



Town Board

Regular Meeting

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

Regular Meeting:

Supervisor Leggett **opened** the Regular Town Board Meeting at 7:01 pm with the Pledge of Allegiance led by Councilwoman DuRose.

Committee Reports:

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

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

- Abstract No. 4
- Town Board Minutes for the Regular Meeting March 16, 2023
- Zoning Administrator Activity Report for March 2023
- Planning Board Minutes for March 20, 2023
- Zoning Board of Appeals Minutes for March 28, 2023
- Assessors Report for April 2023
- Town Clerk Monthly Report for March 2023
- Town Court Report dated April 3, 2023
- Youth Commission Report for March 2023
- Occ Tax Application from Chestertown Conservation Club
- 30-day Advance Notice for an On-Premises Alcoholic Beverage License
- 2023 Rabies Vaccination Clinic Schedule
- Warren County Connection for March 2023
- Communication Report for April 2023
- Senior Citizen Exemption Chart for 2024 / Sliding Scale

Town Board Reports:

Mr. Aiken said that he met with Supervisor of Johnsbury and Supervisor Leggett, attended a Highway Department meeting at Dynamite Hill, and had general discussions about short-term rentals, roads, streetlights, playgrounds, and bridges.

Mr. Packer reported that he has been going around checking out new sites for pickleball and watching what the highway is doing with clean up.

Mrs. DuRose has been listening to comments about the new highway garage and short-term rentals, spoke to Craig about the Lights that were out in Pottersville. Supervisor Leggett commented that he spoke with Brett Hitchcock about the decorative lights.

Supervisor's Report:

The following activities occurred between March 17th and April 11th, 2023:

- Attended, virtually, Hazard Mitigation Plan meetings along with Zoning Assistant Jessica Leerkes and reviewed potential problem areas and solutions. The plan is heading towards finalization
- Met with Mark Carpenter from Carpenter Associates and reviewed the insurance needs and coverage for renewal of the Town's policies. It is recommended we add a Cyber Insurance policy to cover losses due to ransom or other cyber-attacks. The general liability policy went up moderately over last year.
- Attended County committee and board meetings, including IDA and LDC and with Washington County regarding increasing sponsorship of SUNY Adirondack in order to keep tuition cost down.
- Met with representatives from Barton and Loguidice and discussed potential projects and funding for Chestertown Water District upgrades.
- Attended NW CoC BOD meeting
- Met with new Johnsburg Supervisor Mark Smith, along with Councilman Aiken to discuss items of mutual interest.
- Attended a Clean Water Financing Workshop for Adirondack Communities Water put on by the Environmental Facilities Corporation, the DEC and the Adirondack Council in Elizabethtown along with Deputy Supervisor Eagan.
- Attended, virtually, a webinar by Granicus regarding "Preserving Communities: Public Engagement and Short-Term Rental Compliance
- Held a luncheon for all CSEA Unit members at Dynamite Hill. Thanked them for their service through the winter and keeping our roads safe and clear. Engaged them for input to the design and layout of the new highway garage.
- Visited Fort Edward and reviewed the paperwork they have regarding to the rebuilding of their highway garage.
- Finalized and published the RFP for the new highway garage and salt shed.
- Sent license agreements to Panther Mtn Trail property owners. Have received signed copies. Coordinated with Warren County planning to add to Chester Challenge Trail System website.
- Received notice of award from the Adirondack Foundation and Hudson Headwaters Upstream fund in the amount of \$15,000 for building improvements for childcare. Thank you!
- Responded to questions and comments by residents regarding STRs.
- Checked in with SLPD Commissioner Luciano regarding lake level during spring run off. Starbuckville Dam is at 807.5' – that is 4' lower than the head of Schroom Lake.
- Interviewed with the consultant that is doing the Housing Needs study for Warren County
- Sorted out compensation for employees who test positive for COVID. We covered their time out and they did not need to use accrued sick leave.

- On a related note: WC Health Services reported only 3 positive COVID residents and only 1 hospitalized person today. That is the lowest since it all began.
- The Town was featured in several articles in the Sun Community News regarding the new highway garage and our efforts with STR policy.

Public Hearings:

Proposed Local Law Regarding Property Tax Exemption For Volunteer Firefighters:

Supervisor Leggett **opened** the public hearing for the proposed Local Law Regarding Property Tax Exemption For Volunteer Firefighters at 7:09 pm.

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

Supervisor Leggett commented that we have been discussing this for a couple of months now and it would give active members of two (2) years or more up to a 10% reduction on their assessment.

Supervisor Leggett **closed** the public hearing for the proposed Local Law Regarding Property Tax Exemption For Volunteer Firefighters at 7:10 pm.

Proposed Local Law Increasing Senior Citizen Income Eligibility For Property Tax Exemption:

Supervisor Leggett **opened** the public hearing for the Proposed Local Law Increasing Senior Citizen Income Eligibility For Property Tax Exemption at 7:11 pm.

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

Supervisor Leggett commented that Warren County has already adopted the eligibility and we are looking at adopting the same rate.

Paul Gregory asked what the sliding scale was. Deputy Supervisor Eagan handed him a copy of the scale:

<u>ANNUAL INCOME</u>	<u>PERCENTAGE ASSESSED VALUE EXEMPTION FROM TAXATION</u>
\$29,000 or less	50%
\$29,001 to \$29,999	45%
\$30,000 to \$30,999	40%
\$31,000 to \$31,999	35%
\$32,000 to \$32,899	30%
\$32,900 to \$33,799	25%
\$33,800 to \$34,699	20%
\$34,700 to \$35,599	15%

\$35,600 to \$36,499

10%

\$36,500 to \$37,399

5%

Supervisor Leggett **closed** the public hearing for the proposed Local Law Increasing Senior Citizen Income Eligibility For Property Tax Exemption at 7:14 pm.

Pottersville Water District Engineering Evaluation Study:

Supervisor Leggett **opened** the public hearing for the Pottersville Water District Engineering Evaluation Study at 7: 14 pm.

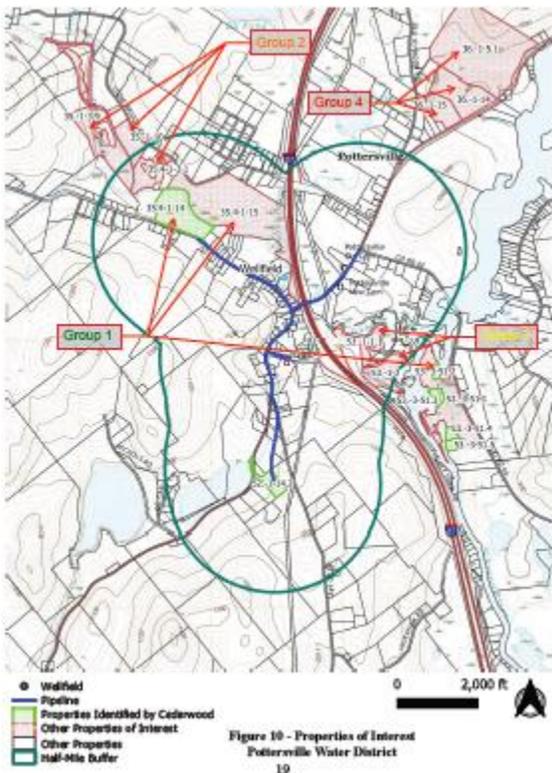
Jonathan Soukup from Cedarwood Engineering presented to fulfill a requirement for the CDBG grant.

Jonathan Soukup said they are working on the preliminary engineering report for the Pottersville Water District and trying to finish the report.

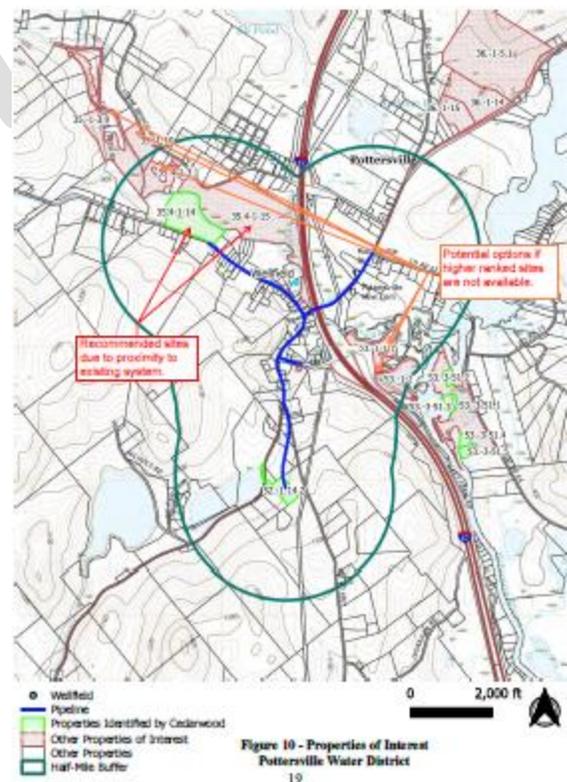
- The remaining items to finalize report are:
 - Hydrant flushing to be coordinated with Town to finalize hydraulic analysis to determine replacement water main size.
 - Selection of an alternative for a new water source location. The Town hired Hydrosourc Associates.
 - Review recommended alternatives with Town prior to finalizing report.
 - Finalize capital costs and impacts to rate payers.
- Purpose of the report:
 - Summarize recommended repairs and upgrades to the water district.
 - Use report to work towards obtaining future funding.
 - Report template follows requirements set by EFC and USDA Rural Development.
- Existing System:
 - Around 88 service connections to a population of approximately 240 people.
 - Original system installed around 1946.
 - Majority of system is at or beyond its useful life.
 - Majority of water mains are asbestos cement.
 - Some areas of the water main and services are installed above the frost depth due to ledge/rock in certain zones leading to freezing and breaks.
 - Frequency of repairs have increased necessitating the need to come up with a long-term solution/plan.
 - Timelines of note:
 - 1946 original system installed (mains upwards of 77 years old – 50+ year useful life). The need to do something is highly important.
 - 1992 – Landon Hill water storage tank installed (31 years old).
 - 2004 – Watermain replacement along NYS Route 9 from Glendale Road (dead end) to around Olmstedville Road intersection completed.
 - 2012 (no exact date) – Wells #1 and #2 placed into service. Well #1 is an emergency backup and is not connected to the system.
 - 2022 – Well #3 placed into service (provides mechanical redundancy).
 - Treatment:

- Two groundwater Wells #2 and #3 feed into the pumphouse where sodium hypochlorite is added for disinfection, caustic soda for pH adjustment and orthophosphate added for corrosion control.
 - Well pumps feed water through the pump house piping and eventually through a 24" nominal diameter dip to provide the required chlorine contact time required for disinfection prior to the first user.
 - Storage:
 - Last inspection completed around 2016.
 - Recommend inspections completed every 5 years including structural evaluation.
 - Sediment should be cleaned out of tank at next inspection as the condition of the floor was not able to be observed in the prior one.
 - Moderate corrosion observed on tank interior observed.
 - Well pumps operated manually, recommended by DOH that pump would be controlled by storage tank level sensor.
 - System demands:
 - ADD (Average Daily Demand) from Annual Water Quality Report: 24,000 gpd (16.6 gpm)
 - Max Day 2020: 121,000 gpd (84gpm)
 - Not necessarily representative of a true maximum daily demand due to system being operated in hand (tank may overflow in these scenarios).
- Need for project:
 - Provide another groundwater source.
 - Existing well only provides mechanical redundancy.
 - Septic systems located within wellhead protection zones and is an elevated risk.
 - Majority of system is antiquated and beyond its useful life and in need of replacement.
 - Parts of system do not have proper frost depth.
 - Future break frequency will increase and could lead to potential health risks/boil waters.
- Alternatives:
 - Source and Treatment:
 - Existing source and treatment upgrade:
 - Master meter to be placed into operation.
 - VFD's installed and connected to the pumps.
 - Level sensor for tank operation.
 - Alarm system (autodialer).
 - Additional water source and treatment building.
 - Hydrogeologist report.
 - Distribution:
 - No action.
 - Connection to Chestertown Water District (over 4-miles, not economically feasible).
 - Replacement of AC (Asbestos Cement) water mains and appurtenances.

- **\$4.2-million** capital cost estimate (subject to change depending on hydraulic analysis).
- Storage Tank:
 - No action.
 - Existing Tank Rehabilitation & Upgrades:
 - Updated inspection including structural inspection.
 - Surface prep. and recoat of tank interior and exterior.
 - Installation of a cathodic protection system inside the tank to supplement the proposed coating with corrosion protection.
 - Level transducer, update controls.
 - Misc. items that could be identified by inspection.
 - Cost estimate: **\$550,000**
 - Note: Inspection should take place to ensure the structural integrity of the tank is acceptable for rehabilitation.
 - Water Storage Tank Replacement:
 - Complete replacement of the tank: **\$1.2-million.**



The part in that is highlighted in the red revision cloud is the distribution system that they are going to recommend replacement, which is a high priority zone. It is all 6" reported asbestos cement line. So everything coming down Landon Hill Road, State Route 9, Valley Farm Road, and up Olmstedville Road is 6" and it is very critical that this goes in for replacement.



The other section going down Route 9 was replaced with ductile line pipe around 2004 based on as builds they have in there system.

Supervisor Leggett commented that he thinks there is a new line going down Valley Farm Road from when the new Fire House was built. Jonathan Soukup asked what year and pipe type. Supervisor

Leggett replied about 20 years ago. Jonathan Soukup said that they would pull that out of the capital cost estimate.

The blue is the existing watermain and a bubble of green around everything.

The Group 1s are the most favorable sites for a new well and Group 4s are the least favorable.

In Group 1, the one on the other side of the river is not a good option, due to the distance to the system. The remainder of Group 1 options are up on the tail end of Olmstedville Road so they could be good potential options. There is still a lot of work to do before a location is selected.

Jonathan asked if there were any questions.

Chris asked if this was just a proposed place for a third well. Jonathan Soukup replied yes, part of the proposal when it was sent out was to look for potential new water source. To truly connect it to the system you would need to drill a new well, run the required new water mains, small structure for a pumphouse, and then depending on the quality would depend on the disinfection process, and then you would tie it into the main.

Jonathan Soukup said that there is a small user base with the District. This is a very preliminary look.

Supervisor Leggett asked about galvanized and lead waterlines and if it would be included in the report. Jonathan Soukup said yes, but as far as they know in speaking with the Water Superintendent there is no galvanized. It is an older copper services line. If there are some, please let him know. As part of this, when the water mains are replaced, it will also include changing the waterlines from the main to the curb stop.

Supervisor Leggett asked whose responsibility it would be from the curb stop to the house itself. Jonathan Soukup said that would be outside the scope of this project.

Jonathan Soukup said that he would really recommend a phasing implementation for the project because the District is so small and you can only get so much money and there are only a few users.

Supervisor Leggett asked about the well drilled on Landon Hill Road that was never hooked up. Jonathan Soukup said that it is in a bedrock zone and the yield was probably not good enough. You look for sand and gravel, not bedrock.

Jonathan Soukup asked if there were any more questions.

Supervisor Leggett asked if this would be completed in time for this year's funding. Jonathan Soukup said they just need to coordinate the hydrant flushing and they should meet the time frame.

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

Hearing none, Supervisor Leggett **closed** the public hearing for the Pottersville Water District Engineering Evaluation Study at 7:44 pm.

Privilege of the Floor:

Supervisor Leggett **opened** Privilege of the Floor at 7:44 pm.

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

Hearing none, Supervisor Leggett **closed** Privilege of the Floor at 7:44 pm.

Old Business:

Supervisor Leggett **opened** Old Business at 7:44 pm.

RESOLUTION NO. 61 OF 2023: ACCEPT THE MINUTES FROM THE MARCH 16, 2023, REGULAR TOWN BOARD MEETING

RESOLVED, to accept the minutes from the March 16, 2023, Regular Town Board Meeting as presented.

On a motion by Mr. Aiken, seconded by Mrs. DuRose, Resolution No. 61 of 2023 was **ADOPTED**.

AYE 4 NO 0

Short-Term Rental:

Supervisor Leggett reminded everyone that the public hearing for the proposed Short-term Rental Local Law is scheduled for May 30, 2023 at 7 pm.

New Highway Garage:

Supervisor Leggett said that the RFP has been published and a walk through has been scheduled for Monday, April 24th at 10 am. They will start at the Town Hall and then go to the site for any questions.

Proposed Local Law Regarding Property Tax Exemption For Volunteer Firefighters:

RESOLUTION NO. 62 OF 2023: ADOPT LOCAL LAW NO. 1 OF 2023 A LOCAL LAW OF THE TOWN OF CHESTER PROVIDING REAL PROPERTY TAX EXEMPTIONS FROM TOWN TAXES FOR VOLUNTEER FIREFIGHTERS PURSUANT TO SECTION 466-A OF THE REAL PROPERTY TAX LAW

WHEREAS, a public hearing has been held April 11, 2023, for a proposed Local Law that would allow the Town to provide property tax exemptions from Town taxes for volunteer firefighters,

BE IT RESOLVED, the Town Board hereby adopts Local Law No. 1 of 2023 a Local Law of the Town of Chester Providing Real Property Tax Exemptions from Town Taxes for Volunteer Firefighters Pursuant to Section 466-A of the Real Property Tax Law.

A LOCAL LAW OF THE TOWN OF CHESTER PROVIDING REAL PROPERTY TAX EXEMPTIONS FROM TOWN TAXES FOR VOLUNTEER FIREFIGHTERS PURSUANT TO SECTION 466-A OF THE REAL PROPERTY TAX LAW

BE IT ENACTED by the Town Board of the Town of Chester as follows:

Section 1. Legislative Intent and Purpose.

- A. The Town Board of the Town of Chester (hereinafter "Town Board") finds and determines that attracting and retaining quality volunteer firefighters is one of the most critical problems facing a number of communities and that maintaining effective emergency protection depends on the ability to train and retain volunteers.
- B. The Town Board finds and determines that it is in the public interest for the Town to provide real property tax exemptions as an incentive to attract new volunteers and help combat a persistent and alarming decline in the number of volunteers serving as active responders to fire emergencies and unless recruits are found to replace retiring volunteers and seasoned members are encouraged to continue their volunteer service, the health and safety of citizens served by the volunteer firefighter personnel may be jeopardized.
- C. The Town Board further finds and determines that real property tax exemption is one of the ways for the Town of Chester to recognize the personal sacrifices and dedication of these community-spirited men and women who unselfishly give their time and risk their safety to protect their neighbors without compensation.
- D. The purpose of this Local Law is to adopt the real property tax exemptions provided for volunteer firefighters in accordance with Section 466-a of the Real Property Tax Law.

Section 2. Real Property Tax Exemption.

Real property owned by an enrolled member of an incorporated volunteer fire company or fire department or such enrolled member and spouse residing in the Town of Chester shall be exempt from taxation for Town real property taxes to the extent of 10 percent of the assessed value of such property for Town purposes, exclusive of special assessments.

Section 3. Qualifications.

Such exemption shall only be granted to an enrolled member of an incorporated volunteer fire company or fire department if:

- 1. The applicant resides in the Town of Chester and is a member of an incorporated volunteer fire company or fire department which provides service within the Town.
- 2. The real property which is the subject of such exemption is the primary residence of the applicant.
- 3. The real property is used exclusively for residential purposes; provided however, that in the event any portion of such property is not used exclusively for the applicant's residence but is used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided by this Local Law.

4. The applicant is listed as an enrolled member on the accepted rosters as determined by the by-laws of the authority having jurisdiction of the incorporated volunteer fire company or fire department, indicating that the applicant has been an enrolled member of such for at least two years.

Section 4. Twenty Year Active Members.

Any enrolled member of an incorporated volunteer fire company or fire department who accrues more than twenty years of active service, as defined in Section 3 (d) hereof, and is so certified by the authority having jurisdiction for the incorporated volunteer fire company or fire department, shall be granted the ten percent exemption as authorized by this section for the remainder of his or her life as long as his or her primary residence is located within the Town of Chester.

Section 5. Un-remarried Surviving Spouses of Volunteers Killed in the Line of Duty.

An un-remarried spouse of a volunteer firefighter killed in the line of duty may receive the real property tax exemption if:

1. Such un-remarried spouse is certified by the authority having jurisdiction for the incorporated volunteer fire company or fire department as an un-remarried spouse of an enrolled member of such incorporated volunteer fire company or fire department who was killed in the line of duty; and.
2. Such deceased volunteer had been an enrolled member for at least five years; and.
3. Such deceased volunteer had been receiving the exemption prior to his or her death.

Section 6. Un-remarried Surviving Spouses of Volunteers with at Least Twenty Years of Service.

An un-remarried spouse of a deceased volunteer firefighter with twenty years of service may receive the real property tax exemption if:

1. Such un-remarried spouse is certified by the authority having jurisdiction for the incorporated volunteer fire company or fire department as an un-remarried spouse of an enrolled member of such incorporated volunteer fire company or fire department of a volunteer who had been an enrolled member for at least twenty years; and
2. Such deceased volunteer and un-remarried spouse had been receiving the exemption of such property prior to the death of such volunteer.

Section 7. Application Process.

1. Applications for such exemption shall be filed with the Town Assessor on or before the taxable status date on a form as prescribed by the New York State Commissioner for the Office of Real Property Tax Services.
2. The Town Assessor shall have the duty and responsibility of administering the provisions of this Local Law and confirming due filing of the application and a copy of such certification prior to granting the exemption provided for by this Local Law.

Section 8. No Diminution of Current Benefits.

No applicant who is a volunteer firefighter who by reason of such status is receiving any benefit under the provisions of law on the effective date of this Local Law shall suffer any diminution of such benefit because of the provisions of this Local Law.

Section 9. Severability

If any clause, sentence, paragraph, subdivision or part of this Local Law of the application thereof to any person, firm or corporation or circumstance shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph subdivision or part of this Local Law or its application to the person, individual, firm or corporation or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

Section 10. Effective Date.

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

On a motion by Mr. Packer, seconded by Mrs. DuRose, Resolution No. 62 of 2023 was **ADOPTED.**

AYE 4 NO 0

Septic Variance Application #SV2020-03 for Thomas Loonie and Amy Wen:

Supervisor Leggett asked Bret Winchip from Winchip Engineering to give a quick recap.

Bret Winchip said that he has read through the proposed resolution and schedule and everything is correct. This lot had wetlands on it, subject to APA involvement. Over the last couple of years they have gone back and forth with the APA and issuances of NIPAs and additional requests. Some of the requests had to do with wetlands and mitigating stormwater according to DEC Law. They have satisfied all the comments with the APA and they are just waiting on the final minutes from the Town. The DOH is involved, because this is a preexisting NYS DOH subdivision 1970 or 1971, not an expiring permit. During our discussion a holding tank was mentioned. He brought the Health Department on site to look at the site and they filed a specific waiver for a holding tank, and they denied it saying that they would rather issue a specific waiver

for the system. The only comment being to provide stormwater direction from a culvert around the system. The system itself is a Norweco Hydro-Kinetic Green Enhanced Treatment system.

Supervisor Leggett thanked Larry Turcotte for working on the draft resolution.

Supervisor Leggett asked if the Board had any comments?

Supervisor Leggett commented that he has never been in favor of this one. It is a tough one, especially the proposed variance for wetland distance of 56.7' when 100' is required. He has been tempted to vote against this, but the due diligence has been done by the APA and the DOH.

Mrs. DuRose commented that it was difficult not to think about the house and just think about the septic with the size of the lot.

Supervisor Leggett asked with construction of the house what is the percentage of use for the entire lot. Bret Winchip responded that it was definitely under the 75% that is specified for moderate intensity. He went over that with the Zoning Administrator.

Mr. Aiken said that this was a stretch and took a lot of thought, but there has been a lot of design put into this. Bret Winchip said that there was a lot of input from the APA on what they wanted to see. Mr. Aiken commented that there were a lot of moving parts.

Mr. Winchip said that at the time the permits did not expire.

Supervisor Leggett asked if there was any further discussion.

**RESOLUTION NO. 63 OF 2023: APPROVE SEPTIC VARIANCE APPLICATION
#SV2020-03 FOR THOMAS LOONIE AND AMY WEN FOR PROPERTY IDENTIFIED
BY TAX MAP #: 86.13-2-20**

WHEREAS, the Town Board acting as the Local Board of Health has received a completed application indexed as #SV2020-03 for Thomas Loonie and Amy Wen, identified by Tax Map Parcel #: 86.13-2-20;

WHEREAS, according to Section 5.060 — Variances of the Town of Chester On-Site Wastewater Treatment Local Law the Local Board of Health may vary or adapt the strict application of any of the requirements of this Ordinance in the case whereby such strict application would result in unnecessary hardship that would deprive the owner of the reasonable use of the land involved; and

WHEREAS, the public hearing was opened on September 13, 2022 and closed on September 13, 2022; and

WHEREAS, no variance in the strict application of any provision of the Ordinance shall be granted by the Local Board of Health unless it shall find the following criteria applicable:

BE IT RESOLVED, the Local Board of Health finds that:

1. That there are special circumstances or conditions applying to such land and that such circumstances or conditions are such that strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of such land;
 - a. Because the lot is part of a subdivision approved by the Town of Chester and the DOH in 1970, prior to current subdivision and septic regulations;

2. That the variance would not be materially detrimental to the purposes and objectives of this Ordinance, or to other adjoining properties, or otherwise conflict with the purpose or objectives of any plan or policy of the Town;
 - a. Because the purposes and objectives of the On-site Wastewater Treatment Local Law is to ensure that septic systems are designed and installed to effectively treat residential wastewater to prevent or minimize negative environmental impact, and
 - b. Because the proposed septic system is designed by a licensed professional engineer and has been reviewed by the NYS DOH and the APA for appropriate design and siting and those agencies recommendations have been included in the design, including recommended improvements in stormwater management; and
 - c. Because the design is an advance treatment system; and
 - d. Because the proposed septic system meets setback requirements from neighboring wells and homes without need for variance;
3. That alternatives to an onsite wastewater disposal system were considered;
 - a. Whereas the Local Board of Health asked if a holding tank could be used and where told that is not an option for a new septic system; and
 - b. Whereas the proposed septic system is an alternative to a standard wastewater system design;
4. That the Town Board members thoroughly reviewed the submitted onsite wastewater disposal design plans and conducted multiple site visits;
 - a. Whereas the Town Board acting as the Local Board of Health has reviewed and discussed the design plans at multiple public meetings, have accepted public comment, and have individually visited the proposed site to assess the natural and manmade constraints and opportunities;
5. The subject parcel is contained within a subdivision plat titled Section No. One Subdivision of a Portion of Lands of North County Vacation Lands Inc., dated June 8th 1970 and recorded at the Warren County Clerk's Office on July 23, 1970 as Instrument Number 1970-3000036, said plat containing onsite wastewater disposal system details completed by duly licensed Professional Engineer, and further containing a certification by the New York State Department of Health District Sanitary Engineer approving the proposed sewage disposal design;
6. Town of Chester Subdivision Regulations and On-Site Wastewater Treatment Local Law have been updated since the original onsite wastewater disposal system design;
7. An onsite wastewater disposal system was designed by Bret W. Winchip of Winchip Engineering, P.C. (Site Plan dated 08-17-20 and last revised 02-13-23) was submitted to the Town Board for consideration;
8. That the aforesaid onsite wastewater disposal system design was deemed jurisdictional by the Adirondack Park Agency, and reviewed by qualified staff and no technical objections were raised;
9. The aforesaid onsite wastewater system design was submitted to the Department of Health in consideration for a Specific Waiver and was reviewed by qualified staff with no technical objections raised. Additionally, the Specific Waiver was approved and issued;
10. That the granting of the variance(s) is necessary for the reasonable use of the land and that the variance, as granted by the Local Board of Health, is the minimum variance which would alleviate the specific unnecessary hardship found by the Local Board of Health to affect the applicant;

- a. Based upon the aforementioned findings.
 The Town Board, convening as the Local Board of Health, finds the requested variances to be the minimum allowable to the Town's On-Site Wastewater Treatment Local Law based on site conditions, lot size, and potential impact to adjacent private property and common natural resources;

BE IT FURTHER RESOLVED, the Local Board of Health grants the following variances:

Loonie-Wen #SV2020-03				
Setback	Required Distance	Proposed Distance	Proposed Variance	
			Distance	Percent
Proposed House Sewer to Wetland	50'	33.3'	16.7'	33.4%
Proposed Septic Tank to Wetland	50'	27.2'	22.8'	45.6%
Proposed Effluent Sewer to Wetland	50'	30.3'	19.7'	39.4%
Proposed Pump Chamber to Wetland	50'	27.7'	22.3'	44.6%
Proposed Force Main to Wetland	50'	31.0'	19.0'	38.0%
Proposed Wastewater Absorption Field to Wetlands	100'	56.7'	43.3'	43.3%
Proposed Wastewater Absorption Field to West Property Line	10'	9.2'	0.8'	8.0%
Proposed D-Box to West Property Line	10'	8.4'	1.6'	16.0%
Proposed Force Main to West Property Line	10'	7.1'	2.9'	29.0%
Slope of Area for Proposed Wastewater Absorption Field	15%	23.4%	8.4%	56.0%

On a motion by Mr. Aiken, seconded by Mrs. DuRose, Resolution No. 63 of 2023 was **ADOPTED**.

AYE 4 NO 0

North Creek Fire District / North Creek Fire Protection District consolidation:

Supervisor Leggett said that he spoke with Attorney Bob Hafner today. There has been no discussion from members of the North Creek Fire District to date, but he did send through a copy of the map to Warren County to see if we can get property descriptions.

Proposed Local Law Increasing Senior Citizen Income Eligibility For Property Tax Exemption:

RESOLUTION NO. 64 of 2023: ADOPT LOCAL LAW NO. 2 OF 2023 A LOCAL LAW REPEALING AND REPLACING TOWN OF CHESTER LOCAL LAW NO. 2 OF 2012 SETTING REAL PROPERTY TAX EXEMPTION LIMIT FOR PERSONS SIXTY-FIVE (65) YEARS OF AGE OR OVER IN COMBINATION WITH A SLIDE SCALE OF INCREMENT LEVELS OF EXEMPTION

WHEREAS, a public hearing has been held April 11, 2023, for a proposed Local Law Increasing Senior Citizen income eligibility for property tax exemption,

BE IT RESOLVED, the Town Board hereby adopts Local Law No. 2 of 2023 a Local Law Repealing and Replacing Town of Chester Local Law No. 2 of 2012 Setting Real Property Tax Exemption Limit for Persons Sixty-five (65) Years of Age or Over in Combination with a Slide Scale of Increment Levels of Exemption.

**A LOCAL LAW REPEALING AND REPLACING
TOWN OF CHESTER LOCAL LAW NO. 2 OF 2012
SETTING REAL PROPERTY TAX EXEMPTION LIMIT
FOR PERSONS SIXTY-FIVE (65) YEARS OF AGE OR OVER
IN COMBINATION WITH A SLIDING SCALE OF INCREMENT LEVELS OF
EXEMPTION**

BE IT ENACTED BY THE CHESTER TOWN BOARD AS FOLLOWS:

Section 1. Purpose and Authority. The purpose of this Local Law is to repeal and replace Town of Chester Local Law No. 2 of 2012 entitled “A Local Law to Set the Real Property Tax Exemption Limit for Persons Sixty-Five (65) Years of Age or Over in Combination With A Sliding Scale Of Increment Levels of Exemption” to increase the amount of partial exemption on real property taxation for eligible persons sixty-five (65) years of age or over. It is adopted pursuant to Municipal Home Rule Law §10.

Section 2. Income Eligibility and Sliding Scale of Qualifying Increment Levels for Partial Exemption. All the provisions, conditions, and requirements of Section 467 of the New York Real Property Tax Law and amendments thereto shall apply to the applications for the Town of Chester provided the combined income of the qualified owners, for the income tax year immediately preceding the date of making application for exemption does not exceed Thirty-Seven Thousand Three Hundred Ninety-Nine Dollars (\$37,399) in accordance with a sliding scale of increment levels of exemption as follows:

<u>ANNUAL INCOME</u>	<u>PERCENTAGE ASSESSED VALUE EXEMPTION FROM TAXATION</u>
\$29,000 or less	50%
\$29,001 to \$29,999	45%
\$30,000 to \$30,999	40%
\$31,000 to \$31,999	35%
\$32,000 to \$32,899	30%
\$32,900 to \$33,799	25%
\$33,800 to \$34,699	20%
\$34,700 to \$35,599	15%
\$35,600 to \$36,499	10%

\$36,500 to \$37,399

5%

Section 3. Annual Income. The income of the owner, or the combined income of the owners, of the property for the income tax year immediately preceding the date of making application for exemption from all sources, as set forth in Section 467 of the New York Real Property Tax Law, must not exceed Thirty-Seven Thousand Three Hundred Ninety-Nine Dollars (\$37,399.00). Income tax year shall mean the twelve month period for which the owner or owners file a Federal personal income tax return or, if no such return is filed, it shall be based on the calendar year. When title is vested in either the husband or wife, the combined income of both may not exceed such sum.

Section 4. Repeal, Adoption and Supersession. As indicated above, Town of Chester Local Law No. 2 of 2012 entitled “A Local Law to Set the Real Property Tax Exemption Limit for Persons Sixty-Five (65) Years of Age or Over in Combination With A Sliding Scale Of Increment Levels of Exemption” is hereby repealed in its entirety and replaced by this Local Law which is specifically intended to supersede Town of Chester Local Law No. 2 of 2012.

Section 5. Severability. If any part of this Local Law is declared invalid by a Court of competent jurisdiction, such declaration shall not affect or impair in any way any other provision and all other provisions shall remain in full force and effect.

Section 6. Effective Date. This Local Law shall take effect immediately upon filing by the Department of State as provided Municipal in Home Rule Law.

On a motion by Mrs. DuRose, seconded by Mr. Packer, Resolution No. 64 of 2023 was **ADOPTED.**

AYE 4 NO 0

Pottersville Water District Engineering Evaluation Study:

Supervisor Leggett said no further action is needed.

Sand Bids:

Supervisor Leggett asked the Clerk how many bids we received. The Clerk replied one (1) and she opened it on April 7th at 2:05 pm.

Supervisor Leggett asked what the price was last year. The Clerk said \$5.00 per cubic yard.

RESOLUTION NO. 65 OF 2023: ACCEPT SAND BID FROM BERNESSE BOLTON EXC. CO. INC. FOR \$5.50 PER CUBIC YARD

WHEREAS, the Town Clerk advertised for sand bids, and

WHEREAS, the Town Clerk received one (1) bid and publicly opened and read aloud April 7, 2023, at 2:05 pm at the Town Clerk’s office;

BE IT RESOLVED, to accept the sand bid from Berness Bolton Exc. Co. Inc. for screened road sand at \$5.50 per cubic yard.

On a motion by Mr. Aiken, seconded by Mr. Packer, Resolution No. 65 of 2023 was **ADOPTED**.

AYE 4 NO 0

Chestertown Water District:

Supervisor Leggett introduced Dan Marshall and Jason Denno from Barton & Loguidice and thanked them for coming.

Dan Marshall said that they are in an agreement with the Town and would like to know where the Town Board would like to go next. They have done a preliminary water report for the Chestertown Water District and there is a lot of information in the report, like what was just discussed for the Pottersville Water District.

Dan Marshall said that the items left to do in the agreement are the WIIA (Water Infrastructure Improvement Act) grant application, SEQRA (State Environmental Quality Review Act), SHPO (State Historic Preservation Office), and the bond resolution. The remaining cost to the Town is \$4,760 which would bring the total to \$28,000. The 22-23 IUP (Intended Use Plan) score was 50 for that project and they do not feel that that is accurate. Supervisor Leggett asked if the score was out of 100. Jason Denno replied that it is priority scoring system. They would like to resubmit the PER (Preliminary Engineering Report) with further emphasis on some of the characteristics in the report. They could do it with a cover letter or by adjusting the executive summary of the PER. Jason Denno recommends submitting a cover letter and they would submit a draft June 1st.

Dan Marshall stated that if the pressure drops it is a fire concern and a health concern and we want to show this in the application. This well has a single source aquifer. We would like to see the Town have another well away from Dynamite Hill.

The financial need of the community needs to be highlighted as well. They recommend doing an income survey for the Chestertown Water District.

Supervisor Leggett asked what is needed to make this project ready. Dan Marshall said that a PER is looking at a high level view of the hamlet's water district and indicating preliminary costs at some low hanging fruit, such as putting in a new well, replacement of inch and a half main, fixing hydrants, and adding new controls that would work without operator intervention. Those are the things we are talking about. The next step would be to develop a set of specifications so that you could bid the project and that is then when the work would start.

Dan Marshall asked if the Town wanted them to move forward. Supervisor Leggett said that we had approved up to \$28,000 and there is \$4,760 left to use.

The Board agrees to move forward and spend the \$4,760.

Chester Historical Society:

Supervisor Leggett introduced Bernie McCann, President of the Historical Society of the Town of Chester.

Bernie McCann said that it was hard to believe that it has been almost over four (4) years ago since he had been in to discuss having a Sumy Exhibit and wanted to thank the Board for their cooperation and the great success.

During the summer the Historical Society always has events. This summer in late May or early June, Donny Cooper will have a presentation talking about all the Sumy pictures. They may do another Sumy Event next year; they have plenty of pictures.

Bernie McCann asked if the Historical Society could erect a sign on the building under the Library sign and smaller than the Library sign. Supervisor Leggett asked if having the sign down that low it would still be effective. Bernie McCann replied yes, he thinks so. Supervisor Leggett said that a permit will be needed.

RESOLUTION NO. 66 OF 2023: APPROVE TOWN OF CHESTER HISTORICAL SOCIETY WALL SIGN

WHEREAS, the Historical Society of the Town of Chester would like to erect a sign on the building indicating the presence of a museum inside; and

BE IT RESOLVED, the Town Board approves the Historical Society wall sign on the Municipal Center.

On a motion by Mrs. DuRose, seconded by Mr. Aiken, Resolution No. 66 of 2023 was **ADOPTED**.

AYE 4 NO 0

Bernie McCann said that area Historical Societies are going to each be hosting a meeting for local area Historical Societies. They all are small and have small budgets, but working together they hope they can do more. In the first meeting will be this month and they will discuss how they can work together and draw ideas from each other.

Next year will be the 225th Anniversary of the Town of Chester and the Historical Society wants to give the Town something. They have done an inventory of the buildings in the hamlets of Chestertown and Pottersville:

- Before 1850 – 17
- 1851 to 1860 – 24
- 1861 to 1870 – 28
- 1871 to 1880 – 36
- 1881 to 1900 – 51

Total = 156

They would like to place plaques on each building, only with the owner's permission, but they are not sure they will have enough money to do all 156. If they go from 1850 to 1870 they should have enough for the 69 buildings. Once they get the plaques up they would like to create a map showing where the buildings and people could do a walking tour or riding. Another reason to come to the Town of Chester. In future years they hope to expand and do all the buildings in the whole Town. They have already raised \$300 in donations.

Bernie McCann also said that they will be having lectures this summer jointly conducted with the Town of Chester Library.

RESOLUTION NO. 67 OF 2023: APPROVE INCREASING THE HOURS FOR THE ACCOUNT CLERK

WHEREAS, there is a need to increase the hours of the Account Clerk;

BE IT RESOLVED, the Town Board approves increasing the hours of the Account Clerk from 15 hours up to 30 hours per week at a rate of \$17.50 per hour starting May 1, 2023.

On a motion by Mrs. DuRose, seconded by Mr. Aiken, Resolution No. 67 of 2023 was ADOPTED.

AYE 4 NO 0

RESOLUTION NO. 68 OF 2023: APPROVAL OF SEASONAL HIRES FOR PARKS AND RECREATION, AND BOAT LAUNCH

WHEREAS, the Town has need to fill seasonal positions from year to year,

BE IT RESOLVED, the Town Board authorizes the hire of the following individuals for certain positions and rates and for a period beginning April 3 and ending October 16, 2023:

- Edward Wallace: Laborer – Parks & Recreation (\$16.91)
- William Rowell: Laborer – Parks & Recreation (\$16.50)
- Sylvia Redmon: Boat Launch Attendant (\$15.85)
- Gerald Jeremias: Boat Launch Attendant (\$15.85)

On a motion by Mr. Packer, seconded by Mr. Aiken, Resolution No. 68 of 2023 was ADOPTED.

AYE 4 NO 0

Boatwash Attendants:

Discussion ensued about having an Alternate Boatwash Attendant trained and the Boatwash.

RESOLUTION NO. 69 OF 2023: AUTHORIZE TOWN CLERK TO ADVERTISE FOR A LAKE SAFETY OFFICER, LIFEGUARDS, AND ALTERNATE BOATWASH ATTENDANT

WHEREAS, Richard Konig resigned from the position of Lake Safety Officer effective September 11, 2022; and

WHEREAS, the Town advertises every year for lifeguards;

BE IT RESOLVED, the Town Board authorizes the Town Clerk to advertise for a Lake Safety Officer, lifeguards, and Alternate Boatwash Attendant.

On a motion by Mrs. DuRose, seconded by Mr. Aiken, Resolution No. 69 of 2023 was ADOPTED.

AYE 4 NO 0

RESOLUTION NO. 70 OF 2023: APPROVES CHESTERTOWN CONSERVATION CLUB REQUEST OF OCCUPANCY TAX FUNDS IN THE AMOUNT OF \$1,000.00 TO DEFER THE COST OF THE FISHING DERBY TO BE HELD ON MAY 20, 2023

WHEREAS, the Chestertown Conservation Club sponsors a Fishing Derby each year, and

WHEREAS, they have submitted a request for \$1,000 of Occupancy Tax Funds,

BE IT RESOLVED, the Town Board approves the Chestertown Conservation Club's request for Occupancy Tax Funds in the amount of \$1,000 to defer the cost of the Fishing Derby held on May 20, 2023.

On a motion by Mr. Aiken, seconded by Mrs. DuRose, Resolution No. 70 of 2023 was ADOPTED.

AYE 3 NO 0
Abstain – Mr. Packer

RESOLUTION NO. 71 OF 2023: TOWN BOARD HAS NO OBJECTION TO THE APPLICATION OF AN ON-PREMISE ALCOHOLIC BEVERAGE LICENSE FOR R.K.J.L.K.J. CARTING CO. INC., RIVERSIDE PINES CAMPSITES AND WAIVES THE 30-DAY ADVANCED NOTICE

WHEREAS, the Town Clerk for the Town of Chester has received the Standard Notice Form for Providing 30-Day Advanced Notice to a Local Municipality or Community Board from Eric Pooler for R.K.J.L.K.J. Carting Co. Inc., Riverside Pines Campsites, located at 1 Carl Turner Road, Chestertown, NY on March 17, 2023, and

WHEREAS, R.K.J.L.K.J. Carting Co. Inc., Riverside Pines Campsites is requesting that the Town Board waive the 30-day advanced notice,

BE IT RESOLVED, the Town Board has no objection to the application of an on-premises alcoholic beverage license for R.K.J.L.K.J. Carting Co. Inc., Riverside Pines Campsites and waives the 30-day advanced notice.

On a motion by Mr. Aiken, seconded by Mr. Packer, Resolution No. 71 of 2023 was **ADOPTED**.

AYE 4 NO 0

RESOLUTION NO. 72 OF 2023: SET PUBLIC HEARING FOR PROPOSED “BEST VALUE” LOCAL LAW FOR PURCHASES AND PROCUREMENT

WHEREAS, the Town of Chester would like to add “best value” to their Procurement Policy; and

WHEREAS, as a Local Law needs to have a public hearing;

BE IT RESOLVED, the Town Board sets May 9, 2023 at 7 pm for the public hearing for the proposed “Best Value” Local Law for purchases and procurement.

On a motion by Mrs. DuRose, seconded by Mr. Aiken, Resolution No. 72 of 2023 was **ADOPTED**.

AYE 4 NO 0

Youth Summer Camp:

Deputy Supervisor Eagan commented that the Chester-Horicon Youth Commission will be working with Small Tales Day Care to provide a youth summer camp this summer.

Supervisor Leggett said that the concern is private activities that happen at Dynamite. Mr. Aiken asked if there were a lot of activities. The Clerk said that there are during the summer.

Supervisor Leggett said that the cost will be negotiated.

Mr. Aiken said that he thinks it is a great idea as long as people can still hike.

RESOLUTION NO. 73 OF 2023: APPROVE THE USE OF DYNAMITE HILL FOR A YOUTH SUMMER CAMP

WHEREAS, the Chester-Horicon Youth Commission and Small Tales Day Care would like to partner together to have an all-day youth summer camp at Dynamite Hill starting June 26th to September 1st, Monday through Friday from 6:30 am to 5:30 pm;

BE IT RESOLVED, The Town Board approves the use of Dynamite Hill for a youth summer camp.

On a motion by Mrs. DuRose, seconded by Mr. Packer, Resolution No. 73 of 2023 was **ADOPTED**.

AYE 4 NO 0

Tree Cutting:

Supervisor Leggett spoke to an arborist about cutting trees for pickleball court expansion along north border of Municipal Center property. The trees are aging out and it would be good to cut them down. He spoke with the Highway Superintendent about having them cut down and he said he would fit it in the schedule. We do not have the money to install the courts at this time, but we can prep the site.

The Board Members all agreed with prepping the site.

RESOLUTION NO. 74 OF 2023: HIRE FIELD ASSISTANT FOR THE TOWNWIDE REASSESSMENT

WHEREAS, the Town of Chester has signed a contract for a townwide reassessment beginning May 1, 2023; and

WHEREAS, the Assessor needs to have updated photos;

BE IT RESOLVED, the Town Board authorizes the Assessor to hire a Field Assistant at his discretion with approval from the Supervisor at a rate of \$25 per hour plus mileage with a completion date of October 31, 2023.

On a motion by Mr. Packer, seconded by Mr. Aiken, Resolution No. 74 of 2023 was **ADOPTED**.

AYE 4 NO 0

RESOLUTION NO. 75 OF 2023: ACCEPT THE ABSTRACT OF AUDITED VOUCHERS, AUTHORIZES PAYMENT, AND APPROVED THE BUDGET AMENDMENT

WHEREAS, the Town Clerk has entered the vouchers for Abstract No. 4 of 2023 of Audited Vouchers; and

WHEREAS, the Town Board has reviewed the Abstracts; and

WHEREAS, the Town will be starting a townwide reassessment and needs to amend the 2023 Budget transfer \$180,000 from the Fund Balance to A1355.41 Townwide Assessment;

BE IT RESOLVED, the Town Board accepts the Abstract of Audited Vouchers, authorizes payment, and approves 2023 Budget Amendment as presented.

No. 4 of 2023	
General A	\$164,116.77
Highway DA	\$330,899.19
Library L	\$1,292.24
Loon Lake Park District SP	\$45.50
Chestertown Water SW1	\$1,805.17
Pottersville Water SW2	\$9,639.38
Schroon Lake Park District SX	\$1,869.00

Other TA	\$2,869.00
Total	\$512,206.33

On a motion by Mrs. DuRose, seconded by Mr. Packer, Resolution No. 75 of 2023 was **ADOPTED.**

AYE 4 NO 0

Mrs. DuRose asked if the Town owned the pumphouse at the bottom of Knapp Hill Road, commented that the Town should contact John West about repairing the fountain in Pottersville, and asked about having tennis lines put on the basketball court in Pottersville. Supervisor Leggett replied that the Town does own the pumphouse, he will contact John West, and he does not think that the court is big enough for tennis but maybe pickleball.

Mr. Aiken asked about the old pumphouse in Pottersville being removed. Supervisor Leggett said that there is a process to decommission a well.

On a motion by Supervisor Leggett, seconded by Mr. Packer, Board entered executive session to discuss the employment of a particular person at 9:24 pm.

AYE 4 NO 0

On a motion by Supervisor Leggett, seconded by Mr. Packer, Board exited executive session at 9:31 pm.

AYE 4 NO 0

No action taken.

On a motion by Mrs. DuRose, seconded by Mr. Packer, meeting adjourned at 9:32 pm.

AYE 4 NO 0

Respectfully submitted,

Town Clerk