



Town Board Regular Meeting October 10, 2023

The Town Board of the Town of Chester convened at the Town of Chester Municipal Center, 6307 State Route 9, Chestertown, New York, at 7:00 pm.

Roll Call:

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

Regular Meeting:

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

Committee Reports:

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

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

- Abstract No.10
- Town Board Minutes for the Regular Meeting September 12, 2023, Special Meeting September 26, 2023 and Special Meeting October 3, 2023
- Zoning Administrator's Activity Report for September 2023
- Planning Board Minutes for September 18, 2023
- Zoning Board of Appeals Minutes for October 2, 2023
- Assessors Report for October 2023
- Town Clerk Monthly Report for September 2023
- Town Court Report dated October 3, 2023
- Communications Report for October 2023
- Youth Commission Report for September 2023
- Animal Control Report for September 2023
- Copy of the Public Notification for Copper Action Level Exceedance for the Pottersville Water District (January – June 2021)

The Clerk also noted that she has been working with Parks and Rec to report streetlight outages.

Town Board Reports:

Councilperson Aiken reported that he attended the two (2) Special Town Board Meetings and conversations with a neighboring landowner to the RV Park about logging and possible expansion.

Councilperson Packer said that he has nothing to report this month.

Councilperson DuRose attended the two (2) Special Town Board Meetings and the Zoning Board Meeting by Zoom. Her and Mike met with the Town Clerk to discuss the water billing procedures so they can start doing an audit on the Town Water. After the rainstorm she toured the Igerna area where there were some issues. She called NYS again concerning the sulfa that has been on the side of the road. They said they would treat it like trash and pick it up.

Councilperson Turcotte reported that he attended the Special Meetings via Zoom, reviewed the budget, and visited the site for septic variances that we are reviewing tonight.

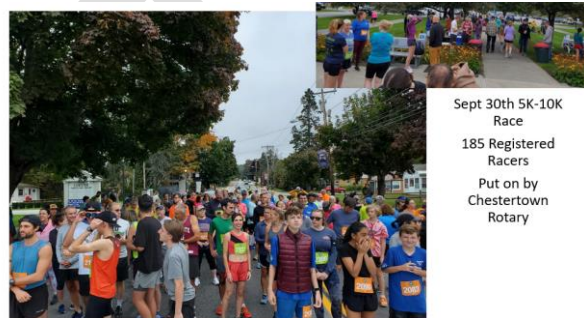
Supervisor's Report:




The Essential Nature of Emergency Medical Services Should be Established in State Law

- The responsibility and accountability for assuring an appropriate EMS response must be assured in every New York community. New York State should require that in every community there be a designated government entity responsible for:
 - ensuring funding for EMS response and readiness and
 - that the EMS service provided meets NYS performance standards;
- Government entities must work with the holders of EMS operating authority within their jurisdictions to incorporate their capabilities into the EMS response system. Government entities must recognize the strengths of existing system partners and consider and address the operational needs of these EMS organizations. This includes currently established not-for-profit, commercial, and municipal ambulance CDN holders.

NYSAC Fall Conference, Sept 14 & 15.



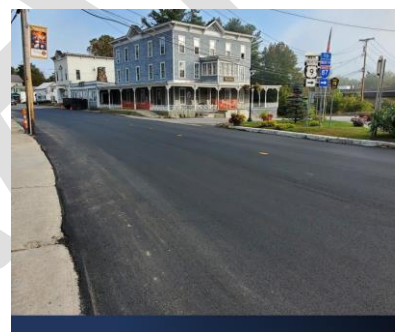
Sept 30th 5K-10K Race
185 Registered Racers
Put on by Chestertown Rotary



Dynamite Hill Warming Hut


Laid out plans with P & R to remake the stairs and to add accessible access to the deck from the upper parking area.

This project has been budgeted and on the books for several year.



CR 19 Intersection Upgrade

After Town buried electric under Olmstedville Road to the Wells House Island and powered the decorative streetlight, Warren County DPW paved the bad section so it is now all smooth and good. Sept 22



NWCS Boys Soccer Season

Soccer Season always brings up the discussion about the trees on Town property. They block the sun (and it gets cold).



The Historical Society in cooperation with the Library hosted frontiersman "Nasty Ned" for a delightful evening of story, natural history, and information. Sept 21st.

Budget Meetings at the County Week of Sept 20th. This is Criminal Justice and Public Safety Committee hearing budget requests from the DA, PD, AC, Probation, OES, and SO.



CR 2 in Thurman. Picture of a new culvert replacement. (Old one collapsed, and road was closed for months).

This may be what DPW will do on CR 19 for the Marshall Brook crossing. They received \$1.5MM in grant to redo it.



Brine machine and tanks at Stony Creek Highway Department. 7 towns and the County DPW are switching to brining roads before snow events. Testimony from the recent Salt Summit says it is a money saver and produces clear roads more quickly.



Congratulations to the Pottersville Fire Department for 75 years of service to our community! Sept 8th. Senator Stec gives a Proclamation.



Thanks to WC Sheriff LaFarr and Officers Bateholts and Ordway for setting up Operation Safe Child ID at the PVFD 75th Celebration. It is one way our SO is engaging the community for their safety.



Sept 7th Rain Storm Aftermath

More than 4 1/2 inches of rain fell in a short period on Saturday, Sept 7th.

Hudson Hollow Road culvert washed out.

Hardscrabble Road suffered damage.

Trout Brook was at high water at the Pottersville Wellhouse.



AATV-CGA Forum Friday Oct 20th @ Gore Mountain

The Adirondack Association of Towns and Villages in cooperation with the Common Ground Alliance are in the planning stages for the Forum next week.

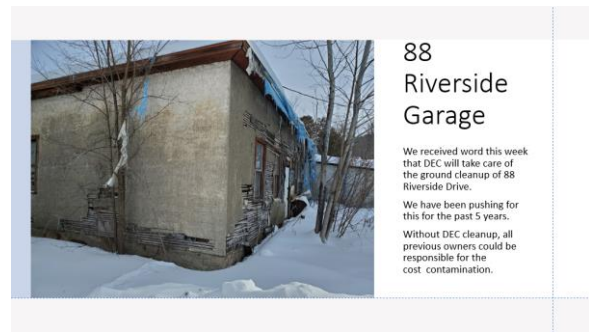
This is an informative event and produces legislative agendas that will benefit our region.

Highway Garage Site Work



Engineers have provided a revised building concept plan. Geotech services are lined up for November. We need to look at the siting of the new garage before we go further.





Loon Lake Dam Update

How much \$ was it for:	Grant Request: \$720,000 Matching Funds: \$180,000 Total Eligible Project Cost: \$900,000
What is the match:	\$180,000 Cash match from Town of Chester
Award announcement:	Unknown until announced by the Governor.
Our timeline:	In years past, we counted on announcements being made in December. However, last year the announcements for WQIP didn't come until March 6 th . Construction Project Plans & Specifications submitted & approved and dam safety permit issued by NYSDEC - September 2021 Project Out to Bid - Dec/Jan 2023-2024 Award Bid - March 2024 Issue Notice to Proceed - April 2024 Construction Start - September 2024 (after labor day construction should take approximately 4-6 months) Construction Substantially Complete - May 2025 Construction Complete - October 2025



Other Items of the Month

- Valley Farm Road was milled. New stone was placed and graveled. We will not chip seal it this year
- We hope to top dress the upper part of Hardscrabble Road and Igerna Road. (but the storm damage may cut back what we do).
- Planters have been picked up
- Boat launch is closed
- Beach is closed and winterized
- Lake Safety Boat is out of the water.

Supervisor's Financial Report for September 2023

By Report 2023						
Fund	8/31/2023	9/30/2023	Month-Month Diff	Sept	2023-2022 Diff	
GENERAL	\$ 1,539,709.29	\$ 1,425,228.96	\$ 114,480.33	\$ 1,450,538.05	\$ 89,171.24	
COAST DEV	\$ -	\$ -	\$ -	\$ -	\$ -	
HIGHWAY	\$ 1,355,776.93	\$ 1,182,794.89	\$ (27,023.96)	\$ 792,289.54	\$ 363,481.39	
LIBRARY	\$ 52,576.53	\$ 47,020.42	\$ 5,556.11	\$ 51,658.09	\$ 918.44	
CEMETERY	\$ 46,700.64	\$ 46,700.64	\$ -	\$ 44,792.47	\$ 1,908.17	
RIVERSIDE FD	\$ -	\$ -	\$ -	\$ -	\$ -	
NORTH CREEK FD	\$ -	\$ -	\$ -	\$ -	\$ -	
CHESTERTOWN FD	\$ -	\$ -	\$ -	\$ -	\$ -	
POTTERSVILLE FD	\$ -	\$ -	\$ -	\$ -	\$ -	
LOON LAKE PD	\$ 131,468.52	\$ 116,307.10	\$ 15,157.42	\$ 189,826.32	\$ 27,658.20	
CTOWN WATER	\$ 493,423.01	\$ 489,548.28	\$ 3,874.73	\$ 390,984.53	\$ 102,428.48	
PVILLE WATER	\$ 70,611.61	\$ 67,341.59	\$ 3,270.02	\$ 11,201.70	\$ 59,409.91	
SCHROON LAKE PD	\$ -	\$ -	\$ -	\$ -	\$ -	
TRUST & AGENCY	\$ 20,000.00	\$ 20,000.00	\$ -	\$ -	\$ 20,000.00	
EMS FUND	\$ -	\$ -	\$ -	\$ -	\$ -	
FLAPCD FUND	\$ 24,450.00	\$ 24,450.00	\$ -	\$ -	\$ 24,450.00	
TOTAL	\$ 3,534,706.53	\$ 3,419,391.88	\$ 115,314.65	\$ 2,845,300.70	\$ 689,405.83	
Year to Year Tracking						
Month of June	2019	2020	2021	2022	2023	2023-2019 Diff
TOTAL CASH	\$ 1,245,530.78	\$ 1,462,616.84	\$ 2,173,769.10	\$ 2,845,300.70	\$ 3,419,391.88	\$ 2,173,861.10



Public Hearings:

Septic Variance Application #SV2023-02 Lakeside at Loon Lake Ent., LLC:

Supervisor Leggett **opened** the public hearing for Septic Variance Application #SV2023-02 Lakeside at Loon Lake Ent., LLC at 7:23 pm.

Bret Winchip, Winchip Engineering, present on behalf of the owners of Lakeside at Loon Lake.

They are removing several substandard wastewater disposal systems and developed two (2) new wastewater disposal beds to handle the effluent. The APA came in and flagged the wetlands. The APA is non-jurisdictional. They used the wetland flags that were adjacent to the brook for the setback, rather than the brook itself for the variances. They have received DOH approval.

Bret Winchip asked if there were any questions.

Supervisor Leggett asked about the slope, but if DOH was fine with it. Bret Winchip said they put a membrane in to prevent the fluid migration without treatment. Supervisor Leggett asked the size. Bret Winchip said that it is 54 inches.

Supervisor Leggett asked about where it gets close to the buildings. Bret Winchip said that the only buildings with a basement are the new building and the one that is labeled “4-bedroom Cabin 1”.

Supervisor Leggett asked if the public had any questions, if the Board had any questions.

Supervisor Leggett **closed** the public hearing for Septic Variance Application #SV2023-02 Lakeside at Loon Lake Ent., LLC at 7:27 pm.

Septic Variance Application #SV2023-03 Carl W. Barlow:

Supervisor Leggett **opened** the public hearing for Septic Variance Application #SV2023-03 Carl W. Barlow at 7:27 pm.

Melissa Currier from C.T. Male Associates was present via Zoom representing the owners for the Barlow Residence. The Applicant received site plan approval last year, they went before the Planning Board and Zoning Board for approval for the change in building size, which has been reduced as a site plan amendment. They are asking for a variance for the wastewater in regard to the existing well to be used. The variances are: 1.) Existing well to proposed septic tank is 37 feet, 2.) Existing well to absorption field is 37 feet and 3.) Existing well to proposed pump chamber is 18 feet. In addition to that the house will include a UV light filter with a particulate sensor to be added to the intake inside of the residence to ensure the incoming water will shut down if any particulate matter is detected. They verified that the depth of the well is 187 feet and the distance to the lake is approximately 215 feet.

Supervisor Leggett asked if anyone from the public wished to speak. Anyone from the Board.

Councilperson Turcotte asked about the note “existing well to be decommissioned,” he assumes that that is the existing well that they intend to use still. Melissa Currier said that is correct, the original site plan intended to have a proposed well and decommission the existing well. They are now asking to just use their existing well. Councilperson Turcotte said the variances are for the existing well for a new expanding wastewater system to serve the addition new bedrooms in the residence. Melissa Currier replied that that was correct. Councilperson Turcotte said that the proposed well is an alternative. Melissa Currier said that it is the only alternative, but it is a financial hardship for the owner, that is why they are asking for the use of their existing well. All of the wells for the adjoining properties have enough setback, it is only on their own property that they are looking for the reliefs.

Supervisor Leggett asked for the UV light to be noted on the plans. Melissa Currier said absolutely.

Councilperson Turcotte commented that his concern was granting a self-created variance when there is a reasonable alternative. Usually when they grant a variance there is no other option, they are usually the absolute minimum, the design is done to do the absolute minimum that is required and here he thinks there is an alternative available. These variances are not necessary because there is an alternative, so it is not the minimum requirement to make this site plan work. If the new well goes in the variances go away and we do not need to grant anything.

Supervisor Leggett asked Melissa Currier if the applicants were saying there is a financial hardship putting in a new well. Melissa Currier said that was her understanding.

Melissa Currier said that the existing septic tank on the property does not comply with the zoning, it is only 21 feet. Supervisor Leggett asked about the distance to the absorption bed. Melissa Currier said the absorption bed will be in the same spot, just with a filled system. Fill was added and seasoned and tested.

Supervisor Leggett **closed** the public hearing for Septic Variance Application #SV2023-03 Carl W. Barlow at 7:34 pm.

Proposed Local Law to Override Tax Levy Limit:

Supervisor Leggett **opened** the public hearing for the proposed Local Law to Override Tax Levy Limit at 7:34 pm.

Supervisor Leggett said right now the tentative budget was \$118 under, but that has not passed yet.

Councilperson Packer asked if the tax cap was 2%. Supervisor Leggett commented that it is more around 3% with all of the mathematical calculations.

Councilperson Packer said if we pass it, it does not mean we have to use it. Supervisor Leggett said that is correct. Councilperson Packer said we do this every year.

Supervisor Leggett asked if there were any comments.

Supervisor Leggett **closed** the public hearing for the proposed Local Law to Override Tax Levy Limit at 7:36 pm.

Privilege of the Floor:

Supervisor Leggett opened Privilege of the Floor at 7:36 pm.

Supervisor Leggett asked if anyone from the public wished to speak.

Carl Barlow asked about the water at the American Legion. Supervisor Leggett said that he has not had an update from the Water Superintendent. Carl Barlow said that it has been months.

Supervisor Leggett asked if he had talked with the Water Superintendent. Carl Barlow said yes, and they agreed to wait until after summer and the Farmers Market. That time has passed, and they still have intermittent water.

Supervisor Leggett said thank you.

Old Business:

Supervisor Leggett **opened** Old Business at 7:38 pm.

Minutes:

RESOLUTION NO. 145 OF 2023: ACCEPT THE MINUTES FROM THE SEPTEMBER 12, 2023 REGULAR TOWN BOARD MEETING, SEPTEMBER 26, 2023 SPECIAL BUDGET WORKSHOP, AND OCTOBER 3, 2023 TENTATIVE BUDGET MEETING

RESOLVED, to accept the minutes from the September 12, 2023 Regular Town Board Meeting, September 26, 2023 Special Budget Workshop, and October 3, 2023 Tentative Budget Meeting as presented.

On a motion by Councilperson Aiken, seconded by Councilperson DuRose, Resolution No. 145 of 2023 was **ADOPTED**.

AYE 5 NO 0

Highway Garage:

Supervisor Leggett commented that we have not received any Clerk of the Works and asked the Town Clerk to advertise again.

Grant Updates:

- Loon Lake Dam Grant and Rehabilitation Project
- Chestertown Water District Grant Application
- Environmental Protection Fund Grant Program for Parks, Recreation and Historic Preservation CFA (Consolidated Funding Application) Application #129230 (Recreation)

Zoning Enforcement:

Supervisor Leggett said that 170 Stone Bridge Road was cleaned up and will be on the Warren County tax auction and the new owners will pay the bill.

RESOLUTION NO. 146 OF 2023: AUTHORIZE ALL ACTION NECESSARY TO ATTACH THE COST OF CLEAN-UP (\$1,650) AND DISPOSAL OF RUBBISH (\$2,100) FOR A TOTAL COST OF \$3,750 ASSOCIATED WITH 170 STONE BRIDGE ROAD TO THAT PROPERTY'S 2024 PROPERTY TAX BILL

WHEREAS, the Town took action pursuant to the Property Maintenance Local Law and removed a signification amount of rubbish from 170 Stone Bridge Road, and

WHEREAS, a contractor was hired to do the work and the rubbish was taken to the Town of Chester Transfer Station for disposal,

BE IT RESOLVED, that Pursuant to the Town's Property Maintenance Local Law, the Town Board authorizes all action necessary to attach the cost of clean-up (\$1,650) and disposal of rubbish (\$2,100) for a total cost of \$3,750 associated with 170 Stone Bridge Road to that property's 2024 Property Tax Bill.

On a motion by Councilperson Turcotte, seconded by Councilperson Aiken, Resolution No. 146 of 2023 was **ADOPTED**.

AYE 5 NO 0

Municipal Center:

Deputy Supervisor commented that Small Tales just heard from the State and they are ready to go.

Septic Variance Application #SV2023-02 Lakeside at Loon Lake Ent., LLC:

Supervisor Leggett asked if there was any further discussion.

**RESOLUTION NO. 147 OF 2023: APPROVE SEPTIC VARIANCE APPLICATION
#SV2023-02 AN ON-SITE WASTEWATER TREATMENT SYSTEM FOR
PROPERTY LOCATED AT 5420 STATE ROUTE 8, IDENTIFIED BY TAX MAP
PARCEL #: 103.-1-19**

WHEREAS, the Town Board acting as the Local Board of Health has received a completed application and has held a public hearing on October 10, 2023 regarding Septic Variance Application #SV2023-02 for Lakeside at Loon Lake Ent., LLC State Route 8, identified by Tax Map #: 103.-1-19, 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 Lakeside at Loon Lake Ent., LLC State Route 8, identified by Tax Map #: 103.-1-19 as designed and presented by Bret Winchip, Winchip Engineering PC (Site Plan and Details dated 06-08-23 and last revised 08-28-23) 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 SV2023-02 Lakeside at Loon Lake Ent., LLC

Setback	Required Distance	Existing Distance	Existing Non-Conformity		Proposed Distance	Proposed Variance	
			Distance	Percent		Distance	Percent
Proposed House Sewer to Cabin 2	10'	-	-	-	2.0'	8.0'	80.0%
Proposed Septic Tank to Cabin 2	10'	-	-	-	2.9'	7.1'	71.0%
Proposed Effluent Sewer to Stream Wetlands	50'	-	-	-	47.6'	2.4'	4.8%
Proposed Force Main to Cabin 2	10'	-	-	-	3.9'	6.1'	61.0%
Proposed Force Main to Cabin 3	10'	-	-	-	4.9'	5.1'	51.0%
Proposed Effluent Sewer to Cabin 3	10'	-	-	-	9.0'	1.0'	10.0%
Proposed Absorption Bed 2 to Cabin 3	20'	-	-	-	10.6'	9.4'	47.0%
Proposed House Sewer to Cabin 3	10'	-	-	-	2.5'	7.5'	75.0%
Proposed House Sewer to Existing Drilled Well	50'	-	-	-	20.0'	30.0'	60.0%
Proposed Absorption Bed 1 to Stream Wetlands	100'	-	-	-	31.8'	68.2'	68.2%
Proposed Absorption Bed 2 to Stream Wetlands	100'	-	-	-	39.8'	60.2'	60.2%
Proposed Absorption Bed 1 to Top of Bank	50'	-	-	-	17.5'	32.5'	65.0%
Proposed Absorption Bed 2 to Top of Bank	50'	-	-	-	26.1'	23.9'	47.8%

On a motion by Councilperson DuRose, seconded by Councilperson Packer, Resolution No. 147 of 2023 was **ADOPTED**.

AYE 5 NO 0

Septic Variance Application #SV2023-03 Carl W. Barlow:

Bret Winchip commented that C.T. Male Associates used his plans to markup with his permission. The septic remained the same, the only change was the building size.

Councilperson Turcotte thinks there is an alternative.

Councilperson DuRose said this is where it gets tricky. She is not an expert in this field, and we have a Board Member who is more knowledgeable and sometimes she feels that she is being asked to make a decision on something that really is she qualified to do. Supervisor Leggett said that you always have the ability to ask questions.

Councilperson Aiken asked how deep the existing well was. Melissa Currier said 187 feet. Councilperson Aiken commented that a new well could be shallower. Councilperson Turcotte said that it would be further away from the wastewater components that we are trying to avoid and if the well is greater than 50 feet then it is not a shallow well by design depth. Classically

with a variance you have to show extenuating circumstances and you have to show that you don't have any real alternatives and that is why they end up in front of the Board. As a Board that is what we are supposed to look at; is there an alternative, is it justified, is there no alternative, is the variance that we are giving out the absolute bare minimum, there is nothing that can be done better. That is how we are supposed to look at these applications that come in front of us. Most of the time that is what we get in front of us, 99% of the time, because we have these preexisting sites and all these design constraints, because these lots are old and designed years ago, but this is a case where there is an alternative. If they drill a new well, they do not need us. This usually does not happen to us where someone comes in out of convenience and not out of necessity. They don't absolutely need this, there is another path to do this project to get what they want without a variance, and it is by drilling a well that is already on their site plan that they have already considered. Councilperson Turcotte said that he just wanted to bring that up for their own discussion and consideration. There are five of them and in the grand scheme of looking at a variance holistically, is it the absolute minimum. That is how he looks at variances. Is it the absolute minimum, is there an alternative. If the answer is no, then they grant the variance.

Supervisor Leggett commented that this has come up in front of the Zoning Board before and there is a bit of a grey area. Supervisor Leggett said he would be in favor of this.

Councilperson DuRose asked if they had a couple of estimates on a new well done. Carl Barlow replied \$20,000 plus. Also, the field is going to be further away than it is now, and they are going to put a higher end filter on that there is now.

Attorney for the Town, Mark Schachner, said that the draft motion included two provisions that the Board should think carefully about because Councilperson Turcotte has recited very appropriately the standards for granting a variance in general including a septic variance. The draft motion includes criteria that is specifically in Local Town Wastewater Treatment Law and two of those provisions are 1.) "strict application would result in unnecessary hardship that would deprive the owner of the reasonable use of the land involved." This language is in our code and is required to be a finding if you approve the application. 2.) "this would be the minimum variance which would alleviate the specific unnecessary hardship". He thinks the Board needs to be careful if adopting the resolution to make that statement fit with the facts. Those are required findings under the Local Code.

Supervisor Leggett read the following finding from the draft resolution:

- 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 Carl W. Barlow, 76-70 Clarkson Road, identified by Tax Map #: 86.19-1-2 as designed and presented by Melissa Currier, C.T. Male Associates (Site Plan dated 09-14-2023) 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;

Supervisor Leggett said they have several choices: 1.) Adopt as written 2.) Adopt with modification or 3.) Deny. They have heard from Council that as it is written now it could provide some problems.

Supervisor Leggett asked what was the Board's pleasure? What is the reasonable use of such land and creating hardship. Zoning uses self-created. Mark Schachner said that self-created is used for Zoning. Supervisor Leggett said that they are expanding the footprint of the house, so up until now they have had reasonable use of such land. Councilperson Aiken commented that reasonable is a big word if you start picking it apart and so is hardship. Melissa Currier commented that the current septic did not comply, but the proposed does comply with all of the adjoining properties and waterways. The variance is only on themselves, not the public. Kelly Barlow commented that their family has grown. There are now four (4) children and two (2) adults in a two (2) bedroom house. Supervisor Leggett commented that that is the reason for the expansion.

Supervisor Leggett asked if the Board would be comfortable if the findings were modified in a particular way? Councilperson Aiken said he would be ready to approve it as is.

**RESOLUTION NO. 148 OF 2023: APPROVE SEPTIC VARIANCE APPLICATION
#SV2023-03 AN ON-SITE WASTEWATER TREATMENT SYSTEM FOR
PROPERTY LOCATED AT 76-70 CLARKSON ROAD, IDENTIFIED BY TAX MAP
PARCEL #: 86.19-1-2**

WHEREAS, the Town Board acting as the Local Board of Health has received a completed application and has held a public hearing on October 10, 2023 regarding Septic Variance Application #SV2023-03 for Carl W. Barlow, 76-70 Clarkson Road, identified by Tax Map #: 86.19-1-2, 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:

- b. 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;
- c. 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;

d. 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;

e. The on-site wastewater treatment system for Carl W. Barlow, 76-70 Clarkson Road, identified by Tax Map #: 86.19-1-2 as designed and presented by Melissa Currier, C.T. Male Associates (Site Plan dated 09-14-2023) 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 SV2023-03 Carl Barlow							
Setback	Required Distance	Existing Distance	Existing Non-Conformity		Proposed Distance	Proposed Variance	
			Distance	Percent		Distance	Percent
Existing Well to Proposed Septic Tank	50'	21'±	29'±	58%±	13'	37'	74%±
Existing Well to Absorption Field	100'	94'±	6'±	6%±	63'	37'	13.7%±
Existing Well to Proposed Pump Chamber	50'	-	-	-	32'	18'	36%±

On a motion by Councilperson Aiken, seconded by Councilperson DuRose, Resolution No. 148 of 2023 was **ADOPTED**.

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

2024 Budget:

RESOLUTION NO. 149 OF 2023: ADOPT LOCAL LAW NO. 6 OF 2023 A LOCAL LAW TO OVERRIDE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW §3-C FOR FISCAL YEAR 2024

WHEREAS, a public hearing has been held October 10, 2023 for proposed a Local Law that would allow the Town to override the tax levy limit set for the Town by New York State, and **WHEREAS**, the Town Board has reviewed the Tentative Budget and foresees the potential need to override the tax levy limit set for the Town,

BE IT RESOLVED, the Town Board hereby adopts Local Law No. 6 of 2023 A Local Law to Override Tax Levy Limit Established in General Municipal Law §3-C for Fiscal Year 2024.

A LOCAL LAW TO OVERRIDE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW §3-C FOR FISCAL YEAR 2024

1. **Legislative Intent and Need** - It is the intent of this Local Law to override the limit on the amount of real property taxes that may be levied by the Town of Chester pursuant to New

York General Municipal Law Section 3-c, and to allow the Chester Town Board to adopt a budget for fiscal year 2024 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law Section 3-c.

2. **Authority** - This Local Law is adopted pursuant to subdivision 5 of General Municipal Law Section 3-c, which expressly authorizes the Town Board to override the tax levy limit by the adoption of a Local Law approved by a vote of sixty percent (60%) of the total voting power of the Town Board.

3. **Tax Levy Limit Override and Budget Authorization** - The Town Board hereby overrides the tax levy limit under New York General Municipal Law Section 3-c for the Town of Chester for fiscal year 2024 and authorizes the Chester Town Board, after completing all required procedures for the adoption of a budget, to adopt a budget for fiscal year 2024 that requires a tax levy that is greater than the tax levy limit calculated for 2024 pursuant to General Municipal Law Section 3-c.

4. **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.

5. **Effective Date** - This Local Law shall take effect immediately upon filing in the Office of the Secretary of State and shall apply only to the Town's budget for fiscal year 2024.

On a motion by Councilperson Aiken, seconded by Councilperson DuRose, Resolution No. 149 of 2023 was **ADOPTED**.

AYE 5 NO 0

RESOLUTION NO. 150 OF 2023: ACCEPT THE BUDGET PRESENTED AT THE OCTOBER 10, 2023 MEETING AS THE PRELIMINARY BUDGET AND SET PUBLIC HEARING FOR THE PRELIMINARY BUDGET AT THE TOWN BOARD MEETING ON THURSDAY, NOVEMBER 9, 2023 AT 7:00 PM AT THE TOWN HALL

WHEREAS, a Public Hearing on the Preliminary Budget must be held no later than the Thursday following Election Day,

BE IT RESOLVED, the Town Board accepts the budget presented at the October 10, 2023 meeting as the Preliminary Budget, and

BE IT FURTHER RESOLVED, the Town Board will hold a Public Hearing on the Preliminary Budget at the Town Board Meeting on Thursday, November 9, 2023 at 7:00 pm at the Town Hall.

On a motion by Councilperson Turcotte, seconded by Councilperson Packer, Resolution No. 150 of 2023 was **ADOPTED**.

AYE 5 NO 0

225th Anniversary of the Town:

RESOLUTION NO. 151 OF 2023: SET JULY 13 AND 14, 2024 FOR THE CELEBRATION 225TH ANNIVERSARY OF THE TOWN

WHEREAS, the Town Board in cooperation with the Town of Chester Historical Society has discussed preliminary programs for the 225th Anniversary of the Town of Chester, and

WHEREAS, there will be various events and activities planned to celebrate the occasion,

BE IT RESOLVED, the Town Board sets Saturday, July 13 and 14, 2024 as the date for the celebration of the 225th Anniversary of the Town, and

BE IT FURTHER RESOLVED, the Town will provide fireworks on the evening of Saturday, July 13th and sets a rain date of Sunday, July 14th, 2024.

On a motion by Councilperson DuRose, seconded by Councilperson Aiken, Resolution No. 151 of 2023 was **ADOPTED**.

AYE 5 NO 0

Discuss Alternate Energy Supply:

Supervisor Leggett commented that when he was at the conference he spoke with the vendor and is waiting for a break down of the projected cost.

New Business:

Supervisor Leggett started New Business at 8:10 pm.

Priory Property:

Supervisor Leggett said that he spoke with our trail coordinator, Dan Smith, and he is optimistic about this property and its trail capacity. Especially if we could get trail linkage from that property to the State land to get over to Palmer Pond. We can offer great outdoor opportunities for the community.

Councilperson Turcotte asked if we could get title insurance for the property.

**RESOLUTION NO. 152 OF 2023: AUTHORIZE PURCHASE OF PROPERTY
LOCATED AT 135 PRIORY ROAD, TAX MAP ID # 103.-1-55**

WHEREAS, the Priory of St. Benedict Inc. owns property located at 135 Priory Road in the Town of Chester, Tax Map ID # 103.-1-55 (the “Property”), and

WHEREAS, the Priory of St. Benedict would like to sell the Property to the Town, and

WHEREAS, the Town Board would like to purchase the Property, and

WHEREAS, the Town desires to enter into a contract for the sale of the Property to the Town;

NOW THEREFORE BE IT

RESOLVED, that the Town Board authorizes purchase of the Property for \$20,000 which is at or below market value, plus all ordinary and necessary closing costs associated with such exchange including but not limited to payment of recording costs and title insurance, as well as all surveying and application costs; and be it further

RESOLVED, that pursuant to the requirements of the New York State Attorney General’s Office the deed shall contain a clause which prohibits the sale of the Property to any party other than the Town without prior notice to and approval from the New York State Attorney General’s Office; and be it further

RESOLVED, that the contract shall be in a form acceptable to the Town Supervisor and Town Counsel; and be it further

RESOLVED, that the Town Board hereby authorizes the Town Supervisor, Town Clerk and Town Counsel to take any and all actions necessary to effectuate purchase of the Property, including but not limited to the Supervisor executing an appropriate contract consistent with this Resolution and signing any necessary real property forms and title insurance forms.

On a motion by Councilperson Aiken, seconded by Councilperson Aiken, Resolution No. 152 of 2023 was **ADOPTED**.

Councilperson Aiken	AYE
Councilperson Packer	NO

Councilperson DuRose	AYE
Councilperson Turcotte	AYE
Supervisor Leggett	AYE

Hardwood Pellet and Fuel Bids:

RESOLUTION NO. 153 OF 2023: AUTHORIZE THE TOWN CLERK TO ADVERTISE FOR WOOD PELLETS AND FOR SALE AND DELIVERY OF #2 FUEL OIL, DIESEL FUEL AND KEROSENE FOR 2024

WHEREAS, each year the Town Clerk advertises for bulk wood pellets and for sale and delivery of #2 fuel oil, diesel fuel and kerosene,

BE IT RESOLVED, the Town Board authorizes the Town Clerk to advertise in the Post Star Newspaper and directly to dealers for wood pellets bids and for bids for sale and delivery of #2 fuel oil, diesel fuel and kerosene for 2024 and for bids to be opened on Tuesday, November 14, 2023, at 12 pm, noon.

On a motion by Councilperson DuRose, seconded by Councilperson Aiken, Resolution No. 153 of 2023 was **ADOPTED**.

AYE 5 NO 0

BTI Bids:

Supervisor Leggett asked the Board if they would like to advertise for a one (1) or three (3) year bid. The Board agreed to advertise for one (1) year.

RESOLUTION NO. 154 OF 2023: AUTHORIZE CLERK TO ADVERTISE FOR BIDS FOR BTI PROGRAM FOR 2024

WHEREAS, the Town of Chester awarded a 1-year contract for control of black flies in certain areas of the Town, and

BE IT RESOLVED, the Town Clerk is authorized to advertise for bids for a 1-year contract for black fly control in all areas identified with the previous contract, and for bids to be opened on Tuesday, November 14, 2024, at 12 pm, noon.

On a motion by Councilperson Packer, seconded by Councilperson Turcotte, Resolution No. 154 of 2023 was **ADOPTED**.

AYE 5 NO 0

North Warren Central School Yearbook:

RESOLUTION NO. 155 OF 2023: AGREE TO TAKE A HALF PAGE AD IN THE YEARBOOK

WHEREAS, the Town of Chester received a letter from the North Warren Yearbook Committee looking to see if the Town of Chester would like to take an ad out in the 2024 NWCS yearbook, and

WHEREAS, in the past the Town has taken out an ad congratulating the Seniors Class,

BE IT RESOLVED, the Town Board agrees to take a half page ad in the yearbook, costing \$140.00 from A1010.4.

On a motion by Councilperson DuRose, seconded by Councilperson Aiken, Resolution No. 155 of 2023 was **ADOPTED**.

AYE 5 NO 0

Women in Business Month:

RESOLUTION NO. 156 OF 2023: APPROVE THE CLOSING OF PINE STREET FROM THE INTERSECTION WITH MAIN STREET UP TO THE MCDERMOTT FUNERAL HOME ON FRIDAY, OCTOBER 13, 2023 FROM 3:30 PM TO 7 PM

WHEREAS, October is Women in Business Month, and

WHEREAS, activities are planned by local women-owned businesses and the North Warren Chamber of Commerce throughout the month, and

WHEREAS, certain businesses on Main Street Chestertown are hosting a “block party” and request permission to close Pine Street for the event,

BE IT RESOLVED, the Town Board approves the closing of Pine Street from the intersection with Main Street up to the McDermott Funeral Home on Friday, October 13, 2023 from 3:30 pm to 7 pm, and

BE IT FURTHER RESOLVED, the Town Board authorizes the Highway and Department and Parks and Recreation Department to assist with traffic control barriers and other safety measures as needed.

On a motion by Councilperson Aiken, seconded by Councilperson DuRose, Resolution No. 156 of 2023 was **ADOPTED**.

AYE 5 NO 0

RESOLUTION NO. 157 OF 2023: APPROVE THE OCCUPANCY TAX FUND REQUEST IN THE AMOUNT OF \$500 FOR WOMEN OWENED BUSINESS MONTH, OCTOBER 2023

WHEREAS, October is Women in Business Month, and

WHEREAS, a “block party” is planned for October 13, 2023,

BE IT RESOLVED, the Town Board approves the Occupancy Tax Fund request in the amount of \$500.00 for Women in Business Month, October 2023.

On a motion by Councilperson Turcotte, seconded by Councilperson Aiken, Resolution No. 157 of 2023 was **ADOPTED**.

AYE 5 NO 0

Abstract and Budget:

RESOLUTION NO. 158 OF 2023: ACCEPT ABSTRACT OF AUDITED VOUCHERS AND AUTHORIZES BUDGET AMENDMENTS AND AUTHORIZES PAYMENT

WHEREAS, the vouchers for Abstract No. 10 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.

CODE	Budget Adjustment - INCREASE	AMOUNT	CODE	Budget Adjustment - INCREASE	AMOUNT
A1620.2	Town Municipal CTR Capital Outlay	5,561.88	A2401	Interest Earnings	5,561.88

A7310.4	Youth Recreation Contractual	1,419.28	A2012	Concession Revenue	1,419.28
A8160.4	Refuse & Garbage Contractual	11,000.00	A2401	Interest Earnings	11,000.00
DA5680.4	Beaver Removal	950.08	DA2401	Interest Earnings	950.08
SW1-8340.1	Distribution PS	1,500.00	SW1-2401	Interest Earnings	1,500.00

CODE	Budget Adjustment - DECREASE	AMOUNT	CODE	Budget Adjustment - INCREASE	AMOUNT
A3120.41	Lake Constable Contractual	592.80	A3120.11	Lake Constable PS	592.80
A7140.2	Dynamite Hill Equipment	1,600.00	A1990.4	Contingent Account	1,600.00
A7140.41	Beach Contractual	1,300.00	A5410.2	Sidewalks Equipment	1,300.00
A8010.4	Zoning Contractual	1,800.00	A8010.111	Zoning ZCEO PS	1,800.00
A8810.1	Cemeteries PS	4,000.00	A5410.1	Sidewalks PS	4,000.00
SP7110.4	Loon Lake Milfoil Abatement	4,100.00	SP7110.1	Loon Lake Boat Wash Atten	4,100.00
SW2-8310.11	PS Assistant	2,000.00	SW2-8340.4	Distribution Contractual	2,000.00

No. 10 of 2023	
General A	73,533.42
Highway DA	100,352.79
Library L	1,661.74
Loon Lake Park District SP	215.73
Chestertown Water SW1	7,299.31
Pottersville Water SW2	3,885.43
Other TA	1,537.32
Total	\$188,485.74

On a motion by Councilperson Packer, seconded by Councilperson DuRose, Resolution No. 158 of 2023 was **ADOPTED**.

AYE 5 NO 0

On a motion by Councilperson Turcotte, seconded by Councilperson DuRose, the meeting adjourned at 8:23 pm.

AYE 5 NO 0

Respectfully submitted,

Town Clerk