT FURTHER RESOLVED, authorizes the Supervisor to sign amended agreements.

On a motion by Councilperson DuRose, seconded by Councilperson Turcotte, Resolution No. 119 of 2023 was **ADOPTED**.

AYE 5 NO 0

RESOLUTION NO. 120 OF 2023: AWARD CONTRACT TO ADIRONDACK HEAT PUMPS FOR INSTALLATION OF EQUIPMENT FOR MUNICIPAL CENTER COOLING CENTER

WHEREAS, the Town of Chester was awarded a Climate Smart Grant from the DEC to install air conditioning in the Municipal Center Auditorium and create an emergency Cooling Center for the community in the event of extreme heat events, and

WHEREAS, due diligence to obtain quotes from vendors was carried out and Adirondack Heat Pumps, a Veteran Owned Business located in Ticonderoga, NY provided the best price,

BE IT RESOLVED, the Town Board authorizes the Supervisor to sign a contract for installation of Mitsubishi Heat Pumps that will provide air conditioning as well as supplemental heating for the Municipal Center Auditorium, and

BE IT FURTHER RESOLVED, the Town Board authorizes payment of \$38,697.74 for equipment, installation, and warranty upon satisfactory completion of work, from Budget Code A1620.2 Municipal Center Equipment.

On a motion by Councilperson Aiken, seconded by Councilperson DuRose, Resolution No. 120 of 2023 was **ADOPTED**.

AYE 5 NO 0

Environmental Protection Fund Grant Program for Parks, Preservation and Heritage (EPF):

RESOLUTION NO. 121 OF 2023: APPROVE AND ENDORSE THE APPLICATION FOR A GRANT UNDER TITLE 9 OF THE ENVIRONMENTAL PROTECTION ACT FOR A PARK PROJECT KNOWN AS CHESTER RECREATIONAL IMPROVEMENTS

WHEREAS, the Town of Chester proposes to improve the facilities at the Chester Municipal Center by building a playground and pickleball courts;

WHEREAS, the Town of Chester is applying to the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) for a grant under Title 9 of the Environmental Protection Act of 1993 for a park project to be located at the Town of Chester Municipal Center, a site located within the jurisdiction of the Town of Chester; and

NOW, THEREFORE,

BE IT RESOLVED, by this august body that the Chester Town Board hereby does approve and endorse the application for a grant under Title 9 of the Environmental Protection Act for a park project known as Chester Recreational Improvements and located within this community on lands owned by the Town of Chester with a Project cost not to exceed \$300,000.

On a motion by Councilperson DuRose, seconded by Councilperson Turcotte, Resolution No. 121 of 2023 was **ADOPTED**.

AYE 5 NO 0

Lake George Triathlon:

RESOLUTION NO. 122 OF 2023: AUTHORIZE USE OF TOWN ROADS FOR THE PURPOSE OF THE LAKE GEORGE TRIATHLON

WHEREAS, the Town has received an email regarding the race course for the Lake George Triathlon,

BE IT RSOLVED, the Town Board authorizes use of Town roads for the Lake George Triathlon September 2nd and 3rd, 2023.

On a motion by Councilperson Aiken, seconded by Councilperson DuRose, resolution No. 122 of 2023 was **ADOPTED**.

AYE 5 NO 0

Library Terms:

RESOLUTION NO. 123 OF 2023: APPROVE ADJUSTING THE ENDING DATES FOR THE FOLLOWING TRUSTEE TERMS

WHEREAS, the Town of Chester has received a letter from the Southern Adirondack Association requestion NY Libraries begin their Library Trustees in January and end them in December, and

WHEREAS, the Town of Chester Public Library Board of Trustees passed a resolution on June 21, 2023 adjusting two (2) Trustees,

BE IT RESOLVED, the Town of Chester approves adjusting the ending dates for the following Trustee terms:

- Ryan Hutton (Amending Resolution No. 94 of 2022) from ending June 31, 2027 to ending December 31, 2023
- Noelle McCrum (Amending Resolution No. 95 of 2022) form ending July 31, 2027 to ending December 31, 2026

On a motion by Councilperson Turcotte, seconded by Councilperson DuRose, Resolution No. 123 of 2023 was **ADOPTED**.

AYE 5 NO 0

Proposed Local Law Requiring Prior Written Notice of Defects in the Town of Chester:

RESOLUTION NO. 124 OF 2023: RESOLUTION SCHEDULING PUBLIC HEARING ON PROPOSED LOCAL LAW NO. 5 OF 2023 REQUIRING PRIOR WRITTEN NOTICE OF DEFECTS IN THE TOWN OF CHESTER

WHEREAS, the Chester Town Board wishes to consider adoption of Local Law No.: 5 of 2023 to require prior written notice of defects as a condition precedent to commencement of a civil action against the Town; and

WHEREAS, this legislation is authorized in accordance with §10 of the New York Municipal Home Rule Law; and

WHEREAS, the Municipal Home Rule Law requires the Town Board to hold a public hearing prior to the adoption of this Local Law;

NOW, THEREFORE, BE IT

RESOLVED, that the Chester Town Board shall meet and hold a public hearing at the Chester Town Hall, 6307 State Route 9, Town of Chester at 7 p.m. on August 8, 2023, to consider proposed Local Law No. 5 of 2023, requiring prior written notice of defects as a condition precedent to commencement of a civil action for damages to person or property and to hear all interested persons, and at that time may take any other actions authorized by law concerning the proposed Local Law; and

BE IT FURTHER,

RESOLVED, that the Town Board authorizes and directs the Chester Town Clerk to publish and post a Notice of Public Hearing concerning the proposed Local Law in the manner provided by law.

On a motion by Councilperson Packer, seconded by Councilperson Aiken, Resolution No. 124 of 2023 was **ADOPTED**.

AYE 5 NO 0

RESOLUTION NO. 125 OF 2023: ACCEPT ABSTRACT OF AUDITED VOUCHERS AND AUTHORIZE PAYMENT

WHEREAS, the vouchers for Abstract No. 7 of 2023 have been reviewed by the Town Board, and

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

No. 7 of 2023	
General A	\$100,660.14
Highway DA	\$161,729.80
Library L	\$1,187.10
Loon Lake Park District SP	\$34,966.30
Chestertown Water SW1	\$2,349.18
Pottersville Water SW2	\$1,159.65
Other TA	\$4,946.44
Total	\$306,998.61

On a motion by Councilperson DuRose, seconded by Councilperson Packer, Resolution No. 125 of 2023 was **ADOPTED**.

AYE 5 NO 0

On a motion by Councilperson DuRose, seconded by Councilperson Aiken, the Board **entered** executive session at 9:13 pm to discuss proposed litigation.

AYE 5 NO 0

On a motion by Councilperson DuRose, seconded by Councilperson Aiken, the Board **exited** executive session at 9:44 pm.

AYE 5 NO 0

No action taken.

On a motion by Councilperson DuRose, seconded by Councilperson Packer, the meeting adjourned at 9:44 pm.

AYE 5 NO 0

Respectfully submitted,

Town Clerk