

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 John Maday – Present
Deputy Supervisor Karen DuRose – Present
Councilman Chris Aiken – Present
Councilperson Jenna Cooper – Present
Councilman Larry Turcotte – Present
Attorney for the Town, Mary Kissane – Present
Town Clerk, Mindy Conway – Present

Regular Meeting:

Supervisor Maday **opened** the Regular Meeting at 7:07 pm with the Pledge of Allegiance.

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

- Abstract No. 2
- Town Board Minutes for the Regular Meeting January 9, 2024
- Zoning Administrator's Activity Report for January 2024
- Zoning Board Minutes for January 24, 2024
- Planning Board Minutes for January 22, 2024
- Assessors Report for February 2024
- Town Clerk Monthly Report for January 2024
- Town Court Report dated February 5, 2024
- Youth Commission Report for January 2024
- Communications Report for February 2024
- Historian's Report for 2023
- Letter from Farmer Market Committee about this summer's schedule
- 2023 Town of Chester Library Annual Report

Privilege of the Floor:

Supervisor Maday **opened** Privilege of the Floor at 7:07 pm.

John Nick from East Shore Drive discussed the road tax that is charged to are to residents who live on public roads, yet that are privately maintained. John thanked all the board members for taking the time to sit down with him over the last few weeks to discuss the topic. John Nick thinks that is important for everyone to understand that the private road term is a bit of a misnomer, they are public roads that are privately maintained. He respectfully invited each board member to take a look and drive down East Shore Drive. Look at the condition of it. It is very difficult for any privately maintained road to take care of it with the equipment that local contractors have versus what the Town has for its access. Not only does it cost us more to do it because they don't have the equipment, but it takes more time.

John Nick gave an update on some of the questions that were proposed to him. One was the amount of time it would take for Jason Monroe, our Highway Superintendent, to do the maintenance. John Nick said that he sat down with Jason Monroe on January 30th to go over the cost for East Shore Drive. The bottom line would be \$9,450 if we add \$2,000 in there for miscellaneous. With 41 residents on East Shore Drive it would cost the Town \$230 per resident per year. Right now, George is the road captain and it cost him (John Nick) \$350. This gives everyone an idea of the disparity of what it would cost the Town and what it cost us. One of the questions that he asked the Highway Superintendent was roughly out of the 117 roads that are deemed private roads by the Town what percentage is on Loon Lake, Friends Lake, or Schroon River directly. The Highway Superintendent thought that about 90% were off of the waterbodies. This impacts the entire Town not just lake properties. Some asked about the background of the DOT Law that came out in 2013 and 2022. John Nick is trying to work with DOT lawyers to get more information on the impact, the number of communities, how it was started and what has happened with those municipalities that enacted it.

John Nick said that it is a life safety issue and Councilwoman DuRose had brought that up. If a road is not maintained and is unable to get a firetruck or rescue squad up, there was one case that Councilwoman DuRose brought up where the rescue squad was unable to get a vehicle up and they had to bring the person down in the back of a pickup truck on a privately maintained road that is not in very good shape.

There were questions brought up about school taxes. Everyone has to pay school taxes so everyone should have to pay for the maintenance of private roads. John Nick looks at that like apples to oranges. We all pay school taxes; we all get the benefits of having an educated society. John Nick said that he has lived here for 19 years, all 19 years he paid North Warren School Taxes and a portion of that time he paid Guilderland School Taxes on top of North Warren and another portion he paid Warrensburg School Taxes on top of North Warren School Taxes. So, there is no argument over that, there is no DOT or any other government agency saying take a look at it and see if you would, it is your discretion, to recognize that anyone on a private road is being double charged. Again 93% of the Town Budget is highway department. Anyone on a private road is not allowed by the Comptroller's Office to have any service rendered by the town.

John Nick looks at it as a fairness issue. Anyone on a private road is being taxed for services that they are not allowed to receive.

John Nick said that he will keep the Board updated on what he finds out from the DOT lawyers.

Supervisor Maday asked if anyone else would like to comment.

Tom Thorsen said that he is looking at the issue as being very simple. The details have to be worked on. Everyone pays the same rate for the taxes for the highway. People living on town-maintained roads have access to their driveways, they can get to their driveways from the town-maintained road. People living on so-called private roads have to pay extra for driveway access. The State does allow towns to credit homeowners an estimated amount to compensate for the private road homeowners to equalize the tax rate. Private road homeowners are in essence paying a tax and then paying a fee on top of that. If we had the credit, it would equalize it on our

roads. It is up to the Town Board to decide on the fairness and what to do. Tom Thorsen said that he is in support for those reasons.

Supervisor Maday asked if there was anyone else.

Supervisor Maday **closed** Privilege of the Floor at 7:17 pm.

Old Business:

Supervisor Maday opened Old Business at 7:17 pm.

Highway Garage:

Supervisor Maday said that he would like to get together with Councilman Turcotte and Highway Superintendent Jason Monroe to take a trip up to Plattsburgh or have AEDA come down here.

Loon Lake Dam Grant and Rehabilitation Project:

Supervisor Maday said the Town is still waiting for an answer on the grant.

Highway Garage:

Councilman Turcotte said that he received an email from the design engineer and the rough estimate sprinkler system for the highway garage was just under \$650,000 and he is still looking for everyone's input on whether or not the Board thinks they need it.

Supervisor Maday said that his answer was no. He did speak to Mark Carpenter, Carpenter Insuring Company, about it and that we will be covered without it. The building would be a total replacement, vehicles that are less than 10 years old are full replacement value and plus all the equipment inside. Supervisor Maday said that he also spoke with the Highway Superintendent, and he said the batteries disconnect automatically which used to be a big problem. All their trucks are equipped so that when they shut off the truck the batteries just disconnect, so there is no power to cause problems.

Councilperson Cooper said that 1.2% of highway garages burn down in New York, which ends up being around eleven (11).

Supervisor Maday said that the sprinklers are a lot of money.

Councilman Aiken said that it does look like a lot of money. So, the sprinkler system would put out the fire to save something that was insured.

Councilman Turcotte said that it would save us on the headache of trying to find ten (10) plow trucks that are rigged with plows and wings at a moment's notice. Right now, the time to get a new truck is about two (2) years. He knows that everything is covered money wise but what do you do when we don't have any plow trucks. Supervisor Maday commented that all the trucks would be purchased in the same year so then in ten (10) years we would need to replace all of them.

Councilwoman DuRose commented that we would have to rely on our neighbors.

Councilman Aiken said that we would have a lot of upset people if we could not plow the roads for two (2) years or sand them or cut trees.

Councilperson Cooper asked if the sprinklers could just be installed in a portion of the building. Councilman Turcotte said that the design engineer did not recommend that.

Public Hearing for Septic Application #SV2023-04 James and Elaine Pontone:

Supervisor Maday **opened** the public hearing for Septic Application #SV2023-04 for James and Elaine Pontone at 7:24 pm.

Erik Sandblom from SRA Engineers was present representing the Applicants.

Jack Sweeny asked about the well for the house to the south. Erik Sandblom said their surveyors did not find any wells within 100 ft. and if there is new information, they can certainly look into it.

Supervisor Maday **closed** the public hearing for Septic Application #SV2023-04 for James and Elaine Pontone at 7:26 pm.

Evening Cleaner:

Supervisor Maday said that we are accepting applications, and we have a few all ready. We are accepting them until the 16^{th} .

225th Anniversary of the Town:

Supervisor Mady asked if the Board had any comments.

Councilwoman DuRose said that she has not heard any more.

Councilperson Cooper said that said would ask about it when she attends the Historical Society Meeting.

Intersection of Church Street and State Route 9:

Supervisor Maday commented that he has not reached out to Kevin Hajos yet because he is very busy with County Route 11 and Palisades Road and all the other problems they had with the storm. He is not sure if painting to limit the parking will help, it is just a poor intersection, but he will speak with Keven Hajos to see if he has any suggestions.

Septic Variance Application #SV2023-04 James and Elaine Pontone:

Supervisor Maday commented that he does not feel there are any reasons to not move forward.

Councilwoman DuRose commented that she was over there and there is not much space to do anything.

Erik Sandblom said that it is tight but what is being proposed is quite an improvement over what is existing.

RESOLUTION NO. 29 OF 2024: APPROVE SEPTIC VARIANCE APPLICATION #SV2023-04 AN ON-SITE WASTEWATER TREATMENT SYSTEM FOR PROPERTY

LOCATED AT 111 BLYTHEWOOD ISLAND ROAD, IDENTIFIED BY TAX MAP PARCEL #: 86.5-1-18

WHEREAS, the Town Board acting as the Local Board of Health has received a completed application and has held a public hearing on February 13, 2024 regarding Septic Variance Application #SV2023-04 for James and Elaine Pontone located at 111 Blythewood Island Road, identified by Tax Map #: 86.5-1-18, 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 James and Elaine Pontone located at 111 Blythewood Island Road, identified by Tax Map #: 86.5-1-18 as designed and presented by Erik Sandblom, SRA Engineers (Site Plan and Details dated 12-29-23 and last revised 01-03-2024) 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:

Pontone SV2023-04							
Setback	Required Distance	Existing Distance	Existing Non-Conformity		_	Proposed Variance	
			Distance	Percent	Distance	Distance	Percent
Distance from Pump Station to Dwelling	10'	-	-	-	0.4'	9.6'	96.0%
Distance from Pump Station to Property Line	10'	-	-	-	5.7'	4.3'	43.0%
Distance from Effluent Line to Distribution Box to Property Line	10'	-	-	-	7.9'	2.1'	21.0%

On a motion by Councilwoman DuRose, seconded by Councilman Turcotte, Resolution No. 29 of 2024 was **ADOPTED**.

Highway Garage:

Attorney for the Town, Mary Kissane asked the Board if they all reviewed SEQRA Part 1 on their own time and continued to read through Part 2 of the Short Environmental Assessment Form:

		No, or small impact may occur	Moderate to large impact may occur
1.	Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	~	
2.	Will the proposed action result in a change in the use or intensity of use of land?	~	
3.	Will the proposed action impair the character or quality of the existing community?	~	
4.	Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	V	
5.	Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	~	
6.	Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	~	
7.	Will the proposed action impact existing: a. public / private water supplies?	V	
	b. public / private wastewater treatment utilities?	~	
8.	Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	~	
9.	Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	~	
10.	Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	V	
11.	Will the proposed action create a hazard to environmental resources or human health?	V	

The Board decided that no further discussion was needed to occur since "No, or small impact may occur".

RESOLUTION NO. 30 OF 2024: ADOPT A SEQRA NEGATIVE DECLARATION FOR THE NEW HIGHWAY GARAGE

WHEREAS, the Town Highway Superintendent and the Town Board have determined that construction of a new Town Highway Garage is necessary for these purposes; and

WHEREAS, the Town Board determined that this project is an Unlisted Action pursuant to the State Environmental Quality Review Act (SEQRA), conducted Uncoordinated Review and, after reviewing and addressing all relevant portions of the Short Form Environmental Assessment Form,

BE IT RESOLVED, the Town Board finds that the proposed project would have no significant environmental impacts and adopted a SEQRA Negative Declaration.

On a motion by Councilman Aiken, seconded by Councilperson Cooper, Resolution No. 30 of 2024 was **ADOPTED**.

AYE 5 NO 0

Mary Kissane commented that you can go back 60 days to recoup monies.

RESOLUTION NO. 31 OF 2024: RESOLUTION AUTHORIZING THE CONSTRUCTION OF A NEW HIGHWAY GARAGE; AND AUTHORIZING THE ISSUANCE OF UP TO \$7,000,000 IN SERIAL BONDS OF THE TOWN OF CHESTER TO PAY THE COST OF A NEW HIGHWAY GARAGE; AND AUTHORIZING THE ISSUANCE OF UP TO \$7,000,000 IN BOND ANTICIPATION NOTES OF THE TOWN OF CHESTER FOR THE SAME PURPOSE

WHEREAS, the Town of Chester (the "Town") is responsible for maintaining its Town roads and keeping its Town roads free from snow and ice; and

WHEREAS, the Town Highway Superintendent and the Town Board have determined that construction of a new Town Highway Garage is necessary for these purposes; and

WHEREAS, the Town Board determined that this project is an Unlisted Action pursuant to the State Environmental Quality Review Act (SEQRA), conducted Uncoordinated Review and, after reviewing and addressing all relevant portions of the Short Form Environmental Assessment Form, determined that the project would have no significant environmental impacts and adopted a SEQRA Negative Declaration on February 13, 2024 prior to consideration of this Resolution;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF CHESTER, WARREN COUNTY, NEW YORK, AS FOLLOWS:

<u>Section 1</u>. The specific object or purpose for which the obligations authorized by this Resolution (the "Bond Resolution") are to be issued is the construction of a new Town Highway Garage and salt shed on Town property (as detailed in plans by Architectural & Engineering Design Associates, P.C.), including related preliminary and incidental costs (the "Project"), and such specific object or purpose is hereby authorized at a maximum estimated cost of Seven Million and 00/100 Dollars (\$7,000,000.00).

<u>Section 2</u>. The Project is hereby authorized by the Town Board. To the extent the Town may decide to use any current taxes to pay a portion of the cost of the project, such authorization of the Project by the Town Board is subject to permissive referendum per Town Law Sections 81 and 220.

<u>Section 3.</u> The Plan for financing of the authorized \$7,000,000 maximum estimated cost is the issuance of up to \$7,000,000 in serial bonds and/or bond anticipation notes of the Town which are hereby authorized to be issued pursuant to the Local Finance Law.

The proceeds of the bonds or bond anticipation notes may be used to reimburse expenditures paid by the Town from other funds or otherwise on or after the date of adoption of this Bond Resolution, or up to 60 days prior in accordance with Section 4 below. Pursuant to Local Finance Law Section 107.00(d)(9), a down payment from current funds is not required.

<u>Section 4.</u> The Town Board anticipates that the Town may pay certain capital expenditures in connection with the Project prior to the receipt of the proceeds of the Bonds. The Town Board hereby declares its official intent to use Bond proceeds to reimburse the Town for such Project expenditures occurring within sixty (60) days prior to adoption of this Resolution. This section of the Resolution is adopted solely for the purpose of establishing compliance with the requirements of Section 1.150-2 of the Treasury Regulations and does not bind the Town to make any expenditure, incur any indebtedness or proceed with the acquisition.

<u>Section 5</u>. It is hereby determined that the weighted period of probable usefulness ("PPU") of the specific object or purpose pursuant to Section 11.00(a)(11) of the Local Finance Law is 24.6651 years. The highway garage is a Class "B" building having a 25-year PPU and its construction cost estimate only (excluding contingency or soft costs) is \$5,746,057 resulting in

its being 96.65% of the total estimated construction costs. The salt shed is a minor portion of the Project and is a Class "C" building having a 15-year PPU and its construction cost estimate only (excluding contingency and soft costs) is \$199,119 resulting in its being 3.35% of the total estimated construction costs. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five (5) years.

<u>Section 6</u>. The faith and credit of the Town of Chester, Warren County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as they become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such years. There shall annually be levied on all the taxable real property in the Town of Chester a tax sufficient to pay the principal of and interest on such obligations as they become due and payable.

<u>Section 7</u>. For the purpose of paying the cost of the Project, there are hereby authorized to be issued serial bonds of the Town up to a maximum amount of \$7,000,000 the maximum maturity of which shall not exceed the 24.6651 year weighted period of probable usefulness set forth above and which shall mature on or before such date as measured from the date of the bonds or from the date of the first bond anticipation note issued in anticipation of the sale of such bonds, whichever date is earlier. The bonds may be issued in the form of a statutory installment bond.

<u>Section 8</u>. There are hereby authorized to be issued bond anticipation notes for the specific object or purpose in an amount up to but not exceeding the \$7,000,000 maximum amount of serial bonds authorized to be issued, in anticipation of the issuance and sale of the serial bonds authorized, including renewals of such bond anticipation notes.

<u>Section 9.</u> Any bond anticipation notes shall be payable from the proceeds derived from the sale of the bonds or otherwise redeemed in the manner provided by Section 23.00 of the Local Finance Law. The faith and credit of the Town of Chester are hereby irrevocably pledged for the payment of the bond anticipation notes and the interest on them.

<u>Section 10</u>. There are no bond anticipation notes outstanding which have been previously issued in anticipation of the sale of these bonds. Neither are the bond anticipation notes hereby authorized renewal notes. These bond anticipation notes will not be issued in anticipation of bonds for an assessable improvement. These notes shall mature at such time as the Town may determine and may be renewed from time to time, provided that in no event shall such notes or renewals extend more than one (1) year beyond the original date of issue except as permitted in the Local Finance Law.

Section 11. Subject to the terms and conditions of this Resolution and of the Local Finance Law, and pursuant to the provisions of Sections 30.00, 50.00 and 56.00 to 60.00, inclusive, of the Local Finance Law, the power to authorize bond anticipation notes in anticipation of the issuance of the serial bonds authorized by this Resolution and the renewal of these notes, and the power to prescribe the terms, form and contents of the serial bonds and bond anticipation notes and the power to sell and deliver the serial bonds and bond anticipation notes issued in anticipation of the issuance of the bonds is hereby delegated to the Town Supervisor, the Chief Fiscal Officer of the Town. The Town Supervisor is hereby authorized to sign any serial bonds and bond anticipation notes issued in anticipation of the issuance of the serial bonds and bond anticipation notes issued pursuant to this Resolution by manual or facsimile signature, and the Town Clerk is hereby authorized to affix or impress or imprint a facsimile of the seal of the Town to any of the serial bonds or bond anticipation notes and to attest such seal by manual or facsimile signature. If executed by facsimile signature, such obligation shall be authenticated by the manual countersignature of the Town Supervisor or a designated fiscal agent. The Town Supervisor, as Chief Fiscal Officer shall be authorized to apply for financing with such appropriate entities as he

shall choose. The Town Supervisor, as Chief Fiscal Officer of the Town, is authorized to execute and deliver any documents, complete such applications and forms, and to take such other action as may be necessary and proper to carry out the intent of the provisions of this Resolution.

<u>Section 12</u>. The exact date of issuance of the bonds and/or notes and the exact date upon which they shall become due and payable shall be fixed and determined by the Chief Fiscal Officer, provided, however, that the maturity of the notes or renewals shall not exceed one (1) year from the date of issue except as permitted by the Local Finance Law.

Section 13. The Chief Fiscal Officer shall prepare the bonds and/or notes and sell them at public or private sale and in accordance with the provisions of the Local Finance Law including, but not limited to, the provisions of Section 169.00, if applicable, and at such sale shall determine the interest rate to be borne by such bonds and/or notes, and whether fixed or variable. The Town Board authorizes the Chief Fiscal Officer to establish substantially level annual debt service or a declining annual balance for the repayment of such Bonds if the Chief Fiscal Officer believes it is in the best interests of the Town. The Town Board authorizes the Chief Fiscal Officer to issue such serial bonds in the form of a statutory installment bond. Furthermore, the engagement of Fiscal Advisors & Marketing, Inc., or another qualified financial advisor, as may be determined by the Town Supervisor, is hereby authorized and the Town Supervisor, as Chief Fiscal Officer, is hereby authorized to sign a contract for such services and all documents relating to their engagement and the sale of the Town's debt using their services.

<u>Section 14</u>. If issued, the bonds and/or notes shall be in registered form, and shall bear interest at the determined rate.

<u>Section 15.</u> The Chief Fiscal Officer shall deliver the bonds and/or notes to the purchaser only against a certified check or other immediately available funds. The proceeds of the sale of the bonds and/or notes shall be deposited and/or invested as required by Section 165.00 of the Local Finance Law, and the power to invest the proceeds of sale is hereby delegated to the Chief Fiscal Officer and the power to invest in any instruments described in Section 165.00 is expressly granted.

Section 16. To the extent that it is permitted to do so under the Internal Revenue Code of 1986, as amended (the "Code"), the Town hereby designates the bonds and/or notes as "qualified tax-exempt obligations" under Section 265(b)(3) of the Code acknowledging that currently this does not apply if the Town will issue more than \$10,000,000 during a calendar year. The Town hereby covenants that, to the extent permitted under the Code in effect as of the date of issuance of any bonds and/or notes, it will (i) take all actions on its part necessary to cause interest on the bonds and/or notes to be excluded from gross income for purposes of Federal income taxes and (ii) refrain from taking any action which would cause interest on the bonds and/or notes to be included in gross income for purposes of Federal income taxes.

<u>Section 17.</u> This Resolution is subject to permissive referendum pursuant to Section 35.00 of New York Local Finance Law and New York Town Law Section 81 and 220, and shall not take effect until such time as provided. The Town Clerk is hereby authorized and directed to post and publish the notice required for Resolutions subject to permissive referendum.

<u>Section 18.</u> MILLER, MANNIX, SCHACHNER & HAFNER, LLC, Glens Falls, New York, is hereby designated bond counsel.

<u>Section 19</u>. The validity of these serial bonds and bond anticipation notes may be contested only if:

(A) These obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

- (B) The provisions of law which should be complied with at the date of publication of this Resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or
- (C) Such obligations are authorized in violation of the provisions of the State Constitution.

<u>Section 20</u>. This Resolution or a summary thereof shall be published in *The Post Star*, which has been designated as the official newspaper of the Town, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

<u>Section 21.</u> This Resolution shall take effect immediately, except as provided by Town Law Article 7 relating to permissive referendum requirements.

<u>Section 22</u>. The question of the adoption of this Resolution was duly put to a vote on roll call which resulted as follows:

On a motion by Councilperson Cooper, seconded by Councilwoman DuRose, Resolution No. 31 of 2024 was **ADOPTED**.

AYE 5 NO 0

Private Roads:

Mary Kissane said that based on their research of the specific section that they were given that section required an order for the taxpayer to be given a credit for their taxes. The road had to be created pursuant to the steps in that statute. Section 300 - 314 has the specific way that a private road has to be created. It starts with an application to the Superintendent of Highways. The Superintendent has to actually convene a jury and they have to decide if the road is necessary. If the road was created that way, then you would be entitled to the tax credit. There are further steps to get the tax credit, but first you have to determine if those steps were followed.

Supervisor Maday said that this is something else we have to look into.

John Nick said that East Shore Drive has been there since the 40's and asked Mary Kissane that if the private road was not set up at that point, then it is not a private road. Mary Kissane said that is not what she is saying, it just means you are not entitled to this tax credit. It may still be a private road, but it was not created in the manor need to get the tax credit.

John Nick asked when this was this determined. Mary Kissane replied that the Law was created in 1936 and there is a Comptroller's opinion from 1947. John Nick said that the credit was established though DOT to his understanding. Mary Kissane said that the Board was sent Section 315 of the Highway Law, and you need to figure out how the road was set up. John Nick said that there are 117 roads. John Nick asked Mary Kissane for a copy.

Tom Thorsen said that each road would have to be done individually. Councilman Turcotte said yes, each road would have to go the process when it was established. Supervisor Maday said that it is not a continuous thing, it is not a continual tax credit year after year. John Nick said that it is an annual thing and if you deem the credit to be worthy and each year it has to be looked at again as the highway budget changes.

88 Riverside Drive:

Supervisor Maday said that 88 Riverside Drive has been purchased by the Town.

Darrowsville Cemetery:

Supervisor Maday said that Darrowsville Cemetery has been purchased by the Town.

Loon Lake Dam:

John Nick asked about the bond issuance for the Loon Lake Dam.

New Business:

Septic Variance Application #SV2024-01 Thomas Gagnon:

Bret Winchip, Winchip Engineering, was present representing the Applicant. His client has two (2) buildings on the lot. The main building is a two (2) bedroom residence, and the guest house is a two (2) bedroom residence. They both have seepage pits. Bret read through the following Variances:

Gagnon SV2024-01							
Setback	Required Distance	Existing Distance	Existing Non-Conformity		Proposed Distance	Proposed Variance	
	Distance		Distance	Percent	Distance	Distance	Percent
Existing Seepage Pit 1 to Residence	20'	6.4' ±	13.6' ±	68.0% ±	-	-	-
Existing Seepage Pit 1 to Stream	100'	54.8' ±	45.2' ±	45.2% ±	-	-	-
Existing Seepage Pit 1 to Approximate Mean High Water	100'	83.7' ±	16.3' ±	16.3% ±	-	-	-
Exiting Seepage Pit 1 to Neighboring Drilled Well A	150'	146.0' ±	4.0' ±	2.7% ±	-	-	-
Existing Seepage Pit 2 to Guest House	20'	9.0' ±	11.0' ±	55.0% ±	-	-	-
Existing Seepage Pit 2 to Stream	100'	84.8' ±	15.2' ±	15.2% ±	-	-	-
Existing Seepage Pit 2 to Approximate Edge of Wetlands	100'	83.2' ±	16.8' ±	16.8% ±	-	-	-
Existing Seepage Pit 2 to Neighboring Drilled Well A	150'	95.6' ±	54.4' ±	36.3% ±	-	-	-
Existing Seepage Pit 2 to Neighboring Drilled Well B	150'	111.2' ±	38.8' ±	25.9% ±	-	-	-
Proposed Absorption Bed to Property Line	10'	-	-	-	6.1'	3.9'	39.0%
Proposed Absorption Bed to Neighboring Drilled Well A	100'	-	-	-	91.6'	8.4'	8.4%
Proposed Absorption Bed to Residence	20'	-	-	-	6.7'	13.3'	66.5%

Proposed Absorption Bed to Stream	100'	-	-	-	86.8'	13.2'	13.2%
Proposed Absorption Bed to Approximate Mean High Water	100'	1	1	-	99.8'	0.2'	0.2%
Proposed Absorption Bed to Neighboring Crawl Space	20'	ı	ı	-	19.1'	0.9'	4.5%
Proposed Septic Tank to Residence	10'	-	-	-	5.0'	5.0'	50.0%
Proposed Septic Tank to Guest House	10'	-	-	-	5.0'	5.0'	50.0%
Proposed Drilled Well to Guest House Septic Tank	50'	-1	-1	-	36.2'	13.8'	27.6%
Proposed Drilled Well to Neighboring Seepage Pit	200'	-	-	-	128.4'	71.6'	35.8%
Proposed Drilled Well to Proposed Absorption Bed	100'	-	-	-	92.5'	7.5'	7.5%

Councilman Aiken said they are removing two (2) seepage pit and having one (1) absorption bed. Bret Winchip said yes, and each will have their own septic tank.

Councilman Turcotte commented that he would like to send this to Cedarwood Engineering for review.

RESOLUTION NO. 32 OF 2024: DEEM SEPTIC VARIANCE APPLICATION #SV2024-01 FOR THOMAS GAGNON FOR PROPERTY LOCATED AT 102-100 JONES ROAD, CHESTERTOWN TO BE COMPLETE AND SET A PUBLIC HEARING FOR MARCH 12, 2024 AT 7 PM

WHEREAS, Bret Winchip from Winchip Engineering has submitted a Septic Variance Application #SV2023-04 for Thomas Gagnon for property located at 102-100 Jones Road, Chestertown, New York, identified by Tax Map #: 86.10-1-60; and

WHEREAS, the Town Board, acting as the Local Board of Health, has reviewed the septic variance application and is satisfied with its completeness; and

BE IT RESOLVED, the Town Board, acting as the Local Board of Health, deems Septic Variance Application #SV2024-01 for Thomas Gagnon for property located at 102-100 Jones Road, Chestertown, New York to be complete; and

BE IT FURTHER RESOLVED, the Town Board refers Septic Variance Application #SV2024-01 to Cedarwood Engineering as Town Engineer for its evaluation and opinion at the expense of the applicant; and

BE IT FURTHER RESOLVED, the Town Board, acting as the Local Board of Health, sets a Public Hearing for #SV2024-01 on Tuesday, March 12, 2024 at 7 pm at a Regular Town Board Meeting and directs the Town Clerk to publish the notice the public hearing in the Post Star newspaper.

On a motion by Councilman Turcotte, seconded by Councilman Aiken, Resolution No. 32 of 2024 was **ADOPTED**.

Septic Variance Application #SV2024-02 Mary E. West-Hannigan:

Bret Winchip, Winchip Engineering, was present representing the Applicant. Bret read the following variances:

Hannigan SV2024-02							
Setback	Required Distance	Existing Distance	Existing Non-Conformity		Proposed Distance	Proposed Variance	
	Distance		Distance	Percent	Distance	Distance	Percent
Existing Drilled Well to Seepage Pit	105'	89.7' ±	60.3' ±	40.2% ±	-	-	-
Existing Neighboring Drilled Well to Existing Seepage Pit	150'	122.3' ±	27.7' ±	18.5% ±	-	-	-
Existing Seepage Pit to Building	20'	2.9' ±	17.1' ±	85.5% ±	-	-	-
Existing Seepage Pit to Approximate Mean High Water	100'	83.9' ±	16.1' ±	16.1% ±	-	-	-
Proposed Concrete Septic Tank to Deck	10'	-	-	-	5.3'	4.7'	47.0%
Proposed Force Main to South Property Line	10'	-	-	-	5.9'	4.1'	41.0%
Proposed Wastewater Field Components to South Property Line	10'	-	-	-	8.8'	1.2'	12.0%

Bret Winchip said that the south property had to get a specific waver for a UV for the distance and if this is granted the UV will be eliminated.

Councilman Turcotte does not feel that this application needs to be referred to the Town Engineer. There is nowhere else on the property that would suit it. The engineer used infiltrators which actually reduced the size of the field and reduced the variances.

RESOLUTION NO. 33 OF 2024: DEEM SEPTIC VARIANCE APPLICATION #SV2024-02 FOR MARY E. WEST-HANNIGAN TRUSTEE MILDRED WEST IRREVOCABLE TRUST FOR PROPERTY LOCATED AT 53 CLARKSON ROAD, CHESTERTOWN TO BE COMPLETE AND SET A PUBLIC HEARING FOR MARCH 12, 2024 AT 7 PM

WHEREAS, Bret Winchip from Winchip Engineering has submitted a Septic Variance Application #SV2024-02 for Mary E. West-Hannigan Trustee Mildred West Irrevocable Trust for property located at 53 Clarkson Road, Chestertown, New York, identified by Tax Map #: 86.19-1-61; and

WHEREAS, the Town Board, acting as the Local Board of Health, has reviewed the septic variance application and is satisfied with its completeness; and

BE IT RESOLVED, the Town Board, acting as the Local Board of Health, deems Septic Variance Application #SV2024-02 for Mary E. West-Hannigan Trustee Mildred West Irrevocable Trust for property located at 53 Clarkson Road, Chestertown, New York to be complete; and

BE IT FURTHER RESOLVED, the Town Board, acting as the Local Board of Health, sets a Public Hearing for #SV2024-02 on Tuesday, March 12, 2024 at 7 pm at a Regular Town Board Meeting and directs the Town Clerk to publish the notice the public hearing in the Post Star newspaper.

On a motion by Councilwoman DuRose, seconded by Councilperson Cooper, Resolution No. 33 of 2024 was **ADOPTED**.

AYE 5 NO 0

Septic Variance Application #SV2024-03 Dennis and Amy Kruithof:

Dennis Kruithof was present and said that he has a system that was already installed, and he is asking for a variance of 19 ft., from his absorption field to his well. The required distance is 100 ft., and it is at 81 ft.

Supervisor Maday said that there was confusion about the perc tests. Dennis Kruithof said that his engineer was not able to do the perc test three (3) weeks ago because of the weather. He was able to dig up the tank so that he could see the filter and he brought back a sample. Councilman Turcotte commented that the perc tests could be a condition of approval.

Councilman Aiken asked if the system was already in. Dennis Kruithof said yes, the system is already in.

Councilwoman DuRose asked if this was an emergency type thing. Dennis Kruithof said yes, the original pit failed in March of 2023, and everything was backing up back into the house. Luckily, they were able to break ground so he could continue living in his house.

Supervisor Maday commented that the Zoning Office wanted them to hold off until a proper perc test could be performed so everything could be complete on the zoning end. Councilman Turcotte said that they could make the perc tests a condition of deeming the application complete.

Councilman Turcotte would like to have design details provided and any alternative that the engineer explored. The detail sheet is missing.

Councilwoman DuRose asked if there needed to be a public hearing. The Town Clerk replied yes.

Councilwoman DuRose asked if they could deem the application complete the same night as the public hearing. Mary Kissane said they need to deem the application complete before they open the public hearing.

Councilwoman DuRose asked if they were going to put an addition on. Dennis Kruithof said yes, and they need the septic approval first and commented that he already has a UV filter system. Councilman Turcotte said that should be shown on the plans.

Supervisor Maday would like to set a public hearing for the next meeting.

Councilwoman DuRose asked if there was a stream or if it is runoff. Dennis Kruithof said that the plan is done like it was a stream.

RESOLUTION NO. 34 OF 2024: TABLE THE APPLICATION AND SET A PUBLIC HEARING FOR SEPTIC VARIANCE APPLICATION #SV2024-03 FOR DENNIS AND AMY KRUITHOF FOR PROPERTY LOCATED AT 71 PERRY ROAD, NORTH CREEK FOR MARCH 12, 2024 AT 7 PM

WHEREAS, Septic Variance Application #SV2024-03 for Dennis and Amy Kruithof for property located at 71 Perry Road, North Creek, New York, identified by Tax Map #: 51.-1-44 has been submitted; and

WHEREAS, the Town Board, acting as the Local Board of Health, has reviewed the septic variance application; and

BE IT RESOLVED, the Town Board tables the Septic Variance Application #SV2024-03 for Dennis and Amy Kruithof until the March 12, 2024 meeting, and

BE IT FURTHER RESOLVED, the Town Board, acting as the Local Board of Health, sets a Public Hearing for #SV2024-03 on Tuesday, March 12, 2024 at 7 pm at a Regular Town Board Meeting and directs the Town Clerk to publish the notice the public hearing in the Post Star newspaper.

On a motion by Councilman Turcotte, seconded by Councilwoman DuRose, Resolution No. 34 of 2024 was **ADOPTED**.

AYE 5 NO 0

Councilperson Cooper left the room at 8:23 pm.

RESOLUTION NO. 35 OF 2024: AUTHORIZE THE TOWN SUPERVISOR TO SIGN THE STATEMENT OF WORK WITH LANGUAGE LINE SERVICES, INC.

WHEREAS, the Court would like to have language interpreting access by phone and/or video seven (7) days a week as needed, and

WHEREAS, Language Line Services, Inc has a New York State Contract #PS69777, **BE IT RESOLVED**, the Town Board authorizes the Town Supervisor to sign the Statement of Work with Language Line Services, Inc. when in a form acceptable to the Attorney for the Town

On a motion by Councilwoman DuRose, seconded by Councilman Aiken, Resolution No. 35 of 2024 was **ADOPTED**.

AYE 4 NO 0 Absent – Councilperson Cooper

Zoning Board of Appeals:

RESOLUTION NO. 36 OF 2024: APPOINT STEPHEN KAHRS TO THE ZONING BOARD OF APPEALS

WHEREAS, the Zoning Board of Appeals has an unexpired term due to the passing of Michael Hough, and

WHEREAS, Stephen Kahrs has submitted a letter of interest,

BE IT RESOLVED, the Town Board appoints Stephen Kahrs to fill Michael Hough's unexpired term ending December 31, 2024.

BE IT FURTHER RESOLVED, the Town Board directs Stephen Kahrs to take the oath of office with the Town Clerk within 30 days of appointment.

On a motion by Councilman Turcotte, seconded by Councilwoman DuRose, Resolution No. 36 of 2024 was **ADOPTED**.

AYE 4 NO 0 Absent – Councilperson Cooper

RESOLUTION NO. 37 OF 2024: REAPPOINT BRYAN BILFIELD TO THE ZONING BOARD OF APPEALS AS AN ALTERNATE

WHEREAS, Bryan Bilfield has served as an alternate to the Zoning Board of Appeals for the last year,

BE IT RESOLVED, the Town Board reappoints Bryan Bilfield as an alternate on the Zoning Board of Appeals for a one-year term expiring December 31, 2024, and

BE IT FURTHER RESOLVED, the Town Board directs Dr. Bilfield to take the oath of office with the Town Clerk within 30 days of appointment.

On a motion by Councilman Aiken, seconded by Councilwoman DuRose, Resolution No. 37 of 2024 was **ADOPTED**.

AYE 4 NO 0 Absent – Councilperson Cooper

Councilperson Cooper returned to the meeting at 8:25 pm.

RESOLUTION NO. 38 OF 2024: APPOINT MARY CLARK AS ZONING BOARD OF APPEALS VICE CHAIRWOMAN

WHEREAS, the Town Board appoints annually a Vice Chair for the Zoning Board of Appeals, **BE IT RESOLVED**, the Town Board appoints Mary Clark as Vice Chairwoman of the Zoning Board of Appeals with a term expiring December 31, 2024, and

BE IT FURTHER RESOLVED, the Town Board directs Mary Clark to take the oath of office with the Town Clerk within 30 days of appointment.

On a motion by Councilman Turcotte, seconded by Councilman Aiken, Resolution No. 38 of 2024 was ADOPTED.

AYE 5 NO 0

Planning Board:

RESOLUTION NO. 39 OF 2024: APPOINT DANIEL HOWELL TO THE PLANNING BOARD AS AN ALTERNATE

WHEREAS, the Planning Board does not currently have an alternate, and

WHEREAS, Danial Howell has submitted a letter of interest,

BE IT RESOLVED, the Town Board appoints Daniel Howell as an alternate on the Planning Board for a one-year term expiring December 31, 2024, and

BE IT FURTHER RESOLVED, the Town Board directs Daniel Howell to take the oath of office with the Town Clerk within 30 days of appointment.

On a motion by Councilwoman DuRose, seconded by Councilperson Cooper, Resolution No. 39 of 2024 was **ADOPTED**.

AYE 5 NO 0

Board of Assessment Review:

RESOLUTION NO. 40 OF 2024: ACCEPT CAROL GOODY'S RESIGNATION FROM THE BOARD OF ASSESSMENT REVIEW

WHEREAS, Carol Goody submitted a letter of resignation on February 12, 2024,

BE IT RESOLVED, the Town Board accepts carol Goody's resignation and thanks her for her service.

On a motion by Councilperson Cooper, seconded by Councilman Aiken, Resolution No. 40 of 2024 was **ADOPTED**.

AYE 5 NO 0

RESOLUTION NO. 41 OF 2024: APPOINT JAMES MONACO TO THE BOARD OF ASSESSMENT REVIEW TO FILL CAROL GOODY'S UNEXPIRED TERM

WHEREAS, the resignation of Carol Goody has left an unexpired term,

BE IT RESOLVED, the Town Board appoints James Monico to fill Carol Goody's unexpired term ending September 30, 2026, and

BE IT FURTHER RESOLVED, the Town Board directs Monaco to take the oath of office with the Town Clerk within 30 days of appointment and to attend the Board of Assessment training in April.

On a motion by Councilwoman DuRose, seconded by Councilman Turcotte, Resolution No. 41 of 2024 was **ADOPTED**.

AYE 5 NO 0

RESOLUTION NO. 42 OF 2024: APPOINT KAREN TURCOTTE AND ERIN BOLTON TO THE BOARD OF ASSESSMENT REVIEW

WHEREAS, there are two openings on the Board of Assessment and Review,

BE IT RESOLVED, the Town Board appoints Karen Turcotte and Erin Bolton to the Board of Assessment and Review for a five (5) year term expiring September 30, 2028, and

BE IT FURTHER RESOLVED, the Town Board directs Karen Turcotte and Erin Bolton to take the oath of office with the Town Clerk within 30 days of appointment and directs them to attend the Board of Assessment training in April.

On a motion by Councilman Aiken, seconded by Councilwoman DuRose, Resolution No. 42 of 2024 was **ADOPTED**.

AYE 4 NO 0 Recused – Councilman Turcotte

Occupancy Tax:

RESOLUTION NO. 43 OF 2024: APPROVE THE APPROPRIATION OF \$1,800 FOR THE NORTH WARREN CHAMBER OF COMMERCE 2024 KRAZY DOWNHILL DERBY

WHEREAS, North Warren Chamber of Commerce has submitted a request for Occupancy Tax for the 2024 Krazy Downhill Derby, February 24, 2024,

BE IT RESOLVED, the Town Board approves the appropriation of \$1,800 for the North Warren Chamber of Commerce 2024 Krazy Downhill Derby.

On a motion by Councilperson Cooper, seconded by Councilman Turcotte, Resolution No. 43 of 2024 was **ADOPTED**.

RESOLUTION NO. 44 OF 2024: APPROVES TRI-LAKES COMMUNITY ALLIANCE REQUEST OF OCCUPANCY TAX FUNDS IN THE AMOUNT OF \$1,500.00 TO DEFER THE COST OF THE ST. PATRICK'S DAY PARADE TO BE HELD ON MARCH 16, 2024

WHEREAS, the Tri-Lakes Community Alliance sponsors a St. Patrick's Day Parade each year, and

WHEREAS, they have submitted a request for \$1,500 of Occupancy Tax Funds,

BE IT RESOLVED, the Town Board approves Tri-Lakes Community Alliance request for Occupancy Tax Funds in the amount of \$1,500 to defer the cost of the St. Patrick's Day Parade held on March 16, 2024, and

BE IT RESOLVED, the Town Board grants permission for the St. Patrick's Day Parade line-up to be on Foster Flats Road and Little Tannery Road on Saturday, March 16, 2024.

On a motion by Councilperson Cooper, seconded by Councilman Aiken, Resolution No. 44 of 2024 was **ADOPTED**.

AYE 5 NO 0

Training:

RESOLUTION NO. 45 OF 2024: AUTHORIZE CARRIE-JO HOFFMAN, MINDY CONWAY, AND JOHN MADAY TO ATTEND INTRODUCTION TO GOVERNMENTAL ACCOUNTING AND ACCOUNTING PRINCIPLES AND PROCEDURES ONLINE

WHEREAS, Carrie-Jo Hoffman, Mindy Conway and John Maday would like to attend online accounting classes at a cost of \$85 per person per class,

BE IT RESOLVED, the Town Board authorizes Carrie-Jo Hoffman, Mindy Conway, and John Maday to attend Introduction to Governmental Accounting and Accounting Principles and Procedures online.

On a motion by Councilman Turcotte, seconded by Councilwoman DuRose, Resolution No. 45 of 2024 was **ADOPTED**.

AYE 5 NO 0

Boatwash:

Councilwoman DuRose asked if the two (2) employees were coming back. Supervisor Maday said they would like to work less days and have weekends off.

RESOLUTION NO. 46 OF 2024: AUTHORIZE TOWN CLERK TO ADVERTISE FOR A WEEKEND BOATWASH ATTENDANT

WHEREAS, the Town would like to have a boatwash attendant for weekends to divide up the hours:

BE IT RESOLVED, the Town Board authorizes the Town Clerk to advertise on the Town website and Facebook page for a Boatwash Attendant to work weekends starting Mother's Day weekend, Saturday, May 11, 2024, and

BE IT FURTHER RESOLVED, the Town Board authorizes the Town Supervisor to hire a weekend Boatwash Attendant at his discretion.

On a motion by Councilwoman DuRose, seconded by Councilperson Cooper, Resolution No. 46 of 2024 was **ADOPTED**.

AYE 5 NO 0

RESOLUTION NO. 47 OF 2024: APPROVE THE USE OF THE FRONT LAWN OF THE MUNICIPAL CENTER BY THE CHESTERTOWN FARMERS MARKET FOR THE 2024 SEASON STARTING ON JUNE 12TH AND ENDING ON SEPTEMBER 11TH

WHEREAS, the Farmers Market is considered to be one of the best markets in the region and supports dozens of independent businesspersons and provides goods for tens of thousands of people each year,

BE IT RESOLVED, the Town Board approves the use of the front lawn of the Municipal Center by the Chestertown Farmers Market for the 2024 season starting on June 12th and ending on September 11th.

On a motion by Councilman Turcotte, seconded by Councilperson Cooper, Resolution No. 47 of 2024 was **ADOPTED**.

AYE 5 NO 0

RESOLUTION NO. 48 OF 2024: AMEND RESOLUTION NO. 4 OF 2024

WHEREAS, Resolution No. 4 of 2024 has a typo setting the mileage allowance rate at \$0.685 per mile, when the actual mileage allowance rate is \$0.67 for 2024,

BE IT RESOLVED, the Town Board amends Resolution No. 4 of 2024 to set the mileage allowance rate to \$0.67 per mile for 2024.

On a motion by Councilperson Cooper, seconded by Councilman Aiken, Resolution No. 48 of 2024 was **ADOPTED**.

AYE 5 NO 0

RESOLUTION NO. 49 OF 2024: APPROVE THE OCCUPANCY TAX FUND REQUEST IN THE AMOUNT UP TO \$10,000 FOR SUMMERFEST 2024 AND AUTHORIZE THE SUPERVISOR TO SIGN THE CONTRACT WITH NORTHSTAR FIREWORKS

WHEREAS, the Town supplies the fireworks for the Summerfest celebration each year, and **WHEREAS**, this year is also the 225th Anniversary of the Town of Chester,

BE IT RESOLVED, the Town Board approves the Occupancy Tax Fund request in the amount up to \$10,000, and

BE IT FURTHER RESOLVED, to authorize the Supervisor to sign the contract with Northstar Fireworks for July13th, with a rain date of July 14th.

On a motion by Councilperson Cooper, seconded by Councilwoman DuRose, Resolution No. 49 of 2024 was **ADOPTED**.

AYE 5 NO 0

RESOLUTION NO. 50 OF 2024: APPROVE THE ABSTRACT OF AUDITED VOUCHERS AND AUTHORIZES PAYMENT

WHEREAS, the Town Clerk has entered the vouchers and created Abstract No. 2 of 2024 of Audited Vouchers, and

WHEREAS, the Town Board has reviewed the abstract,

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

No. 2 of 2024					
General A	139,420.73				
Highway DA	144,050.00				
Library L	2,095.83				
Riverside Volunteer SF1	2,095.83				
North Creek Fire SF2	33,277.00				
Chestertown Fire SF3	458,850.00				
Potterville Fire SF4	325,297.00				
North Warren EMS SM	312,000.00				
Loon Lake Park District SP	38.16				
Chestertown Water SW1	5,750.66				
Pottersville Water SW2	2,147.60				
Schroon Lake Park District SX	2,227.00				
Other TA	2,665.86				
Total	\$1,452,819.84				

On a motion by Councilman Turcotte, seconded by Councilman Aiken, Resolution No. 50 of 2024 was **ADOPTED**.

AYE 5 NO 0

On a motion by Councilman Turcotte, seconded by Councilman Aiken, the meeting adjourned at 8:37 pm.

AYE 5 NO 0

Respectfully submitted	l,
Town Clerk	