

Town of Chester Town Board
AGENDA
October 11, 2022 – 7:00 PM
Meeting Room - Town of Chester Municipal Center, 6307 State Rte. 9, Chestertown

Zoom details:

<https://us02web.zoom.us/j/83433395517?pwd=R1ZOWWIPTUpLWWINTXBDRWxInk5NQOT09>

Meeting ID: 834 3339 5517

Passcode: 458784

One tap mobile +16465588656,,83433395517# US (New York)

Call to Order

- Pledge of Allegiance: led by Councilwoman Packer

Acceptance of Minutes

- September 13, 2022, Regular Town Board Meeting and October 4, 2022, Tentative Budget Meeting

Committee Reports

- Town Clerk, Town Board, Highway Superintendent, P&R Foreman, Supervisor

Public Hearing

- Septic Variance #2022-07 for Devaney
- Proposed Local Law overriding Tax Cap

Privilege of the Floor for Old & New Business Items

Old Business

1. Act on Septic Variance #2022-07 for Devaney
2. Act on proposed Local Law overriding Tax Cap
3. Discuss request for Town to obtain Carl Turner Rd from NYSDOT- Tabled at request from Thomas and Darlene Luciano
4. Looni/Wen Variance (tabled at request of applicant on September 13,2022)

New Business

5. Set date for Public Hearing for the Preliminary Budget
6. Size ad for the North Warren Yearbook
7. Authorize Clerk to advertise for BTI bids for 2023
8. Authorize Clerk to advertise for Pellets and Fuel for 2023
9. Authorize Supervisor to attend AOT&V
10. Discussion on which Board Members will be attending AOT. Decision needs to be made before November 2023.
11. Action on Health Insurance plans and reimbursements
12. Letter of intent to purchase tandem dump truck with plow and box
13. Advertise for a clerk for the Planning and Zoning Boards
14. Approval of Abstract of Claims, Budget Adjustments and Budget Amendments
15. Executive session to discuss acquisition of property

1. APPROVE SEPTIC VARIANCE APPLICATION #SV2022-07 FOR A REPLACEMENT SEPTIC WASTEWATER TREATMENT SYSTEM. PROPERTY IS LOCATED AT 104 JONES ROAD, IDENTIFIED BY TAX MAP PARCEL #: 86.10-1-59

WHEREAS, the Town Board acting as the Local Board of Health has received a completed application and has held a public hearing on October 11, 2022 regarding the Septic Variance #SV2022-07 for Christopher Devaney, 104 Jones Road, identified by Tax Map Parcel #: 86.10-1-59, 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 septic wastewater system for a, identified by Tax Map #: 86.10-1-59 as designed and presented by Bret Winchip, Winchip Engineering PC (Site Plan dated 08-08-2022) 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 the following variances listed in the table below:

Devaney SV2022-07							
Setback	Required Distance	Existing Distance	Existing Non-Conformity		Proposed Distance	Proposed Variance	
			Distance	Percent		Distance	Percent

Existing Septic Tank to Residence	10'	1.9'±	8.1'±	81.0%±	-	-	-
Existing Seepage Pit to Residence	20'	6.6'±	13.4'±	67.0%±	-	-	-
Existing Seepage Pit to Drilled Well	150'	74.7'±	75.3'±	50.2%±	-	-	-
Existing Seepage Pit to Neighboring Drilled Well A	150'	82.0'±	68.0'±	45.3%±	-	-	-
Existing Seepage Pit to Neighboring Drilled Well B	150'	102.6'±	47.4'±	31.6%±	-	-	-
Existing Seepage Pit to Water Supply Line	10'	0'	10'±	100.0%±	-	-	-
Existing Septic Tank to Water Supply Line	10'	7.9'±	2.1'±	21.0%±	-	-	-
Existing Effluent Sewer to Residence	10'	3.7'±	6.3'±	63.0%±	-	-	-
Existing Effluent Sewer to Water Supply Line	10'	7.9'±	2.1'±	21.0%±	-	-	-
Proposed Wastewater Absorption Bed to Property Line	10'	-	-	-	1.1'	8.9'	89.0%
Proposed Pump Chamber to Property Line	10'	-	-	-	6.3'	3.7'	37.0%
Proposed Septic Tank to Property Line	10'	-	-	-	5.5'	4.5'	45.0%
Proposed Force Main to Property Line	10'	-	-	-	8.4'	1.6'	16.0%
Proposed Effluent Line to Property Line	10'	-	-	-	8.3'	1.7'	17.0%
Proposed Wastewater Absorption Bed to Residence	20'	-	-	-	1.1'	18.9'	94.5%
Proposed Pump Chamber to Residence	10'	-	-	-	3.1'	6.9'	69.0%
Proposed Septic Tank to Residence	10'	-	-	-	1.8'	8.2'	82.0%
Proposed Force Main to Residence	10'	-	-	-	6.2'	3.8'	38.0%
Proposed Effluent Line to Residence	10'	-	-	-	4.9'	5.1'	51.0%
Proposed Wastewater Absorption Bed to Drilled Well	100'	-	-	-	64.2'	35.8'	35.8%

Proposed Wastewater Absorption Bed to Neighboring Drilled Well A	100'	-	-	-	74.2'	25.8'	25.8%
Proposed Wastewater Absorption Bed to Water Supply Line	10'	-	-	-	5.9'	4.1'	41.0%
Proposed Distribution Box to Residence	20'	-	-	-	8.0'	12.0'	
Proposed Distribution Box to Property Line	10'	-	-	-	7.9'	2.1'	21.0%
Proposed Distribution Box to Drilled Well	10'	-	-	-	91.8'	8.2'	8.20%

2. ADOPT LOCAL LAW NO. 1 OF 2022 A LOCAL LAW TO OVERRIDE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW §3-C FOR FISCAL YEAR 2023

WHEREAS, a public hearing has been held October 11, 2022 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. 1 of 2022 A Local Law to Override Tax Levy Limit Established in General Municipal Law §3-C for Fiscal Year 2023.

A LOCAL LAW TO OVERRIDE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW §3-C FOR FISCAL YEAR 2023

- 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 2021 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law Section 3-c.
- 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.
- 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 2023 and authorizes the Chester Town Board, after completing all required procedures for the adoption of a budget, to adopt a budget for fiscal year 2023 that requires a tax levy that is greater than the tax levy limit calculated for 2023 pursuant to General Municipal Law Section 3-c.
- 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.
- 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 2023.

5. ACCEPT THE TENTATIVE BUDGET WITH PROPOSED CHANGES AS THE PRELIMINARY BUDGET AND SET PUBLIC HEARING FOR THE PRELIMINARY BUDGET AT A SPECIAL TOWN BOARD MEETING ON TUESDAY, NOVEMBER 8, 2022 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 will hold a Public Hearing on the Preliminary Budget at a Special Town Board Meeting on Tuesday, November 8, 2022 at 7:00 pm at the Town Hall.

6. 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 2023 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.

7. AUTHORIZE CLERK TO ADVERTISE FOR BIDS FOR BTI PROGRAM FOR 2023

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 8, 2022 at 12 pm, noon.

8. AUTHORIZE THE TOWN CLERK TO ADVERTISE FOR WOOD PELLETS AND FOR SALE AND DELIVERY OF #2 FUEL OIL, DIESEL FUEL AND KEROSENE FOR 2023

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 2023 and for bids to be opened on Tuesday, November 8, 2022 at 12 pm, noon.

9. AUTHORIZE SUPERVISOR TO ATTEND THE ADIRONDACK ASSOCIATION OF TOWNS AND VILLAGES MEETING ON DECEMBER 5 AND 6, 2021

WHEREAS, the annual meeting is in Lake George this year,

BE IT RESOLVED, the Town Board authorize the Supervisor to attend the Adirondack Association of Towns and Villages Meeting on December 5 and 6, 2021.

10. AUTHORIZE TRAVEL TO NYC FOR NY AOT ANNUAL CONFERENCE FOR COUNCILMAN TURCOTTE, COUNCILMAN AIKEN, SUPERVISOR LEGGETT AND TOWN CLERK CONWAY AND APPOINT COUNCILMAN TURCOTTE AS ALTERNATE DELEGATE

WHEREAS, the Town sends a Town Board member to the NY Association of Town Annual Meeting and Training School each year, and

WHEREAS, the NY Association of Towns requests that an alternate delegate be designated by the Town Board with the powers to vote on NY AOT items at their annual meeting in NYC in the event the Town Supervisor is not able to attend,

BE IT RESOLVED, the Town Board authorizes Larry Turcotte, Chris Aiken, Craig Leggett and Mindy Conway to attend the NY Association of Town Annual Meeting and Training School held in NYC February 2023 and will pay for registration, hotel, meals and travel costs from budget code 1010.4 (Board Members) and 1410.4 (Town Clerk), and 1220.4 (Supervisor), and

BE IT FURTHER RESOLVED, the Town Board appoints Larry Turcotte to be the alternate delegate to the NY AOT annual meeting in February 2023.

11. HEALTH INSURANCE

WHEREAS, Marshall and Sterling, as Health Insurance brokers for the Town of Chester has presented Health Insurance options for December 1, 2022 to November 30, 2023,

BE IT RSOLVED, the Town Board selects MVP Platinum 5 EPO and MVP EPO Bronze 6 HDHP to be the Health Insurance plans offered to all eligible employees for 2023.

12. LETTER OF INTENT FOR TANDEM DUMP TRUCK

WHEREAS, THE TOWN OF CHESTER INTENDS TO BUY A TANDEM DUMP TRUCK IN THE 2023 BUDGET YEAR,

BE IT RESOLVED, THE TOWN BOARD AUTHORIZES THE SUPERVISOR TO SEND A LETTER OF INTENT TO A VENDOR DETERMINED BY THE HIGHWAY SUPERINTENDENT FOR A TANDEM TRUCK WITH BOX AND PLOW AS AVAILABLE PER STATE CONTRACT

13. ADVERTISE FOR A PLANNING/ZONING CLERK

BE IT RESOLVED, the Town Board authorizes the Town Clerk to advertise and post for a clerk for the Planning and Zoning Boards.

14. APPROVAL OF ABSTRACT OF CLAIMS, BUDGET ADJUSTMENTS AND BUDGET AMENDMENTS