



## **Town Board Regular Meeting August 8, 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

### **Regular Meeting:**

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

### **Committee Reports:**

Supervisor Leggett **opened** Committee Reports at 7:00 pm.

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

- Town Board Minutes for the Regular Meeting July 11, 2023, Special Meeting July 20, 2023 and Special Meeting July 27, 2023
- Abstract No. 8
- Zoning Administrator's Activity Report for July 2023
- Planning Board Minutes for July 17, 2023
- Zoning Board of Appeals Minutes for July 25, 2023
- Town Clerk Monthly Report for July 2023
- Town Court Report dated July 27, 2023
- Communications Report for August 2023
- Cemetery Report for July 2023
- Chester History Today for Summer 2023
- Loon Lake Harvest Report July 3<sup>rd</sup> to July 31<sup>st</sup>
- Assessors Report for August 2023
- Animal Control Report for July 2023

### **Town Board Reports:**

Councilperson Aiken reported that he attended the Special Town Board Meetings, met with Supervisor Leggett about ongoing projects including Loon Lake Dam and Small Tales Daycare Center.

Councilperson Packer said that he doesn't have anything to report.

Councilperson DuRose attended the two special meetings, called OSC about water billing audit, and spoke with Mr. Klewicki about Boy Scouts, Mr. Klewicki referred her to Kathy McCann about the display in the Town Hall, and she asked Craig about the status of the Town taking over Darrowsville Cemetery from the Historical Society.

Councilperson Turcotte attended one of the Special Town Board Meetings and toured the Small Tales Childcare Facilities.

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

Supervisor's Report August 08, 2023:

- New Electronic Sign is set up and able to better inform the Public for events and items of interest. Thanks to Paul and Ed at Garnet Signs, a company based on Main Street in Chestertown. (We still need to get a dedicated electric line to the sign – it now uses the streetlight power)
- New Flagpole and American Flag at the triangle in front of the Wells House. Still hope to get electricity to the triangle for the streetlight and seasonal lights.
- Warren County is prepared to fix and pave the intersection of Olmstedville Road (CR 19) and SR9. Work will commence soon. Still working with Chester Highway to get a trench with conduit and electric line across the intersection before the new paving is done. Will also work on the concrete curbing, if possible
- Heavy rains washed out the Olmstedville Road on July 11<sup>th</sup>. The County has filled in the hole and will pave it soon.
- Warren County received a grant for \$1,500,00 to replace the culvert – but it may become a bridge, depending on final design work.
- Paving on the Olmstedville Road (CR 19) is complete, with the exception of driveway rebates and guiderails are going finishing up now. A tremendous amount of work has been done on this Federal Aid Highway project. Now that ROW has been cleared and the road straightened and smoothed, imagine how fast everyone can go!!!
- Met with John Nick to discuss Loon Lake Dam repairs. Our engineers recommend starting work after Labor Day 2024 and expect to finish by December 2024.
- The sluice gate had to be opened to relieve the water level, due to all the heavy rains in July and August. We have it closed now but are keeping an eye on the lake level.
- Met with the Schroon Lake Park District Commissioners, Horicon Supervisor Geraci, Schroon Supervisor Wood, and Assemblyman Simpson to get an update on their Emergency Action Plan and future engineering and construction needs. Joe Koch was also at the meeting and he is a wealth of knowledge about the Starbuckville Dam, having overseen the construction of the Dam. The Schroon River is still running at a spring runoff level.
- Went to Long Lake for an Adirondack Association of Towns and Villages board meeting. We are planning a forum with the Common Ground Alliance in October at Gore to discuss regional community issues and solutions such as Housing, Broadband, Cell Service, and Infrastructure.
- Frontier has not cleaned up their hazard on May Road from the July 5<sup>th</sup> storm. I got an emergency contact for Frontier from WC OES and they will clean up this week. I also sent the picture of their cabinet in front of the Chestertown VFD. Hopefully they will clean that up, too. I will continue to use this new contact to report problems on Rock Ave

and other areas in Town that are consistently out of service. It is a common problem in the region and has been difficult finding a person at Frontier who can push projects.

- Attended the Adirondack Intercounty meeting in Johnstown with Chairman Geraghty and Budget Officer Thomas. Got updates by NYSAC on new State legislation and budget items.
- Attended the announcement of the Rebuild Rural America Act of 2023, sponsored by NY Senator Gillibrand, that will direct funds to rural communities for infrastructure.
- Met with the team from AEDA engineers, Highway Superintendent Monroe, and Deputy Supervisor Eagan to discuss preliminary questions regarding the construction of the new Highway Garage and Salt Shed.
- Town Historian and author, Donna LaGoy and co-author Laura Seldman gave a presentation hosted by the Historical Society about their book on the Underground Railroad in Chester. I participated in the program. 77 attendees in the Library is a record turnout.
- The Town received approval from WC Building Codes and Fire Safety to partition a new office in Room 204. The Stevenson Agency office space will be reduced and Turning Leaf Counseling will relocate to the new office space next week. Thanks to P&R employee Jeff Schaefer for his good work.
- Small Tales Day Care Center is putting on the final touches to their facility in the old Meal Site and Youth Commission rooms. A ribbon cutting is planned for Tuesday, August 15<sup>th</sup> at 11:45 and an Open House all day on Wednesday, August 16<sup>th</sup>. Thanks to ToC employees Jewell Leonbruno, Jeff Schaefer, and Jim Conway for all their work.
- Cemetery Sexton, Greg Bolton, has been working on resetting old gravestones in the Chestertown Rural Cemetery. There is much more to do! The new section of the Cemetery needs better topsoil and grass coverage. Have discussed with P&R about the project.
- Warren County conducted a Housing Needs Study and Market Demand Analysis to help our communities address our housing issues. The Town of Chester will be hosting a public meeting regarding housing and related issues on Thursday, August 17<sup>th</sup> at 7 PM in the Auditorium. Warren County EDC is sponsoring the event – the first in the County. All are welcome.
- Had a Zoom call with reps from NYS DEC regarding the Climate Smart Grant for the Auditorium Cooling Center Project. There are new requirements we need to meet.
- Worked mightily with B&L to get the WIIA grant information together (resolutions tonight)
- LCLGRP submitted grant applications for our Comprehensive Plan and for the Loon Lake Dam Rehabilitation grant.
- Warren County Planning got authorization to apply for several housing-related grants. ToC is included in one of them.
- The new Chester Challenge Brochure is being printed. We have added two new trails: Panther Mountain and the Cunningham Trails. Special thanks to the Pereau and Hayes families for their permission. And always, big thanks to all the other private landowners that make this recreational amenity such a success.
- Family Tire picked the remaining tires at the Transfer Station. Last to go were decades worth of loader and truck tires. This concludes the hauling of all stockpiled tires that have accumulated over the years. The bill is over \$24,000, this month. Family Tire has given us a price sheet that will cover the cost of tire recycling.

- A property on Riverside Drive that was in blighted condition has been cleaned up and is now for sale. This was done without enforcement action, just private individuals working with the owner.
- The Town has an insurance claim from a box truck hitting a limb on LaFlure Avenue. It never bothered our tandem dumps, but we have removed the limb. This relates to our new Notice of Defect Local Law.
- Speaking of cleaning up the Town, in driving around our beautiful and welcoming Town, I am disturbed to see obscenities hanging alongside our public thoroughfares and school bus routes in the form of flags like this one. I am also offended to see the American Flag used within the context of an obscenity. I respect the Freedom of Speech we have in this Country, but I wonder what has happened to Civil Decency? What is the Town Board's take on this subject?

**Public Hearing for the Chestertown Water District Bond:**

Supervisor Leggett **opened** the public hearing for the Chestertown Water District Bond at 7:23 pm.

Supervisor Leggett asked if anyone would like to speak about the 1.55-million-dollar bond for water district improvements in the Chestertown Water District.

Councilperson Aiken asked Supervisor Leggett to go over what the 1.55 million was going to cover one more time. Supervisor Leggett said it is to cover the increase in the pipe from the water tank to a junction on Theriot Avenue for an increase in fire flow and the other is from Panther Mountain Drive to the police barracks where there is a 1½ inch line behind the building it will be an 8-inch line in front of the buildings on Main Street with fire hydrants.

Councilperson Packer asked who was going to pay for the connection from the main to the house. Supervisor Leggett said that he thinks the engineers included the price to get it right up to the building.

Hearing none, Supervisor Leggett **closed** the public hearing for the Chestertown Water District Bond at 7:27 pm.

**Public Hearing for the Proposed Local Law Requiring Prior Written Notice of Defects in the Town of Chester:**

Supervisor Leggett **opened** the public hearing for the proposed Local Law Requiring Prior Written Notice of Defects in the Town of Chester at 7:27 pm.

Supervisor Leggett asked if anyone would like to speak about the proposed Local Law Requiring Prior Written Notice of Defects in the Town of Chester.

Supervisor Leggett asked if anyone else would like to speak. Anyone on Zoom. Supervisor Leggett read the following from the proposed Local Law:

**Section 2. Written Notice Requirement**

A. No civil action shall be maintained against the Town of Chester or the Town Highway Superintendent for damages or injuries to person or property sustained

by reason of any street, highway, bridge, culvert, sidewalk or crosswalk being defective, out of repair, unsafe, dangerous or obstructed unless written notice of such defective, unsafe, dangerous, or obstructed condition of such street, highway, bridge, culvert, sidewalk or crosswalk was actually given to the Town Clerk or Highway Superintendent and that there was a failure or neglect to repair or remove the defect, danger or obstruction complained of within a reasonable time after the giving of such notice. No such action shall be maintained for damages or injuries to person or property sustained solely in consequence of the existence of snow or ice upon any street, highway, bridge, culvert, sidewalk or crosswalk, unless written notice thereof, specifying the particular place, was actually given to the Town Clerk or Highway Superintendent

Hearing none, Supervisor Leggett **closed** the public hearing for the proposed Local Law Requiring Prior Written Notice of Defects in the Town of Chester at 7:28 pm.

**Privilege of the Floor:**

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

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

Hearing none, Supervisor Leggett **closed** Privilege of the Floor at 7:28 pm.

**Old Business:**

Supervisor Leggett **opened** Old Business at 7:29 pm.

**RESOLUTION NO. 130 OF 2023: ACCEPT THE MINUTES FROM THE JULY 11, 2023 REGULAR TOWN BOARD MEETING, JULY 20, 2023 SPECIAL TOWN BOARD MEETING, AND JULY 27, 2023 SPECIAL TOWN BOARD MEETING**

**RESOLVED**, to accept the minutes from the July 11, 2023 Regular Town Board Meeting, July 20, 2023 Special Town Board Meeting, and July 27, 2023 Special Town Board Meeting as presented.

On a motion by Councilperson DuRose, seconded by Councilperson Aiken, Resolution No. 130 of 2023 was **ADOPTED**.

AYE 5 NO 0

**Highway Garage:**

Supervisor Leggett commented that the engineers for the highway garage were happy to hear that we were going to have a clerk of the works for the project. Supervisor Leggett is putting together an RFQ for those services because we will need that for next spring.

Councilperson Turcotte asked if that was for the clerk. Supervisor Leggett said the request for qualifications is for the clerk of the works and we will have it ready for the next meeting to advertise. Councilperson Turcotte commented that maybe we want to lean on them for some of the early decisions, so sooner is better than later.

**North Creek Fire District / North Creek Fire Protection District:**

Supervisor Leggett reminded everyone there is a public hearing scheduled for Wednesday, August 23, 2023 at 7 pm at Tannery Pond in North Creek.

**Loon Lake Dam:**

Supervisor Leggett updated in Supervisor's report.

**Chestertown Water District:**

Supervisor Leggett went over Part 2 and Part 3 of FEAF with the Board.

**RESOLUTION NO. 131 OF 2023: RESOLUTION AUTHORIZING THE ISSUANCE OF UP TO \$1,555,000 IN SERIAL BONDS OF THE TOWN OF CHESTER TO PAY THE COST OF THE WATER MAIN DISTRIBUTION PROJECT OF THE CHESTERTOWN WATER DISTRICT AND AUTHORIZING THE ISSUANCE OF UP TO \$1,555,000 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 Chestertown Water District (the "District") in accordance with New York Town Law; and

**WHEREAS**, the District's water main distribution system has lines that are beyond their expected life, lines that are undersized, lines that are comprised of asbestos cement pipe, and low-pressure areas.

**WHEREAS**, the Town Board wishes to authorize the replacement, reconstruction and repair of the District's existing water main distribution infrastructure in accordance with Town Law Section 202-b; and

**WHEREAS**, Barton & Loguidice has prepared a Preliminary Engineering Report dated June 2023, as revised by the updated costs which are incorporated into such a Report (the "Engineering Report") concerning the proposed improvements, together with an estimate of the cost of such improvements; and

**WHEREAS**, the Engineering Report was duly filed in the Chester Town Clerk's Office and made available for public inspection; and

**WHEREAS**, by Resolution #104 of 2023 adopted on June 23, 2023, the Town Board declared its intent to act as Lead Agency and authorized and directed notices be duly delivered; and

**WHEREAS**, although the Town of Chester is a town within the Adirondack Park, the District does not contain State lands assessed at more than thirty percent (30%) of the total taxable assessed valuation of the District or of the Town, so permission of the State Comptroller for the proposed expenditure is not required under Town Law §202-b(5);

**WHEREAS**, the action has been determined to be a Type I Action pursuant to the State Environmental Quality Review Act (SEQRA) and a Full Environmental Assessment Form (FEAF) has been prepared by the Town Board; and

**WHEREAS**, the Town Board has thoroughly reviewed the FEAF, 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 FEAF

**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:**

**RESOLVED**, on the basis of the Town Board’s 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 and, 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, reconstruct and repair the Chestertown Water District water main distribution project and any necessary, related, preliminary and/or incidental improvements, as described in the Engineering Report at a maximum estimated cost of \$1,555,000.
- (B) The Town’s engineer 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 the replacement, reconstruction and repair of the Chestertown Water District water main distribution project as detailed in the Engineering 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 One Million Five Hundred Fifty Five Thousand and 00/100 Dollars (\$1,555,000.00); and,

**BE IT FURTHER,**

**RESOLVED**, the plan for the financing of such maximum estimated cost is issuance of up to \$1,555,000 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 forty (40) years, pursuant to Local Finance Law Section 11.00[a](1); 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 Chestertown Water 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 \$1,555,000 the maximum maturity of which shall not exceed the forty (40) 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 \$1,555,000 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:

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

On a motion by Councilperson Aiken, seconded by Councilperson DuRose, Resolution No. 131 of 2023 was **ADOPTED**.

AYE 5      NO 0

**Zoning Enforcement:**

Supervisor Leggett commented that there is one property on Stone Bridge that the Town is working on.

**Municipal Center:**

Supervisor Leggett updated in Supervisor's report.

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

Grant was submitted.

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

Supervisor Leggett read a question from René R. on Zoom:

“Question about written notice to the town about a potential defect- does it need to be notarized? How soon after noticing a possible defect does notice need to be made?”

Supervisor Leggett said that in the Local Law there is nothing that says that it has to be notarized, it just has to be submitted to the clerk and you should send it in as soon as you notice it, because if it is a hazard, we can get to work on it. If we know about it, we can do something about it.

**RESOLUTION NO. 132 OF 2023: RESOLUTION ADOPTING LOCAL LAW NO. 5 OF 2023 A LOCAL LAW 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 New York Municipal Home Rule Law §10, and

**WHEREAS**, New York Municipal Home Rule Law §10 requires the Town Board to hold a Public Hearing prior to the adoption of this Local Law, and the Town Board duly held a Public Hearing on August 8, 2023 concerning proposed Local Law No.: 5 of 2023 and heard all interested persons,

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Chester Town Board hereby adopts proposed 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

**BE IT FURTHER,**

**RESOLVED**, that such Local Law requiring prior written notice of defects as a condition precedent to commencement of a civil action against the Town shall take effect upon filing the Local Law with the Secretary of State, and

**BE IT FURTHER,**

**RESOLVED**, that the Town Board hereby authorizes and directs the Town Clerk to file the Local Law with the New York State Secretary of State in accordance with the provisions of the Municipal Home Rule Law, and

**BE IT FURTHER,**

**RESOLVED**, that the Town Board authorizes and directs the Town Supervisor, Town Clerk and/or Town Counsel to execute any required documents and take any and all actions necessary to effectuate the intent of this Resolution.

On a motion by Councilperson Turcotte, seconded by Councilperson Aiken, Resolution No. 132 of 2023 was **ADOPTED**.

AYE 5 NO 0

**New Business:**

Supervisor Leggett started New Business at 7:58 pm.

**Adirondack Marathon:**

**RESOLUTION NO. 133 OF 2023: APPROVE OCCUPANCY TAX FUNDS FOR \$2,000 FOR THE ADIRONDACK MARATHON DISTANCE FESTIVAL FOR SUPPORT OF THE MARATHON AND HALF-MARATHON TO BE HELD SEPTEMBER 30TH TO OCTOBER 1, 2023**

**WHEREAS**, the Town of Chester has received an Occupancy Tax Request from the Adirondack Marathon Inc. for the Marathon and half marathon in the amount of \$2,000.00, and

**WHEREAS**, in the past the Town of Chester has authorized Occupancy Tax funds for the Adirondack Marathon Inc.,

**BE IT RESOLVED**, the Town Board authorizes \$2,000 of Occupancy tax funds to the Adirondack Marathon Inc. to be held September 30th to October 1, 2023.

On a motion by Councilperson DuRose, seconded by Councilperson Aiken, Resolution No. 133 of 2023 was **ADOPTED**.

AYE 5 NO 0

**Transfer Station Tire Pricing:**

The Board discussed pricing the tires by size and ply.

**RESOLUTION NO. 134 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:

<b>Tires</b>	
Light Equipment/skid steer	\$15
Medium Equipment/skid steer	\$20
Heavy Equipment/loader	\$40 per ply
Tractor Trailer 22"	\$30
Tractor Trailer 24.5"	\$30
Box Truck 19.5	\$10
Automotive 35"or less	\$7
Automotive over 35"	\$10

On a motion by Councilperson Turcotte, seconded by Councilperson Aiken, Resolution No. 134 of 2023 was **ADOPTED**.

AYE 5 NO 0

**Abstract and Budget:**

Supervisor Leggett brought up the abstract in audits from OSC and asked if the Board members could come in early for the meetings and look over the abstract. Councilperson Aiken asked when they are ready. Councilperson DuRose said that they were emailed out with the clerk's report when they are done. She looks over the abstract at home and then reviews the invoices when she gets here.

**RESOLUTION NO. 135 OF 2023: ACCEPT ABSTRACT OF AUDITED VOUCHERS AND AUTHORIZES BUDGET AMENDMENTS AND AUTHORIZES PAYMENT**

**WHEREAS**, the vouchers for Abstract No. 8 of 2023 have been reviewed by the Town Board, and

**WHEREAS**, the Supervisor and the Bookkeeper have presented the following 2023 budget amendments,

**BE IT RESOLVED**, the Town Board authorizes the 2023 budget amendments, accepts Abstract of Audited Vouchers, and authorizes payment as presented.

**BUDGET AMENDMENTS - AUGUST 2023 TOWN BOARD MEETING**

CODE	Budget Adjustment - INCREASE	AMOUNT	CODE	Budget Adjustment - INCREASE	AMOUNT
A1550	Animal Control Fees	720.00	A3510.4	Control of Dogs Contractual	720.00
A3820	Youth Programs	1,141.00	A7310.4	Youth Program Rec Contractual	1,141.00
A1113	Occupancy Tax	3101.01	A6410.41	Publicity Tourism Promotion	3101.01

CODE	Budget Adjustment - DECREASE	AMOUNT	CODE	Budget Adjustment INCREASE	AMOUNT
A1110.2	Court Equipment	1,000.00	A1110.4	Court Contractual	1,000.00
A1990.4	Contingent	5,000.00	A1355.13	Assessment Data Coll PS	5,000.00
A1990.4	Contingent	1,100.00	A1410.4	Town Clerk Contractual	1,100.00
A1990.4	Contingent	1,005.00	A1480.4	Website Contractual	1,005.00
A1990.4	Contingent	450.00	A3310.4	Traffic Control Contractual	450.00
A5132.21	Garage Capital Outlay	1,100.00	A5132.2	Garage Equipment	1,100.00
A5410.2	Sidewalks Equipment	200.00	A5410.4	Sidewalks Contractual	200.00
A6410.41	Publicity Tourism	102.79	A6410.497	Fishing Derby	102.79

A6410.41	Publicity Tourism	1,500.00	A6410.499W	Winterfest Carnival	1,500.00
A6410.41	Publicity Tourism	6,497.35	A6410.43	Fireworks	6,497.35
599	Fund Balance Occ Tax Surplus	3,502.65	A6410.43	Fireworks	3,502.65
A1990.4	Contingency	1,000.00	A7140.21	Comm Rec Beach Equi	1,000.00
599	Fund Balance Occ Tax Surplus	650.00	A7140.44	Chester Challenge	650.00
A9010.8	State Retirement	3,205.58	A9050.8	Unemployment	3,205.58

***No. 8 of 2023***	
General A	\$138,989.09
Highway DA	\$54,332.84
Library L	\$2,887.87
Loon Lake Park District SP	\$29,131.39
Chestertown Water SW1	\$4,596.25
Pottersville Water SW2	\$9,007.95
Other TA	\$2,055.44
Total	\$241,000.83

On a motion by Councilperson Packer, seconded by Councilperson DuRose, Resolution No. 135 of 2023 was **ADOPTED**.

AYE 5      NO 0

**Darrowsville Cemetery:**

Supervisor Leggett asked the Attorney for the Town, Mark Schachner, to contact Bernie McCann from the Historical Society about moving forward on the Town taking over the cemetery.

On a motion by Councilperson Aiken, seconded by Councilperson DuRose, the meeting adjourned at 8:12 pm.

AYE 5      NO 0

Respectfully submitted,

\_\_\_\_\_  
Town Clerk