



Town Board

Regular Meeting

June 14, 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 (7:13 pm)
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 Aiken.

Committee Reports:

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

Town Board Reports:

Mr. Aiken reported that he attended the Arbor Day celebration at the Dog Park, the Memorial Day Ceremony, Town Garage RFP review, STR (Short-Term Rental) Public Hearing, and had a lot of discussion from a lot of people at the STR proposal.

Mr. Packer said that the only thing he has done was check on the level of Loon Lake.

Mrs. DuRose attended the Planning Board by Zoom, the STR Public Hearing, a meeting with Marion Eagan with the pickleball group, had several discussions on the STR Local Law, and attended the Memorial Day Celebration.

Supervisor's Report:

Since the Town Board Meeting on May 9, 2023:

- WCSWCD provided a maple tree for the Dog Park as part of an Arbor Day event on May 10th. Bill and Donna Millington along with Councilman Aiken and Maren Stoddard planted the tree that will, eventually provide great shade for all users of the Dog Park.
- On May 11th, gave a tour of Town buildings and facilities to representatives of Selective Insurance as part of their updating their records.
- On May 12th, attending by Zoom a meeting regarding the Schroon Lake AIS Initiative. The County has obtained a portable, self-service decontamination station that persons can use after hours at the DEC Horicon boat launch. This is an effort to better protect Schroon Lake from aquatic invasives and to pilot a program that does not require the employment of boat stewards.

- Also on May 12th, was invited to speak at an STR Local Law information meeting in the Town of Johnsburg. They are formulating a local law and have been seeking input from other towns that have similar legislation.
- On May 15th and every other Monday, I hold a team meeting to go over items that the various departments are working on and to coordinate efforts as needed.
- On May 17th, met with the new Warren County Tourism Director, Heather Bradshaw, with the NWCOC and discussed our area and our efforts to promote it, including the idea of developing a brand that covers Horicon, Chester, and Johnsburg. Attended the NWCOC Annual meeting that evening.
- On May 18th, met with representatives from the YMCA and Brandon Himoff to discuss the reinvigorating of YMCA programs in Chester and Horicon. They are coming out of COVID with new leadership and energy.
- On May 19th, Highway Garage and Salt Shed RFPs were opened and I started review of them.
- Attended WC Committee meetings on May 23rd and 24th.
- On May 25th went to Argyle for the Adirondack Intercounty Legislative meeting and took a tour of their new combination sand and salt shed.
- On May 29th, marched in the Memorial Day parade in Brant Lake and attended the ceremony in Adirondack.
- Attended the special Town Board meeting and Public Hearing for the STR LL on May 30th.
- On May 31st, met with Johnsburg Supervisor Smith and others to discuss funding of an electronic informational kiosk that will be outside of the Tannery Pond center and will serve businesses across northern Warren County.
- On June 1st had more WC Committee meetings. Also met with the Pickleball group about court expansion.
- Worked Woofstock on Saturday and Sunday June 3rd and 4th. Moderate turnout but a good time by all.
- On June 5th, attended the AATV Membership Meeting in Lake Placid. Had presentations on grant funding, retiree health insurance, and a State and Regional look at Rural Housing Issues.
- On June 7th, attended the Chestertown Advisory Group Meeting. Discussed branding and the grant for the North Gateway trail connector and business district signage.
- On June 9th, had a joint meeting with Washington County regarding approval of the 2024 SUNY Adk budget.
- On June 12th, 3 letters of citation were sent to property owners that are in violation of the Property Maintenance Local Law. They will be appearing before the Town Board next month.
- On June 13th, met with APA field tech for wetland delineation along the proposed connector trail to Dynamite Hill.
- Highway: Stock Farm Road and Old Schroon Road have been reclaimed and they are working on ditches and culverts now. Mulched the cleared area by the basketball courts
- Parks & Rec: Hung banners, set out planters, cleaned up and mowed cemeteries, hydro seeded Dynamite Hill tow line. Cleaned up beach.

- Loon Lake update: A third board went in yesterday; it has been hovering at about thirteen (13) inches. Tonight, it was fifteen (15) inches. We need at least twenty-four (24) inches, twenty-seven would be better to launch boats at the boat launch.

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

- Town Board Minutes for the Regular Meeting May 9, 2023 and Special Meeting May 30, 2023
- Zoning Administrator's Activity Report of May 2023
- Planning Board Minutes for May 15, 2023
- Zoning Board of Appeals Minutes for May 23, 2023
- Assessors Report for June 2023
- Board of Assessment and Review Minutes from May 23, 2023
- Animal Control Report for May 2023
- Town Clerk Monthly Report for May 2023
- Town Court Report dated June 1, 2023
- Youth Commission Report for May 2023
- Annual Drinking Water Quality Report for 2022 for the Chestertown Water District
- Annual Drinking Water Quality Report for 2022 for the Pottersville Water District
- Letter providing 30-day Advance Notice for DiMucci Enterprises, LLC liquor license application
- Abstract No. 6
- Communication Report for June 2023

Public Hearing for Septic Variance Application #SV2023-01 for Britton:

Supervisor Leggett **opened** the public hearing for Septic Variance Application #SV2023-01 for Lewis Britton and Russell E. Sheer at 7:08 pm.

Bret Winchip, Winchip Engineering, representing the owners who are seeking variances replacing an existing wastewater system. The applicants want to construct a new residence and the existing system is a cesspool and it is on the border of wetlands. They had the APA come to the site and flag the wetlands.

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

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

Hearing none, Supervisor Leggett asked the Board if they had any questions for the engineer at this time.

Councilperson DuRose asked if the new residence would be in the exact same place as the old one. Bret Winchip said generally, they are squaring it up, it was an old building, but yes essentially the same footprint. Councilperson DuRose asked about the wetlands in the back. Bret Winchip commented that there are wetlands in the back and along the righthand side. The APA flagged them all.

Councilperson DuRose asked if the trees that were ribboned were coming down. Bret Winchip replied that those are wetland flags, the blue flags, and they are numbered.

Hearing none, Supervisor Leggett **closed** the public hearing for Septic Variance Application #SV2023-01 for Lewis Britton and Russell E. Sheer at 7:11 pm.

Privilege of the Floor:

Supervisor Leggett **opened** Privilege of the Floor at 7:11 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 7:12 pm.

Old Business:

Supervisor Leggett **opened** Old Business at 7:12 pm.

RESOLUTION NO. 94 OF 2023: ACCEPT THE MINUTES FROM THE MAY 9, 2023 REGULAR TOWN BOARD MEETING AND MAY 30, 2023 SPECIAL MEETING

RESOLVED, to accept the minutes from the May 9, 2023 Regular Town Board Meeting and May 30, 2023 Special Meeting (Public Hearing for proposed Short-term Rental Local Law) as presented.

On a motion by Councilperson Aiken, seconded by Councilperson DuRose, Resolution No. 94 of 2023 was **ADOPTED**.

AYE 4 NO 0
Absent - Councilperson Turcotte

Proposed Short-Term Rental Local Law:

Attorney for the Town, Mark Schachner, commented that he had two (2) suggested minor revisions.

Councilperson Turcotte entered the meeting at 7:13 pm.

Mark Schachner continued saying that both revisions were in Article 7 section B subsection d of the draft:

- Suggested removing “regularly scheduled” in case the appeal needs to be heard at a special meeting, and
- Suggested changing “ten (10) days” to a more realistic number, because it would force a special Town Board Meeting.

Supervisor Leggett asked the Board if they had any suggestions. Mark Schachner commented that the decisions have to be made at a regular Board meeting. The Board agreed to change ten (10) days to thirty-two (32) days.

The Town Clerk reminded Supervisor Leggett of the revision they spoke about earlier, making a firm effective date. Supervisor Leggett said that usually it is effective when it is filed, but would like it to be effective on a specific date like August 1st or December. Supervisor Leggett said that it will go to the State like usual. The Clerk commented that in the past with the Zoning

Local Laws they have set dates for when they would be effective to make it easier for the Zoning Office to have a firm date to prepare. Councilperson Turcotte said that August 1st would be fine.

Ruth Joseph read “Short-Term Rental Properties shall provide off-street parking with at least one space for every four (4) guests” and wanted to make sure that if she came in one car with seven (7) it would be ok. Supervisor Leggett commented that if the house you are staying at can accommodate eight (8) people then there needs to be room for two (2) cars off the street.

Supervisor Leggett commented that this has been in the works for a long time. There are many members here that have worked on this from the beginning, and it has gone through substantial changes from the first rendition to where it is now. Those changes have come about from public input, which has come from people at meetings, the public information meeting held last year, the public hearing that we held last week, or letters, cards, emails that have come through over time. Since we have started other towns have adopted short-term rental local laws. Lake Luzerne was the last one to adopt a month ago. Warrensburg was the first, that was four (4) years ago. Johnsburg is working on one right now. Bolton has adopted, Schroon Lake has adopted, Warrensburg has adopted, Lake George has adopted, Queensbury has adopted, Lake Luzerne has adopted, and those are the ones just in our county or bordering. Out of all of those there is a lot of similarities, and he would say that our is one of the weakest of them of what is required of any owner/operator. This is really more of a short-term rental registration, but it is a lot of regulating. There is nowhere in the Town where we say short-term rentals cannot be. Whereas according to our land use map, businesses are allowed here by zoning permit, businesses are allowed here by site plan review. All of this has been for health, safety, and welfare. One of the big things, we sit here as a public body, elected by all the residents, to be here to represent not only the private property owners but the public as well. He has been a private property owner in the Town of Chester since he was eighteen (18) years old and has owned and managed long-term rentals for the past forty (40) years. He just started a short-term rental with his family as well. He does not see this as an infringement on his private property rights, he sees this as a very low barrier for someone going into business to be able to provide for the public, because now he is opening up his property to the public. He is advertising on the world wide web, and it is going to go everywhere that this building is open. There is an assurance that there is a safety out there for the people who are coming. So, as he said at the public hearing, this Short-Term Rental Local Law does not address three (3) of the main threat of that the short-term rentals pose: escalation of single family homes, the flipping of neighborhoods from a residential area to a more of a transient area, and can’t remember the third. With that being said the bare minimum is easy to comply with, as they discuss and set rates, people will see that it is more fair than other towns. Warrensburg, for example, renews their registration every three (3) years for \$300. He does not see the need for the Town to charge anything more than your business coming before the Board for a site plan review, \$100 application fee, you get that business approved by the Planning Board. He would propose something modest like that.

Supervisor Leggett asked if there were any further discussion.

Councilperson DuRose thanked Supervisor Leggett for disclosing that he is a STR owner or will be very shortly. She thinks that is very important that we all know who on the Board representing you (the people) is actually a STR owner. How ever this comes out, she did not take this lightly. She spent a lot of time researching this, a lot of time with phone calls and

conversations from everybody. She feels as a Board member she not only takes into consideration the health, safety, and welfare of our Town, but also the fact that we need to keep our Town and she needs to represent the people in her Town, so thank you.

Councilperson Aiken went on record saying he is a short-term rental owner himself. This will affect him if it does pass. One of his big concerns was that the State actually passed, the State Senate, not the Assembly, passed a Short-Term Rental proposal this week, the proposal goes to the Assembly. It is fourteen (14) pages of fine print, in those fourteen (14) pages the way he read it was if there was a short-term rental local law on the books the State stays away. Like a firewall between Town and the State. So if anyone were to read those fourteen (14) pages you might feel that it is a good idea to have a firewall between us and the State, because to have the State coming in you might as well say goodbye to your property rights. If this is even a property rights issue. That is a pretty big deal in his mind.

Supervisor Leggett asked Mark Schachner if Councilperson Aiken and himself, being short-term rental owners should recuse themselves from any discussion or are they able to vote on such an issue. Mark Schachner said that their disclosures have been extremely appropriate and that if the legislation was in some fashion to affect only your properties or a very small number of properties, he might advise a more serious consideration of recusal. The recusal decision is yours and yours alone to make and he can't make it for you, but from his perspective as legal counsel he thinks the disclosures have been extremely appropriate and because the proposed legislation is townwide, not specific to your particular properties or a small number of properties from which yours are in the group. He would not advise that recusal is necessary.

Councilperson Turcotte commented that he feels like he has spent the last five (5) years on this. It came up a while ago and then came back up again when the committee started. He thinks that ultimately short-term rentals are a positive thing economically. He does not own any, but he does stay in them on a fairly regular basis. He doesn't think that they come without their problems which we have heard from the public and doesn't think that we can ignore the fact that every now and again we get some issues. The whole time they have been working on this from the beginning he has been thinking what is the least amount of government to address the Town's needs from an administrative standpoint, the impact of the renter, the impact on the landlords. What is the least amount of government to achieve what we want, and it has been a long time until pretty much this last draft where I was done with my red ink. So, thanks to everyone for their work on it.

Supervisor Leggett commented that as intense and as long as this process has been he finds that it has been one of the most heartwarming that he has experienced in this Town, because it has really engaged the community on all levels and there has really been a very good discussion had by all. The time that was put in by the committee, grassroots committee, coming in and starting it and to everyone who has read it and to everyone who has made comments. When he first took office eight (8) years ago he was hoping to have this many people in the seats at every Board meeting. An engaged community is very important. Often times when things come up for a vote it is seen as a win lose situation and, in this case, he does not see it as a win lose situation. The needle moved because of the input that all the people gave to this process. It may not always end up in a result that some would wish all or nothing, but such it is in a democratic process.

Councilperson Packer said that he was not going to vote on it yet. The noise issue was one of the things that bothers a bunch of people, and we already have that as one of our Laws. The thing that bothers him is if they are moving into a safe house. Can we get it inspected every so often to make sure that it is.

Supervisor Leggett replied that every reference to noise is out of this edition of the local law and as far as conditions changing, that is why other towns have gone with renewable permits. He thinks that if Warren County comes in and deems the place safe it is as if you are getting a CO (certificate of occupancy) and you only get a CO once, so it is good to go. If renovation happen more than likely building codes will be involved in that.

Councilperson Packer said that there hasn't been any issues but it is a matter of time. Supervisor Leggett said that in speaking with Charles Wallace from Warren County Fire Safety in their inspections of homes most houses pass. Usually, it is because of there is no secondary means of egress for a bedroom. Councilperson Packer said that he would agree with that.

Councilperson DuRose commented asked if STRs will now be taxed as a business. Supervisor Leggett replied probably not. Supervisor Leggett asked Deputy Supervisor Eagan if she knew. She replied that that would be between the homeowner and the IRS. Supervisor Leggett said most of them are in single family homes, it is the market price. Supervisor Leggett said that they will not be assessing STRs as anything other than residences. Supervisor Leggett asked the Attorney for the Town if he was aware of any such thing. Mark Schachner said that he has heard of people wanting what is residential properties classified as commercial by virtue of being rented out, but don't get him started on the complexities of this. Fundamentally as Supervisor Leggett spoke about a minute ago the property remains residential in nature. Someone maybe making money as a commercial activity by renting the property out, but the use is not per say commercial. The use is still being used for residential purposes. He is not aware of any municipalities that have reclassified the properties as commercial.

RESOLUTION NO. 95 OF 2023: ADOPT LOCAL LAW NO. 4 OF 2023 A LOCAL LAW REGULATING SHORT-TERM RENTALS IN THE TOWN OF CHESTER

WHEREAS, a public hearing has been held on May 30, 2023 for a Local Law Regulating Short-Term Rentals;

BE IT RESOLVED, the Town Board hereby adopts Local Law No. 4 of 2023 A LOCAL LAW REGULATING SHORT-TERM RENTALS IN THE TOWN OF CHESTER effective August 1, 2023.

**A LOCAL LAW REGULATING SHORT-TERM RENTALS
IN THE TOWN OF CHESTER**

**BE IT ENACTED BY THE TOWN OF CHESTER TOWN BOARD AS
FOLLOWS:**

The Town of Chester is hereby adopting this Local Law No. 4 of 2023

ARTICLE 1. PURPOSE AND INTENT; AUTHORITY

PURPOSE AND INTENT

The purpose and intent of this Local Law is to establish the means to secure the health, safety, and welfare of property owners, residents, and the public regarding the operation of Short-Term Rental businesses.

AUTHORITY

This Local Law is adopted pursuant to New York Municipal Home Rule Law.

ARTICLE 2. DEFINITIONS

As used in this Local Law, the following words shall have the meanings indicated:

DWELLING UNIT – A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

RENTAL – Granting use or possession of a Dwelling Unit in whole or part to a person or group in exchange for some form of valuable consideration.

SHORT-TERM RENTAL DWELLING UNIT – A Dwelling Unit, which may or may not be inhabited by the owner of record or their immediate family, that is rented, in whole or in part, for a period of less than thirty (30) consecutive days to any person or entity, but not including a Hotel, Motel, Inn, Campground or Bed and Breakfast, or Tourist Accommodation as defined in Section 2.03 of the Town Zoning Local Law.

SHORT-TERM RENTAL OWNER – All entities having an ownership interest in a Short-Term Rental Dwelling Unit which is used as a Short-Term Rental.

SHORT-TERM RENTAL PROPERTY – The entire area which is under the ownership or control of the Short-Term Rental Owner including, as applicable, the parcel of land on which a Short-Term Rental is located together with the dwelling in which it is located and any other structures on the parcel. This may also include common/jointly owned parcels as defined in the Short-Term Rental Property deed.

ARTICLE 3. PERMIT REQUIRED

- A. Whenever a Dwelling Unit is to be used as a Short-Term Rental, an owner of a Short-Term Rental Dwelling Unit shall obtain a revocable Short-Term Rental Permit from the Town of Chester.
- B. A Short-Term Rental Permit shall be obtained prior to using the Short-Term Rental Dwelling Unit as a Short-Term Rental. The cost and duration of the permit shall be set by the Town Board from time to time by resolution.

- C. Short-Term Rental Permits are non-transferrable and do not expire. If a Short-Term Rental Dwelling Unit is sold or otherwise transferred, at any time that the new owner plans to utilize the Dwelling Unit as a Short-Term Rental, the new owner must apply for and obtain a new Short-Term Rental Permit within sixty (60) days of the planned date of rental.

ARTICLE 4. PERMIT APPLICATION REQUIREMENTS

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

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

ARTICLE 5. APPLICATION PROCEDURE

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

ARTICLE 6. SHORT-TERM RENTAL REQUIREMENTS

Short-Term Rentals shall comply with the following requirements:

- A. Short-Term Rental Properties shall not be rented to more persons than the occupancy load as determined by the Warren County Department of Fire Prevention and Building Codes.
- B. Short-Term Rental Properties shall provide off-street parking with at least one space for every four (4) guests.
- C. Short-Term Rental Owners shall establish written rules and regulations for the Short-Term Rental. The rules and regulations are expected to be activated when rentals are active. The content and intent of these rules and regulations is to assure public health, safety, and general welfare by promoting a clean, wholesome and attractive environment for the owner's property, adjacent property owners and the neighborhood.
- D. The Short-Term Rental Owner must provide all property owners within one-hundred fifty (150) feet of the Short-Term Rental Property with a copy of the signed short-term rental permit.
- E. A garbage collection plan shall be in place during rental periods. Garbage containers shall be secured with tight fitting covers to prevent leakage, spillage and odors.
- F. The current Short-Term Rental Permit shall be posted inside the Short-Term Rental Dwelling Unit whenever it is rented and shall be visible upon entry.
- G. An E911 house number shall be visible from the street or road.
- H. The Short-Term Rental Owner must provide accurate information to the Zoning Office regarding any changes from the information originally supplied at the time of Application.

ARTICLE 7. ENFORCEMENT AND PENALTIES

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

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

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

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

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

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

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

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

The Notice of Violation and any determination of the Zoning Administrator to revoke, suspend or condition an existing Short Term Rental Permit shall be provided to the Short-Term Rental Property Owners in writing to the addresses set forth on the Short-Term

Rental Permit by certified or registered mail, return receipt requested.

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

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

During the time following submission of an appeal and prior to the decision of the Town Board, the determination of the Zoning Administrator, Zoning Enforcement Officer and/or authorized assistants or deputies shall be stayed.

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

The Town Board shall make its determination within thirty-two (32) days after the hearing, and may uphold, reverse or modify the Zoning Administrator's determination. The Town Board's determination shall be provided to the Short-Term Rental Property Owners in writing to the addresses set forth on the Short- Term Rental Permit by certified or registered mail, return-receipt requested.

- 5) If a Short-Term Rental Permit is revoked, no Short-Term Rental Permit may be obtained for the subject property by the same owner for at least one year following the revocation.

C. The Zoning Administrator shall have the authority, pursuant to the Criminal Procedure Law, to issue an appearance ticket or summons and complaint, subscribed by him or her, directing a designated person to appear in court at a

designated time in connection with the commission of a violation of this Local Law.

- D. Penalties. Any person or entity who shall violate any provision of this Local Law, any order made hereunder, or any rules or regulations adopted pursuant to this Local Law in addition to other penalties provided for in this Local Law shall be guilty of an offense punishable in the following manner:
- 1) A fine of not more than \$350 for the first offense.
 - 2) A fine of not less than \$350 and not more than \$700 for a second offense; and
 - 3) A fine of not less than \$750 and not more than \$1000 for a third or any subsequent offense.
- E. A civil action or proceeding in the name of the Town of Chester, New York, may be commenced in any court of competent jurisdiction to compel compliance with or restrain by injunction the violation of any provision of this Local Law or any rule or regulation adopted pursuant to hereto. Such remedy shall be in addition to penalties otherwise prescribed by law and may be commenced with the consent of a majority of the Town Board.
- F. No remedy or penalty specified in this section shall be the exclusive remedy or penalty available to address any violation described in this section, and each remedy or penalty specified in this Local Law shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this Local Law, or in any other applicable law. Any remedy or penalty specified in this Local Law may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this Local Law. The Town may initiate enforcement proceedings under this Local Law at any time following receipt of a complaint or if the Zoning Administrator, Zoning Enforcement Officer and/or authorized assistants or deputies determines that a violation has occurred.
- G. Each day a violation continues shall constitute a separate and distinct offense to which all penalties shall apply.

ARTICLE 8. SEVERABILITY

The invalidity of any clause, sentence, paragraph or provision of this Local Law shall not invalidate any other clause, sentence, paragraph or part thereof.

ARTICLE 9. EFFECTIVE DATE

This Local Law shall take effect August 1, 2023 upon filing by the office of the New York State Secretary of State or as otherwise provided by law.

On a motion by Councilperson Aiken, seconded by Councilperson Turcotte, Resolution No. 95 of 2023 was **ADOPTED**.

Councilperson Turcotte	AYE
Councilperson DuRose	NO
Councilperson Packer	NO
Councilperson Aiken	AYE
Supervisor Leggett	AYE

Supervisor Leggett thanked everyone for their participation.

Set Permit Fee for Short-Term Rentals:

The Town Board agreed to set the permit fee at the July 11th board meeting.

Highway Garage:

The Town Board will go into executive session at the end of the meeting to review the RFPs.

North Creek Fire District / North Creek Fire Protection District:

Supervisor Leggett commented that they are working on a consolidation agreement. He spoke with Justin Gonyo from the North Creek Fire Commissioners, and they are having their meeting tomorrow. They will pull together the financials.

Supervisor Leggett said that the northern part of Chester is covered by the North Creek Fire Protection District, we contract with the North Creek Fire District for \$30,000 a year. We raise those in taxes and pay that through a contract service. This will consolidate two (2) Districts into one (1), the North Creek Fire District. They would set their own budget, raise their own taxes, just as the Chestertown Fire District and Pottersville Fire District. The impact on the residents within the Town of Chester is about sixty-five (65) cents per thousand (1,000) and over in North Creek it is \$1.08. When the two combine Districts Chester residents will go up and North Creek will go down. This could also happen if the North Creek Fire District said they are not doing it for \$30,000 we are doing it for \$40,000, they would also jump up the rate. The contract amount has not increased in the eight (8) years he has been in office. This idea has been under discussion when Bill Thomas was a commissioner, but they wanted to wait until Johnsburg did a reval. Which they now have so it is now a more fair evaluation. We would like to get this done for 2024 tax roll.

Loon Lake Dam:

Councilperson Turcotte recused himself from the discussion.

Supervisor Leggett commented that they have been waiting over two (2) years for the announcement of this grant to rehabilitate the dam. They have all of the engineering plans done.

Councilperson Packer asked if this was going to be a brand-new dam. Supervisor Leggett said that it would be taking off the whole face the dam, stabilizing the sides, doing any grout work on the remaining structure, they are not taking out the structure. It is mainly a rehab of the crutch and the spillway, and the apron coming out into the lower stream. Torsion rods across the dam set down in bedrock to make a more unified structure that will not get pushed over.

Councilperson Packer asked if this would get away with putting the boards in. Supervisor Leggett said no, we will still do that every year.

Councilperson Packer asked when this would be done. Supervisor Leggett commented before summer or after summer.

RESOLUTION NO. 96 OF 2023: AUTHORIZE THE LCLGRPB TO ASSIST IN SUBMISSION OF AN APPLICATION TO THE GRANT PROGRAM FOR THE TOWN TO REPAIR/REHABILITATE LOON LAKE DAM AND THE TOWN AGREES TO PROVIDE THE REQUIRED 25% LOCAL MATCH CASH CONTRIBUTION

WHEREAS, the Town of Chester (“Town”) realizes the need to perform required repairs on the Loon Lake Dam, and

WHEREAS, the New York State Department of Conservation (“NYSDEC”) has announced the availability of funding to communities to improve dam safety through the repair and rehabilitation of dams with a downstream hazard classification of Class C (High) and Class B (intermediate) to reduce flood risk and promote climate change resilience through the Dame Safety Repair/Rehabilitation Grant Program (“Grant Program”), and

WHEREAS, the Loon Lake Dam is classified as a Class C (High Hazard Dam), and

WHEREAS, the Town wishes to implement the repairs/rehabilitation described in the Final Design Report for the Rehabilitation of Loon Lake Dam, prepared by GZA GeoEnvironmental of NY in July 2020 and updated in May 2023, and

WHEREAS, through the Grant Program eligible communities may submit applications for projects, not to exceed \$5,000,000 with 25% match required, and

WHEREAS, the Lake Champlain – Lake George Regional Planning Board (“LCLGRPB”) will prepare an application for the Town and if awarded the LCLGRPB will assist the Town with grant administration and project delivery, and

THEREFORE, BE IT

RESOLVED, that the Town of Chester authorizes the LCLGRPB to assist in submission of an application to the Grant Program for the Town to repair/rehabilitate Loon Lake Dam, and

RESOLVED, that the Town agrees to provide the required 25% local match cash contribution.

On a motion by Councilperson DuRose, seconded by Councilperson Aiken, Resolution No. 96 of 2023 was **ADOPTED**.

AYE 4 NO 0

Recused – Councilperson Turcotte

RESOLUTION NO. 97 OF 2023: SCHEDULING PUBLIC HEARING CONCERNING PROPOSED RENOVATION OF THE LOON LAKE DAM REHABILITATION PROJECT OF THE LOON LAKE PARK DISTRICT

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

WHEREAS, the Town Board wishes to repair and reconstruct the District’s existing Loon Lake Dam in accordance with Town Law Section 202-b; and

WHEREAS, GZA GeoEnvironmental of NY has 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

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

WHEREAS, Part One of a SEQRA short-form EAF (Environmental Assessment Form) has been prepared by the Town's engineer and has been filed with the Town Clerk; 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);

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

1. The proposed improvements will include reconstruction and repair of the Loon Lake Dam and any necessary, related, preliminary, and/or incidental improvements.
2. The estimated cost of such improvements is \$900,000.
3. The cost of the improvements will be paid from obligations to be issued by the Town of Chester on behalf of the District. The Town hopes to receive a WQIP grant to help pay a portion of the costs of the Project.
4. The Town Board shall meet and hold a public hearing at the Chester Town Hall, 6307 State Route 9, Chestertown, New York at 7 p.m. on July 11, 2023 to hear all persons interested in the improvement of the District's Loon Lake Dam as described above and to take such other and further action as may be required or authorized by law.
5. The Town Board hereby authorizes and directs the Chester Town Clerk to duly publish and post a Notice of Public Hearing not less than ten (10) days nor more than twenty (20) days before the public hearing date, as required by Town Law §202-b.
6. In the event that it is determined that the action is a SEQRA Type I action, the Supervisor is authorized to cause the preparation of the Full/Long Environmental Assessment Form and forward it to any other Involved Agency seeking consent to the Town Board serving as SEQRA Lead Agency.

On a motion by Councilperson Aiken, seconded by Councilperson DuRose, Resolution No. 97 of 2023 was **ADOPTED**.

AYE 4 NO 0
Recused – Councilperson Turcotte

“Bird Pond Road” vs “Byrd Pond Road”:

Supervisor Leggett commented that there is nothing new to report.

Septic Variance Application #2023-01 Britton and Sheer:

Supervisor Leggett commented that it is an overall improvement for the single-family home.

**RESOLUTION NO. 98 OF 2023: APPROVE SEPTIC VARIANCE APPLICATION
#SV2023-01 AN ON-SITE WASTEWATER TREATMENT SYSTEM. PROPERTY IS
LOCATED AT 835 STATE ROUTE 28N, IDENTIFIED BY TAX MAP PARCEL # 32.-1-
16**

WHEREAS, the Town Board acting as the Local Board of Health has received a completed application and has held a public hearing on June 13, 2023 regarding Septic Variance Application #SV2023-01 for Lewis Britton and Russell E. Sheer, Jr., 835 State Route 28N, identified by Tax Map #: 32.-1-16, and

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, 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:

- a) 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;
- b) 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;
- c) That the granting of the variance 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;
- d) The on-site wastewater treatment system for Lewis Britton and Russell E. Sheer, Jr., 835 State Route 28N, identified by Tax Map #: 32.-1-16 as designed and presented by Bret Winchip, Winchip Engineering PC (Site Plan and Details dated 04/14/2022 and last revised 04/19/2023) to be the minimum allowable variance 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 variances for the following:

Variance Schedule Britton SV2023-01							
Setback	Required Distance	Existing Distance	Existing Non-Conformity		Proposed Distance	Proposed Variance	
			Distance	Percent		Distance	Percent
Existing Shallow Well to Existing Cesspool	225'	40.6'±	184.4'±	82.0%±	-	-	-
Existing Building to Existing Cesspool	20'	7.0' ±	13.3'±	65.0%±	-	-	-
Existing Cesspool to Stream	100'	47.2' ±	52.8' ±	52.8%±	-	-	-
Existing Cesspool to Wetlands	100'	0.7' ±	99.3' ±	99.3%±	-	-	-
Existing Pit Privy to Wetlands	50'	10.4'±	39.6'±	79.2%±	-	-	--
Existing Pit Privy to Drainage Way	20'	17.1'±	2.9'±	14.5%±	-	-	-
Existing House to Front Yard Setback	100'	15.4'±	84.6'±	84.6%±	-	-	-
Existing Shed Front Yard Setback	100'	20.1'±	79.9'±	79.9%±	-	-	-

Proposed Wastewater Bed to Stream	100'	-	-	-	91.3'	8.7'	8.7%
Proposed Wastewater Bed to Wetlands	100'	-	-	-	11.8'	88.2'	88.2%
Proposed Wastewater Bed to Drainage Way	20'	-	-	-	18.2'	1.8'	9.0%
Proposed D-Box to Wetlands	50'	-	-	-	39.1'	10.9'	21.8%
Proposed Force Main to Wetlands	50'	-	-	-	30.8'	19.2'	38.4%
Proposed Pump Station to Wetlands	50'	-	-	-	29.6'	20.4'	40.8%
Proposed Septic Tank to Wetlands	50'	-	-	-	39.4'	10.6'	21.2%
Proposed Effluent Sewer to Wetlands	50'				35.6'	14.4'	28.8%
Proposed House Front Yard Setback	100'				15.4'	84.6'	84.6%
Relocated Shed Front Yard Setback	100'				20.5'	79.5'	79.5%

On a motion by Councilperson Packer, seconded by Councilperson Turcotte, Resolution No. 98 of 2023 was **ADOPTED**.

AYE 5 NO 0

Water Rates:

Supervisor Leggett presented modest water rate increases. Chestertown Water District is less than 50 cents a day.

Councilperson Packer asked if all of the new meters were installed. Supervisor Leggett said that about 95% were done in Chestertown and they were going to start Pottersville.

RESOLUTION NO. 99 OF 2023: SET WATER RATES FOR 2023-2024

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

BE IT RESOLVED, the Town Board sets the Water Rates for the Chestertown and Pottersville Water Districts for the period of May 1, 2023 through April 30, 2024 as described in the following chart:

Chestertown Water District				
Code	Description	2022-2023	2023-2024	Yr Diff
1	Base Rate: Metered Residential	\$180	\$183	\$3.00
2	Base Rate: Metered Business	\$180	\$183	\$3.00

3	Base Rate: Metered Outside of District	\$299	\$303	\$4.00
6	Base Rate: Unmetered Inside District	\$289	\$293	\$4.00
8	Base Rate: Unmetered Outside of District	\$497	\$500	\$3.00
20	Base Rate: NWCS for 30,000 gallons	\$725	\$736	\$11.00
10	Flat Rate: Unmetered Special Annual Rate	\$406	\$412	\$6.00
	Rate per 1,000 gallons for Over 30,000 gallons	\$5	\$6	\$1.00
	Swimming Pool Rate (Res #181-2002)	\$300	\$305	\$5.00
13	Hydrant Rental	\$675	\$685	\$10.00
15	Turn On / Turn Off	\$20	\$20	\$0.00
	Connection Charge - Standard Install	\$1,200	\$1,200	\$0.00
16	Replace Water Meter	\$170	\$170	\$0.00
	Tax Rate	0.534	\$0.532	\$0.00
\$185	,000 Property Value = tax of this amount >	\$98.79	\$98.42	-\$0.37
	Base Rate Plus Property Tax: Total Cost/yr	\$277	\$278	\$1.63
	Base Rate Gallons	30000	30,000	\$0.00
260	Chestertown Water District Assessed Value	\$37,460,099	\$37,612,964	\$152,865.00
	Property Tax Value per year	\$20,004	\$20,010	\$6.40

Pottersville Water District				
Code	Description	2022-2023	2023-2024	Yr Diff
17	Base Rate: Metered Residential	\$295	\$296	\$1.00
18	Base Rate: Metered Business	\$295	\$295	\$0.00
4	Base Rate: Metered Outside of District	\$470	\$475	\$5.00
5	Base Rate: Unmetered Inside District	\$400	\$405	\$5.00
14	Base Rate: Unmetered Outside of District	\$600	\$650	\$50.00
10	Flat Rate: Unmetered Special Annual Rate	\$330	\$330	\$0.00
	Rate per 1,000 gallons for Over 30,000 gallons	\$3	\$3	\$0.00
	Swimming Pool Rate (Res #181-2002)	\$300	\$300	\$0.00
12	Hydrant Rental (9 hydrants + 2 dry)	\$130	\$130	\$0.00
15	Turn On / Turn Off	\$20	\$20	\$0.00
7	Connection Charge - Standard Install	\$1,200	\$1,200	\$0.00
16	Replace Water Meter	\$170	\$170	\$0.00
	Tax Rate	\$2.957	\$1.935	-\$1.02
\$185	,000 Property Value = tax of this amount >	\$547.05	\$357.98	-\$189.07
	Base Rate Plus Property Tax: Total Cost/yr	\$842.05	\$652.98	-\$189.07
	Base Rate Gallons	30,000	30,000	\$0.00
113	Pottersville Water District Assessed Value	\$10,114,087	\$10,337,587	\$223,500.00

	Property Tax Revenue per year	\$29,907.36	\$20,003.23	-\$9,904.12
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On a motion by Councilperson Aiken, seconded by Councilperson Packer, Resolution No. 99 of 2023 was **ADOPTED**.

AYE 5 NO 0

RESOLUTION NO. 100 OF 2023: TOWN BOARD HAS NO OBJECTION TO THE APPLICATION OF AN ON-PREMISE ALCOHOLIC BEVERAGE LICENSE FOR DIMUCCI ENTERPRISES, LLC 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 Cioffi, Slezak, Wildgrube P.C. for DiMucci Enterprises, LLC, trade name Black Bear Restaurant, located at 7882 Route 9, Pottersville, NY on June 2, 2023, and

BE IT RESOLVED, the Town Board has no objection to the application of an on-premises alcoholic beverage license for DiMucci Enterprises, LLC, trade name Black Bear Restaurant. On a motion by Councilperson Packer, seconded by Councilperson DuRose, Resolution No. 100 of 2023 was **ADOPTED**.

AYE 5 NO 0

Comprehensive Plan:

Supervisor Leggett commented that almost all the grants that the town applies for ask if the Town has a comprehensive plan.

RESOLUTION NO. 101 OF 2023: AUTHORIZES THE LCLGRPB TO ASSIST IN SUBMISSION OF AN APPLICATION TO THE GRANT PROGRAM TO ASSIST THE TOWN IN DEVELOPING AN UPDATED COMPREHENSIVE PLAN, AND THE TOWN AGREES TO PROVIDE THE REQUIRED 10% LOCAL MATCH CASH CONTRIBUTION

WHEREAS, the Town of Chester (“Town”) realizes the benefits of maintaining an up-to-date comprehensive plan, and

WHEREAS, the Town wishes to update its comprehensive plan, which was last adopted in 2007, and

WHEREAS, the New York State Department of State (“NYSDOS”) has announced the availability of funding to communities wishing to develop and/or update comprehensive plans through the Smart Growth Program Community Planning and Zoning Grant Program (“Grant Program”), and

WHEREAS, through the Grant Program eligible communities may submit applications for projects, not to exceed \$100,000 with 10% match required, and

WHEREAS, the Lake Champlain – Lake George Regional Planning Board (“LCLGRPB”) will prepare an application for the Town and if awarded the LCLGRPB will assist the Town with grant administration and project delivery, and

THEREFORE, BE IT

RESOLVED, that the Town of Chester authorizes the LCLGRPB to assist in submission of an application to the Grant Program to assist the Town in developing an updated Comprehensive Plan, and

RESOLVED, that the Town agrees to provide the required 10% local match cash contribution.

On a motion by Councilperson Packer, seconded by Councilperson DuRose, Resolution No. 101 of 2023 was **ADOPTED**.

AYE 5 NO 0

North Country Ministry:

RESOLUTION NO. 102 OF 2023: AUTHORIZE THE SUPERVISOR TO SIGN AGREEMENT BETWEEN THE TOWN OF CHESTER AND NORTH COUNTRY MINISTRY TO ALLOW A COMMUNITY CASEWORKER TO USE SPACE WITHIN THE TOWN HALL

WHEREAS, North Country Ministry Incorporated has asked for space in the Town Hall for a caseworker to provide assistance to members of the community,

BE IT RESOLVED, the Town Board authorizes the Supervisor to sign an agreement between the Town of Chester and North Country Ministry to allow a community caseworker to use space within the town hall when in a form acceptable to the Attorney for the Town.

On a motion by Councilperson Packer, seconded by Councilperson Aiken, Resolution No. 102 of 2023 was **ADOPTED**.

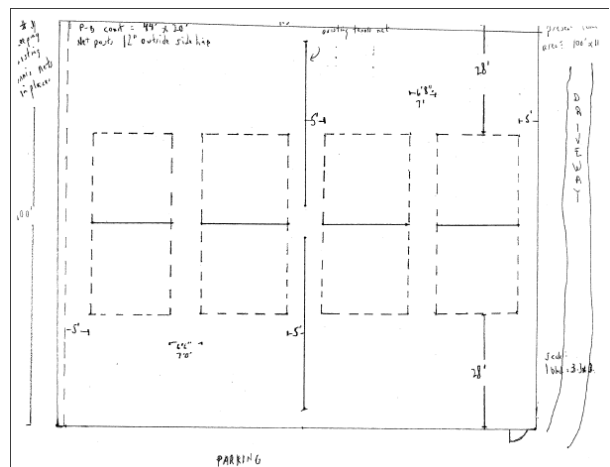
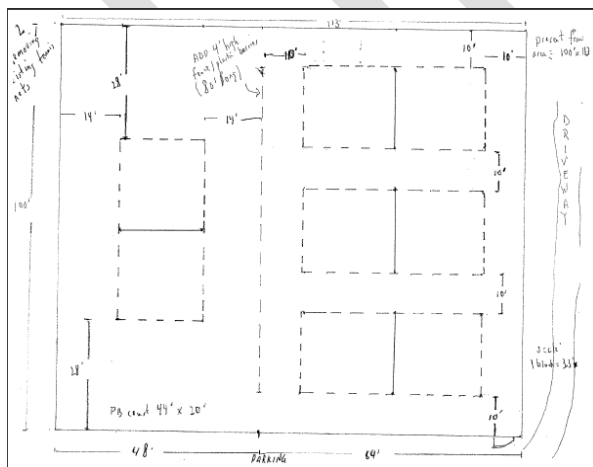
AYE 5 NO 0

Pickleball Courts:

Supervisor Leggett invited Rosemary "Ro" Rounds up to discuss converting the tennis court into four (4) pickleball courts omitting tennis all together. Richard Glo joined Ro.

Ro Rounds showed the following diagrams and commented the court would need to be resurfaced for either version. There is a big call for more pickleball courts, better courts.

Richard Lockwood commented that currently there is only room for two courts and there is a big crack through one court. Pickleball is a growing sport, everyone has seen it on tv. People are looking for pickleball courts at their destination for vacations. Younger people are now getting much more into it. Four courts would be very beneficial to the Town.



Ro Rounds commented that during the summer they are at the school seven (7) days a week because of the four (4) courts. There you can have sixteen (16) people playing at one time and there are still people waiting. She knows that there are two (2) courts on the basketball court at

the Town Hall, but the ground is rough so that also needs to be resurfaced. People can play tennis at the school, the lines at the school are really well marked for tennis, they use chalk to mark pickleball lines at the school. They would rather be at the Town Hall.

Supervisor Leggett asked if with these designs would it mean that tennis has to be give up, we cannot stripe it for tennis courts. Ro Rounds commented that you can stripe the tennis courts, but it would be better to dedicate it to pickleball. Richard Lockwood said that it is easier for the tennis players than pickleball with the multiple lines, it's confusing which line. Richard said it is doable, but it is not ideal. Ro Rounds said that the lines will be going in different directions.

Susan Becker Severn said that as a tennis player she agrees that it can be challenging to have pickleball lines and tennis lines on the same court, but doing away with tennis altogether is a little unfair. She does realize there are tennis courts at the high school, as a single woman of young girls, during the summer when no one is there at school she does not feel safe going to those courts. She agrees that it is a bit of a challenge to accommodate both pickleball and tennis but be if we could come to together and say it is not ideal but at least we are allowing everyone to participate in the sport they favor, she thinks that is a little more fair.

Supervisor Leggett commented that one design would leave the tennis net.

Ro Rounds said Schroon Lake has tennis courts with pickleball on them and Warrensburg will have pickleball and tennis separate, and the tennis courts can be made into pickleball if needed.

Bob Slutsky asked if the property where the trees were removed behind the basketball courts was designated specifically for anything. Supervisor Leggett said that the plan was to get six (6) or seven (7) courts back there for pickleball. We put the mulch on there so it's not bare dirt. Bob Slutsky said he had no idea what budget he had. Supervisor Leggett said zero. Bob Slutsky said that if the proposal still stands you could have tennis courts and pickleball courts. Susan Becker said that she doesn't need ideal or thinks that pickleball players or tennis players need ideal. She thinks for the time when there is no budget, work together. Ro Rounds commented that if you want pickleball tournaments in Town you need courts that are dedicated for pickleball.

Helen Foote said that in her group people come from Schroon Lake because they have the people. They are leaving their town to come here. Ro Rounds commented that Schroon Lake has a big group as well, but they have more courts. We started pickleball eight (8) years ago and Chestertown was the only place to go. Councilperson Aiken asked how many pickleball courts are needed. Ro Rounds replied eight (8) would be ideal, six (6) would be perfect, four (4) would work. In the winter we don't have the volume that we have now, in September people leave. We do not have forty (40) people in the winter. Supervisor Leggett said there was about twenty (20) out here the other day for the two (2) courts.

Supervisor Leggett said that it would be tough to eliminate tennis altogether. Ro Rounds said that if we could get four pickleball courts in the tennis courts with the crack fixed now and then in time resurface the basketball court to get two (2) more courts.

Ruth Joseph asked if there would still be a court to use for basketball.

Councilperson DuRose commented that they need a recreational area.

Bob Foote asked about a potential grant. Deputy Supervisor Eagan said that grant opens in November, and they will put a whole plan together. Bob Foote asked about the cleared section. Deputy Supervisor Eagan said that was cleared for pickleball. Bob Foote asked if it was a dream to get new pickleball courts and a playground. Deputy Supervisor Eagan said that it is not a dream they are going to put it a grant for it, it is just a matter of whether or not they get the grant. Usually there is a match when you put a grant in. The Board makes the decision on whether or not the Deputy Supervisor applies for the grant.

Bob Foote said that portable courts would have to be used for pickleball if they are placed across the tennis courts. Pickleball is going to become one of the biggest attractions.

Ro Rounds said to leave the tennis courts exactly the way there are they would be short footage by the entrance. If the court was expanded by the tree, you could have the two (2) tennis courts and (4) pickleball courts.

Ro Rounds asked if this year the cracks could be filled in. Supervisor Leggett said yes.

Procurement Policy:

RESOLUTION NO. 103 OF 2023: APPROVE CHANGES TO THE TOWN OF CHESTER PROCUREMENT POLICY

WHEREAS, the Town needed to update the Town of Chester Procurement Policy from August 2016 to include Minority- and Women-Owned Business Enterprises (M/WBE) Business Participation, Section 3 Business Participation, and Equal Opportunity Employment (EEO), and **WHEREAS**, the Town Board adopted Local Law No. 3 of 2023 – A Local Law Authorizing the Award of Contracts on the Basis of Best Value,

BE IT RESOLVED, the Town Board approves the changes to the Town of Chester Procurement Policy.

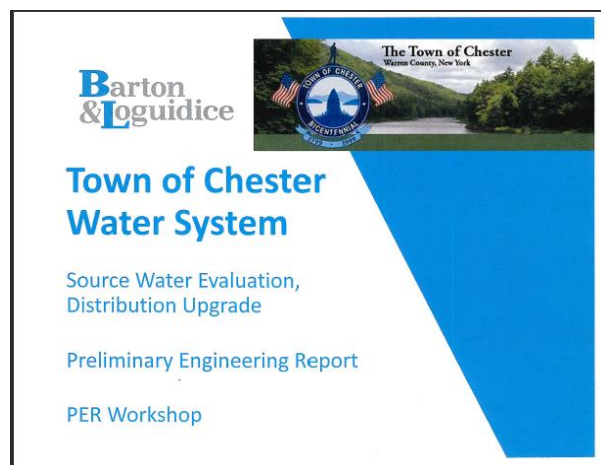
On a motion by Councilperson Turcotte, seconded by Councilperson Aiken, Resolution No. 103 of 2023 was **ADOPTED**.

AYE 5 NO 0

Chestertown Water District:

Supervisor Leggett said that he met with the Deputy Supervisor and Dan Marshall from Barton & Loguidice. This is the time to get things on the intended use plan.

Supervisor Leggett went through the following hand outs:



Presentation Outline

Barton & Loguidice

Review:

- Chester Water Project Needs
- Field Work/Hydrant Testing
- Source Water – New Well
- Water Distribution Upgrades
- Funding Sources
- Funding Scenarios & User Costs
- Anticipated Schedule

Project Need

Barton & Loguidice

- Lack of a redundant water source in a different aquifer poses a significant risk to public health and safety
 - Risks the availability of suitable drinking water for Chester residents
 - Rt 8, Chester Creek
- Lack of a redundant source well that can make max day demand
- Aged and undersized water mains along critical sections of the Town water distribution system
- Limited pressure and fire flow availability partially due to undersized and old water mains
- Aged and inoperable fire hydrants posing an immediate risk to public safety
- Water Storage Tank - cathodic protection condition unknown
- Water System Security – well, tank
- Water System Automation – well control via tank level

Field Work

Barton & Loguidice

- 9 test areas recorded flow & pressure data
- Test Area 5 had inoperative hydrants
- An acceptable residual pressure in the system would be 35 psi
- Flow for Fire Fighting should be 1,000* gpm in some areas and no less than 500 gpm anywhere in the system



Test #	Static Hydrant	Flow Hydrant	Static Pressure (psi)	Residual Pressure (psi)	Flow (gpm)
1	51	F1A	26.9	19.2	740
2	52	F2A	71.0	36.9	730
3	53	F3A	75.2	33.7	490*
4	54	F4A	61.4	26.7	603*
5	55	F5A	—	—	—*
6	56	F6A	71.2	49.7	333*
7	57	F7A	64.4	34.0	393
8	58	F8A	71.0	22.7	564*
9	59	F9A	69.2	24.0	452

Hydrogeological Investigation & Well Site Selection

- The Hamlet sits in a glacial valley home to high capacity sand and gravel aquifers
- Little Tannery Road location shows promise and will be decided upon after a thorough geological investigation
- If other target well locations are needed they will be selected in coordination with Town representatives



New Well Procedure & Cost

Barton & Loguidice

- We anticipate that two test wells will be drilled to about 75'
- Steel casing & screen will be installed, 6" diameter
- Why test wells...
 - Determine subsurface geology and water bearing zones
 - Gather water quality data
 - Obtain preliminary water samples
 - A test well will be required by NYSDEC for long-term pumping tests on the proposed production well anyways
- If a viable groundwater source is identified, a production well will be installed
- The production well will be installed adjacent to the test well with the most favorable geology and water quality

COST: \$1,560,000



Distribution System Upgrades

Barton & Loguidice

- Replace a 6" with an 8" main from Tank to Theriot 8" main – includes controls, replacing cathodic protection and fence at tank **\$1,700,000**
- Route 9 Main from Foster Flats down Little Tannery to Foster Flats **\$2,650,000**
- New 8" main from Route 8/Landon Hill to Route 9 and Theriot (Under Chester Creek – HDD) **\$1,420,000**
(New Well: \$1,560,000)
- Sub Total: \$7,330,000**

More Distribution Work???

Barton & Loguidice

- Existing Well Security/Upgrade
 - Fencing/Building over Well, Well Casing Extension
- Other Water Main Work – Lower Priority
 - Of 23,500' of water main, so far we have covered 4,200' (18%)
 - Church Street, Riverside Drive, Laflure Lane, Knapp Hill Road, Pine Street, Panther Mountain Drive, Austin Street, Foster Flats Road, Little Tannery Road, Vetter Avenue, Spring Street, Theriot Avenue, Landon Hill Road, Mill Street

Additional \$16,720,000

Funding Sources

Barton & Loguidice

- NYSEFC Drinking Water State Revolving Fund (DWSRF)**
 - Hardship Loan → 30-Years at 0% Interest-Rate (this would require a time or \$ investment by Chester)
 - Grant → Up to 60% of \$10 Million of "Net" Project Cost
- USDA Rural Development**
 - Base Grant → \$2,000,000
 - Additional Grant Opportunities to Limit User Cost
- NYSOHC Community Development Block Grant (CDBG)**
 - Public Infrastructure Grant → Up to \$1,000,000
 - Public Infrastructure Grant with Co-funding → Up to \$1,250,000



Other Potential Funding Sources to be Applied for:

- Bipartisan Infrastructure Law
- Congressionally Directed Spending
- Climate Smart Community Opportunity
 - Increase Potential Score on Funding Apps

Project Alternatives

Barton & Loguidice

Water Source Alternatives	Scenario	Estimated Project Cost
-	No Action	\$0
1	New Source Well	\$1,560,000
2	Connect to a Nearby System	Not Evaluated Further

Dist. System Alternatives	Scenario	Estimated Project Cost
-	No Action	\$0
1	High Priority Mains*	\$5,770,000
2	Rehabilitate Existing Pipe	Not Evaluated Further

*High Priority – Route 9, 2 sections (Foster Flat to Little Tannery & Church to Rt. 8), Tank to 8" main on Theriot

Funding Scenarios

Barton & Loguidice

- Potential EFC Hardship Financing: 30 Years at 0% Interest
- ~277 EDUs

Assuming No Grant Funding, 3.3% 30 yr for all costs

Scenario	Estimated Project Cost	Potential Grant Sources			Annual Debt Service	Annual Debt Service per EDU	Monthly Debt Service per EDU
		EFC WSA	USDA RD	QCR CDBG			
New Well	\$1,560,000	\$0	\$0	\$0	\$80,000	\$276.00	\$92.17
High Priority Distribution Improvement	\$5,770,000	\$0	\$0	\$0	\$300,000	\$1,027.00	\$342.59
Low Priority Distribution Improvement	\$16,720,000	\$0	\$0	\$0	\$666,000	\$2,220.36	\$740.70
TOTAL	\$7,330,000	\$0	\$0	\$0	\$386,000	\$1,298	\$435.76

The yellow box indicates a future project, not included in this funding scenario

Assuming "Middle of the Road" Grant Funding, WSA at 60%, remainder 3.3% 30 yr

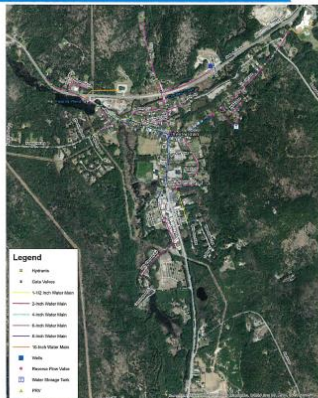
Scenario	Estimated Project Cost	Potential Grant Sources			Project Cost Less Grant	Annual Debt Service	Annual Debt Service per EDU	Monthly Debt Service per EDU
		EFC WSA	USDA RD	QCR CDBG				
TOTAL	\$7,330,000	\$4,398,000	\$0	\$0	\$2,932,000	\$155,100	\$516.38	\$172.13

Assuming "Best Case" Grant Funding, WSA at 60%, USDA/RD at 50%, CDBG at 50%

Scenario	Estimated Project Cost	Potential Grant Sources			Project Cost Less Grant	Annual Debt Service	Annual Debt Service per EDU	Monthly Debt Service per EDU
		EFC WSA	USDA RD	QCR CDBG				
TOTAL	\$7,330,000	\$4,398,000	\$500,000	\$450,000	\$1,982,000	\$105,100	\$349.43	\$116.48

Distribution System - Now

Barton & Loguidice



Schedule

Barton & Loguidice

- Submit Revised PER to EFC/DEC: June 16, 2023
- Complete SEQRA/Bond Resolution: ASAP
- Obtain DWSRF Financing Application: Fall 2023
- Grants Notification: Late 2023
- Grant/Funding Closing: Early 2024
- Design/Bid: Spring/Summer 2024
- Construction - Well: Winter 2024/2025
- Construction - Distribution System: Spring 2025

Funding for the remainder of the system!!!



Councilperson Packer asked about the old well that we used to use. Supervisor Leggett said that the Water Superintendent recommends decommissioning the well altogether. Councilperson Packer said that if that was usable well it would save the Town a lot of money. The Board would like to know more about Well #1.

A lengthy discussion ensued over the various projects, funding, and the cost to users.

RESOLUTION NO. 104 OF 2023: DECLARING THE INTENT OF THE TOWN OF CHESTER TOWN BOARD TO ACT AS LEAD AGENCY

WHEREAS, the Town of Chester (Town) is proposing the Hamlet of Chestertown Water System Improvements Project (Project), located in the Town of Chester, Warren County, New York; and

WHEREAS, the Project has been classified as a “Type I Action” as defined by the State Environmental Quality Review Act (SEQRA) in 6 NYCRR Part 617.4; and

WHEREAS, it is the intent of the Town of Chester Town Board to assume the role of “Lead Agency” for purposes of conducting a SEQRA/SERP assessment of the Project; and

WHEREAS, Part I of a Full Environmental Assessment Form (FEAF) has been completed, reviewed by the Town of Chester Town Board, and will be circulated to all Interested and Involved Agencies for purposes of establishing the Town of Chester Town Board as “Lead Agency” in accordance with 6 NYCRR Part 617.6(b).

NOW, THEREFORE, BE IT

RESOLVED AND DETERMINED, that the Supervisor of the Town of Chester hereby is authorized to sign Part I of the FEAF (page 13); and

IT IS FURTHER RESOLVED AND DETERMINED, that the Town of Chester will send said Part I of the FEAF and associated site figure to the attached list of “Interested and Involved Agencies” under cover of a “Notice of Intent to Establish Lead Agency” letter for purposes of establishing Lead Agency status under the SEQRA/SERP; and

IT IS FURTHER RESOLVED, that the Supervisor of the Town of Chester and the Town Board, together with the Town of Chester Attorney and B&L, are hereby authorized to take all actions, serve all notices, and complete all documents required to give full force and effect to this determination.

On a motion by Councilperson Turcotte, seconded by Councilperson DuRose, Resolution No. 104 of 2023 was **ADOPTED**.

AYE 5 NO 0

RESOLUTION NO. 105 OF 2023: AUTHORIZE THE SUBMISSION OF A NEW YORK STATE WATER INFRASTRUCTURE IMPROVEMENT ACT (WIIA) GRANT APPLICATION, AUTHORIZE SUPERVISOR TO SUBMIT AN APPLICATION ON BEHALF OF THE TOWN FOR GRANT FUNDING UNDER THE NEW YORK STATE WATER INFRASTRUCTURE IMPROVEMENT ACT (WIIA) PROGRAM, AND TO EXECUTE ANY AGREEMENTS, INSTRUMENTS OR OTHER DOCUMENTS IN CONNECTION WITH THE TOWN’S ACCEPTANCE OF ANY SUCH GRANTS AND/OR THE FUNDING

WHEREAS, the Town Board of the Town of Chester duly caused to be prepared a Preliminary Engineer Report (PER) recommending improvements to the Town water district; and

WHEREAS, the Town Board now desires to pursue grant funding for the project under the New York State Water Infrastructure Improvement Act (WIIA) program through the New York State Consolidated Funding Application (CFA); and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Chester, Warren County, New York, authorizes the submission of a New York State Water Infrastructure Improvement Act (WIIA) grant application; and

BE IT FURTHER RESOLVED, that the Supervisor is hereby authorized to submit an application on behalf of the Town for grant funding under the New York State Water Infrastructure Improvement Act (WIIA) Program for a Total Project cost not to exceed 1.7 million dollars, and to execute any agreements, instruments or other documents in connection with the Town’s acceptance of any such grants and/or the funding thereof; and

BE IT FURTHER RESOLVED, that the Supervisor may authorize any required local match with respect to financing or grants awarded to the Town for the Project through the use of cash and/or in-kind services; and

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

On a motion by Councilperson DuRose, seconded by Councilperson Packer, Resolution No. 105 of 2023 was **ADOPTED**.

AYE 5 NO 0

Radio Tower:

RESOLUTION NO. 106 OF 2023: AGREE TO GRANT LIMITED IMMUNITY TO WARREN COUNTY FOR RADIO TOWER PLACEMENT

WHEREAS, Warren County has requested permission to construction of a radio tower and an equipment building on the Chestertown Fire District property;

BE IT RESOLVED, the Town Board agrees to grant limited immunity to Warren County for the construction of a radio tower and an equipment building on the Chestertown Fire District property from all Town of Chester Zoning Local Laws.

On a motion by Councilperson DuRose, seconded by Councilperson Aiken, Resolution No. 106 of 2023 was **ADOPTED**.

AYE 5 NO 0

Senior Center Sign:

RESOLUTION NO. 107 OF 2023: APPROVE TOWN OF CHESTER SENIOR ADULT COMMUNITY CENTER WALL SIGN

WHEREAS, the Town of Chester Senior Adult Community Center would like to erect a sign on the building indicating the presence of a Senior Center inside; and

BE IT RESOLVED, the Town Board approves the Town of Chester Senior Adult Community Center wall sign on the Municipal Center next to the YMCA sign.

On a motion by Councilperson Aiken, seconded by Councilperson Packer, Resolution No. 107 of 2023 was **ADOPTED**.



AYE 5 NO 0

Electronic Kiosk:

RESOLUTION NO. 108 OF 2023: AUTHORIZE APPROPRIATION OF \$3,000 OF OCCUPANCY TAX FUNDS TO NORTH WARREN CHAMBER OF COMMERCE FOR AN ELETRONIC DIRECTORY KIOSK AT THE TANNERY POND CENTER IN PARTNERSHIP WITH THE TOWN OF JOHNSBURG

WHEREAS, North Warren Chamber of Commerce requested \$3,000 of Occupancy Tax funds for an electronic directory kiosk at the Tannery Pond Center in partnership with the Town of Johnsburg,

BE IT RESOLVED, the Town Board authorizes appropriation of \$3,000 of occupancy tax funds to North Warren Chamber of Commerce for an electronic directory kiosk.

On a motion by Councilperson Turcotte, seconded by Councilperson Packer, Resolution No. 108 of 2023 was **ADOPTED**.

AYE 5 NO 0

Fireworks:

RESOLUTION NO. 109 OF 2023: AMEND RESOLUTION NO. 91 OF 2023 TO AUTHORIZE INCREASE OF OCCUPANCY TAX FUNDING FOR FIREWORKS FROM \$7,000 TO \$10,000

WHEREAS, July 8th and 9th are during the prime fireworks week and rates are increased for that time period, in order to have the same display as last year, the cost will be \$10,000,
BE IT RESOLVED, the Town Board authorizes the Supervisor to sign a contract with Northstar Fireworks for the amount of \$10,000 for a display on Saturday, July 8th with a July 9th rain date. On a motion by Councilperson DuRose, seconded by Councilperson Packer, Resolution No. 109 of 2023 was **ADOPTED**.

AYE 5 NO 0

Town of Chester Logo:

Councilperson Packer would like to discuss the new logo.

Supervisor Leggett commented that it is 10:45 pm and we still have to go over the RFPs, can we discuss it at the next meeting. Councilperson Packer said there is not much to discuss, at the last meeting we voted on a new logo without American flags. He does not agree with that.

Councilperson Packer would like to see the logo with the flags reinstated.

Discussion ensued on whether to have a seal and or logo.

Mark Schachner commented that the Town Clerk needs to have a seal to stamp documents, but there is no requirement for towns to have one (1) seal. You could have a bunch or one (1) or none. The seal that the Town Clerk uses does not need to be uniform on all town things.

Supervisor Leggett commented that all of our highway trucks have the old logo (tree).

Councilperson DuRose asked if we could continue the discussion at the next meeting.

The Board agreed.

RESOLUTION NO. 110 OF 2023: ACCEPT ABSTRACT OF AUDITED VOUCHERS AND AUTHORIZES BUDGET AMENDMENTS AND AUTHORIZES PAYMENT

WHEREAS, the vouchers for Abstract No. 6 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.

No. 6 of 2023	
General A	\$82,947.72

Highway DA	\$84,381.40
Library L	\$2,785.79
Loon Lake Park District SP	\$19,493.64
Chestertown Water SW1	\$4,020.48
Pottersville Water SW2	\$6,174.30
Other TA	\$905.62
Total	\$200,708.95

BUDGET AMENDMENTS - JUNE 2023 TOWN BOARD MEETING					
CODE	Budget Adjustment - INCREASE	AMOUNT	CODE	Budget Adjustment - INCREASE	AMOUNT
A2401	Interest Earnings	2891.16	A1110.4	Court Contractual	2891.16
A2401	Interest Earnings	503.22	A3510.4	Dog Control Contractual	503.22
A2401	Interest Earnings	2760	A1220.4	Supervisor Contractual	2760
A2401	Interest Earnings	2003.93	A1330.4	Tax Collection	2003.93
A2401	Interest Earnings	1270.73	A1410.4	Town Clerk Contractual	1270.73
A2401	Interest Earnings	239.97	A1460.4	Records Mngmnt	239.97
A1113	Occupancy Tax	1534	A6410.410	DownHill Derby	1534
A1113	Occupancy Tax	673.75	A6410.497	Fishing Derby	673.75
A1113	Occupancy Tax	1200	A6410.499E	St. Patricks Day	1200
A2705B	Ball Programs	5055	A7310.4	Youth Prog - Rec Contrac	5055
DA2401	Interest Earnings	5335.74	DA9040.8	Workers Compensation	5335.74

CODE	Budget Adjustment - DECREASE	AMOUNT	CODE	Budget Adjustment INCREASE	AMOUNT
A1220.11	Bookkeeper PS	800	A1220.41	Supervisor Computer	800
A1990.4	Contingent	300	A1920.4	Municipal Dues	300
A1990.4	Contingent	2388.48	A1910.4	Unallocated Ins	2388.48
A1990.4	Contingent	2320	A1940.2	Land Purchase	2320
A1990.4	Contingent	1920.94	A7140.21	Beach Equipment	1920.94
A1990.4	Contingent	110.26	A7140.44	Chester Challenge	110.26
A8020.4	Planning Contractual	136	A8020.41	Planning Legal Counsel	136
A7110.12	Boat Wash PS	6000	A9050.8	Unemployment	6000
A9730.7	BAN Interest	71.31	A9730.6	BAN Principal	71.31
A	Fund Balance	21073	A6410.41	Tourism Promotion	21073

SW2-8340.1	Distribution - PS	9203.37	SW2-8310.11	Administration PS Asst	9203.37
SW2	Fund Balance	35000	SW2-8310.4	Administration Contractual	35000
SP7110.1	Boat Wash Attendant	1000	SP7110.41	Park Contractual	1000

On a motion by Councilperson Aiken, seconded by Councilperson DuRose, Resolution No. 110 of 2023 was **ADOPTED**.

AYE 5 NO 0

On a motion by Councilperson Turcotte, seconded by Councilperson DuRose, the Board **entered** executive session to discuss awarding of a contract to a company as per the highway garage and salt shed RFP as per NYS Public Officers Law Section 105 f. the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation at 9:53 pm.

AYE 5 NO 0

On a motion by Councilperson DuRose, seconded by Councilperson Turcotte, the Board **exited** executive session at 10:05 pm.

AYE 5 NO 0

No action taken.

On a motion by Councilperson Aiken, seconded by Councilperson Packer, the meeting adjourned at 10:05 pm.

AYE 5 NO 0

Respectfully submitted,

Town Clerk