

Regular meeting of the Town Board of the Town of Chester was held **June 10th, 2008** at 7:30 pm in the Town of Chester Municipal Center, Chestertown, NY.

Roll Call: Frederick Monroe, Mike Packer, Stephen Durkish, Edna Wells and Karen DuRose. Mark Schachner - attorney for the Town.

Public Hearing:

Public hearing on Nature Conservancy was continued from the May 13 meeting and request to have Mr. Bryant attend.

Mr. Bryant, Director of Conservation Programs - The Nature Conservancy, was not present for this (June 10) continuation of the public hearing. Supervisor Monroe gave a brief review of the Nature Conservancy plan. Letters, emails, and open comments were received.

Concerns expressed:

1. State paying taxes on state owned land.
2. The majority of comments were from East Hudson River Drive, objecting to that road being used for public access in respect to the Hudson River Tract that the Nature Conservancy is proposing to sell to the state as forest preserve. Concerns were over the safety and welfare of the residences/camps in that area, the road is very narrow and many camps are only a few feet away from the road, and also that children ride bikes and play in the area.
3. Suggest access to Hudson River Tract from Palmer Pond Rd or Friends Lake Road
4. Snowmobile access on Henderson Mountain - existing trail

Supervisor Monroe closed public hearing at 7:50 pm.

Discussion on whether the Town should oppose (veto), send letter of support or negotiate each parcel individually with a support or veto with recommendation. **Tabled until later in meeting.**

RESOLUTION #92: APPROVE MINUTES OF TOWN BOARD MEETING.

Introduced by Mrs. DuRose, 2nd by Mrs. Wells to accept the minutes of the May 13th town board meeting. AYE 5 NO 0

Privilege of the floor:

Harold Ellsworth and John Bradway request that the Town Board "consider some type of action" for the removal of a gate that is partially blocking the Ethan Road entrance. In doing research Mr. Ellsworth stated that "Ethan Road is still a public access right away, even though it is an old abandoned town road." **Tabled until later in meeting.**

Old Business:

APA response to request for approval of zoning amendments - Draft letter, in response to APA's suggested revisions was reviewed. The Town accepts all but one change - and that is boundary line adjustments involving pre-existing, non-compliant lots. "The Town proposes that minor boundary line adjustments be allowed even where a

pre-existing, non-conforming parcel might become slightly more non-conforming." The Town request that consideration be given to the boundary line adjustment so that the Town "may move forward in adopting its proposed Zoning Law amendments, incorporating all of APA's proposed revisions except for Section 2.03(6)."

If APA agrees with the Town's request, public hearings will be held.

RESOLUTION #93: APPROVE LETTER TO APA ON PROPOSED ZONING LAW AMENDMENTS.

Introduced by Mrs.Wells, 2nd by Mr.Packer to approve letter, as drafted by attorney, to Brian Grisi, Local Government Assistance Specialist, APA, Box 99, Ray Brook, NY 12977 in regards to the Town of Chester Proposed Zoning Law Amendments. Draft letter is attached.

AYE 5 NO 0

RESOLUTION #94: APPOINT MINDY CONWAY TO WARREN COUNTY YOUTH BOARD.

Introduced by Mrs.Wells, 2nd by Mrs.DuRose to appoint Mindy Conway to fill the position on Warren County Youth Board for the Town of Chester.

Roll Call: Fred Monroe - abstain Mike Packer - AYE Edna Wells -
AYE Karen DuRose - AYE Steve Durkish - AYE

RESOLUTION #95: AUTHORIZE MILEAGE TO BE PAID TO WARREN COUNTY YOUTH BOARD REPRESENTATIVE.

Introduced by Mrs.Wells, 2nd by Mrs.DuRose authorizing mileage to be paid to the Town of Chester representative when they attend the Warren County Youth Board meetings at the municipal center.

Roll Call: Fred Monroe - abstain Mike Packer - AYE Edna Wells -
AYE Karen DuRose - AYE Steve Durkish - AYE

Committee to recommend street lights for removal - Councilperson Packer recommends that the street lights be placed at Creative Stage business, as per their request, and review other street lights that can be removed, replaced or relocated.

Flood program - Supervisor Monroe reported that there was a meeting with DEC and they are looking for compliance with the Federal Flood Program rules. Supervisor Monroe has requested maps showing where the town has issued building permits and where on the property a flood zone is. Zoning office has already started the research on property. Town and County will need to determine "who does what" so there is not duplication. Supervisor Monroe felt that when someone comes to the Zoning office for a zoning compliance certificate that if any part of the property shows on the flood map, the property owner will need to get a flood elevation certificate. If it is in a flood zone the county building codes will enforce whatever requirements needed.

All Phase Electric - Tabled

Popcorn machine - Discussion on advertising for selling the popcorn

machine would cost more than "what the machine is worth". Popcorn machine can be seen in town clerk's office and sell for \$50.

RESOLUTION #96: RESCIND RESOLUTION #86 OF THE MAY 13 MEETING, IN REGARDS TO ADVERTISING POPCORN MACHINE.

Introduced by Mr.Packer, 2nd by Mrs.Wells to rescind Resolution #86 "Advertise popcorn machine for sale" and sell the machine for \$50. Excluding town employees. AYE 5 NO 0

Supervisor Monroe has received draft of the Loon Lake Emergency plan from C T Male Engineering. At the time of the meeting he has not been able to review the draft. **Tabled.**

Schroon Lake Watershed Management Planning Grant - Town was applicant for Grant and has been awarded \$57,600. Town of Chester in partnership with Towns of Horicon and Schroon, Schroon Lake Association, Warren and Essex County Soil and Water Conservation District. Grant is to prepare a watershed management plan for 4,126 acres in Schroon Lake water shed.

Contract will be received.

Continued - Nature Conservancy

Upon the arrival of Mr.Schachner - attorney for the Town - a review of the comments and letters in regards to the Nature Conservancy and what action needs to be taken by the Town at this time. Decision needs to be made before July 7 (90 days will be up then).

Options:

1. Approve without any conditions;
2. Veto what Nature Conservancy has proposed;
3. Veto with conditions - Town is not opposed to purchase - but would like to negotiate the issues brought out at the public hearing.

RESOLUTION #97: AUTHORIZE SUPERVISOR TO SEND LETTER OF REPLY TO NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION REGIONAL DIRECTOR IN REGARDS TO THE NATURE CONSERVANCY'S DISPOSITION PLAN FOR 1,367 ACRES IN THE TOWN OF CHESTER.

Introduced by Mr.Packer, 2nd by Mrs.DuRose authorize Supervisor Monroe to send letter of reply to New York State Department of Environmental Conservation Regional Director, Elizabeth Lowe, in regards to the Nature Conservancy's disposition plan for the 1,367 acres in the Town of Chester.

The Town of Chester is not opposed to the concept of what Nature Conservancy has proposed but is vetoing request because of the issues that were expressed in the public hearing. If the issues can be resolved to the satisfaction of the Town, the Town Board will reconsider. Copy of letter is attached to minutes.

AYE 5 NO 0

Continued - Ethan Road access

Review of Mr.Ellsworth and Mr.Bradway's request in regards to the partial blocking of Ethan Road. Mr.Ellsworth again stated that the road was abandon by the Town and read from highway law. He stated that people have continually used the road for hiking, four wheeling, skiing, hunting, etc. Now the partial gate has restricted use and access to property.

Discussion also on designation of road for snow mobile and atv use, town would need to do this.

Mr.Schachner request to see letters and any information that is available.

RESOLUTION #98: AUTHORIZE ATTORNEY TO RESEARCH THE ETHAN ROAD ISSUE AND ADVISE THE TOWN BOARD.

Introduced by Mr.Packer, 2nd by Mrs.Wells authorizing, Mark Schachner, Attorney for the Town of Chester, to research the request of the property owners in regards to the Ethan Road, the abandonment of the road and of a property owner blocking such road for use by the public and report back to the Town Board.

AYE 5 NO 0

New Business:

RESOLUTION #99: AUTHORIZING THE LA GROUP TO PROCEED WITH TRAIL GRANT APPLICATION.

Introduced by Mrs.DuRose, 2nd by Mrs.Wells:

The Town of Chester is proposing a project in the first of several phases designed to provide residents and tourists a safe bicycle and pedestrian trail experience. The project is to plan and construct a trail from the hamlet of Chestertown to the Town of Chester Recreation Park along the north side of Route 8 from the Route 9 intersection. A second part of the trail will begin from the Recreation Park to the area opposite the entry to the school along the north side of Route 8. The project will link a number of important recreational and cultural destinations along town corridors providing access to recreational enhancements and a continuous bicycle loop from downtown to the school and recreation park.

The Town of Chester is proceeding with a NYS Parks Grant Application through the Office of Parks, Recreation and Historic Preservation under the 2008 Environmental Protection Fund. The grant request is in the amount of \$200,000. The total estimated project cost is estimated at \$400,428 for which the Town will provide a 50% match in the form of cash and in-kind services in the estimated amount of \$200,428.

AYE NO

Affordable Housing Steering Committee - in need of volunteers to serve on committee.

RESOLUTION #100: AUTHORIZE SUPERVISOR TO SIGN CONTRACT WITH L A GROUP FOR SMART GROWTH GRANT COMMUNITY HOUSING PLAN.

Introduced by Mrs.Wells, 2nd by Mr.Durkish authorizing Supervisor Monroe to sign contract with L A Group for the Community Housing Plan,

under the Smart Growth Grant, subject to Mr.Schachner's review of contract. LA Group bid was \$35,000. AYE 5 NO 0

Marietta Knapp - water line leaks - authorize relocation

(Note - a sketch drawing has been attached to the minutes.)

Supervisor Monroe explained that this has been an on going problem in the Pottersville Water District. He explained that the main comes down Landon Hill Road to Rt 9, on the south side of Rt 9 to the Black Bear Restaurant . A $\frac{3}{4}$ inch pipe, comes off from the main by Landon Hill and Route 9 intersection, goes under Rt 9, a T is in the line and splits off to two residences. The line for the Marietta Knapp property (52.12-1-1) runs along Route 9, on the same side of the road as her property and then up the steep bank of her property where another shut off has been found (approximately 400 feet of line).

There are 2 shut offs, one is where the pipe comes across the road and then another shut off is near the apartment house, Marietta owns. The $\frac{3}{4}$ " pipe is the constant problem of leaks and the 400' section from the first shut off to the shut off by the apartment appears to be sub standard.

Water regulations state that the town is responsible from the shut off, but in this situation, which shut off?

Discussion on:

1. if the pipe starts leaking under Rt 9 and especially in the winter. Permission would be needed from the state to dig under Route 9.
2. Another issue is that the water line was tapped into without party paying the tap fee of \$500 and not making proper arrangements for the meter.
3. Proposal is to have the town relocate the first shut off, which would be across the little brook and on to the owner's property and then have the homeowner do their own pipe from the new shut off to their apartment/residence (52.12-1-1).

Jason Monroe, Water superintendent stated that the leak has been fixed again, but will probably continue to be an on going problem, until it is replaced.

Jason felt that as of now the apartment house has water, being supplied by the town. If he is authorized to cross the brook and put a new shut off in at the end of the driveway, the existing water service would be terminated and the tenants would not have water. Jason suggested that perhaps the existing water line should be abandoned and put the shut off on Marietta's property. Councilperson Packer also suggested that coordinate this with Marietta so that "her" line from the shut off to the apartment house is done and when the town has completed their part, her water line could be connected to the "new" shut off and water service would not be interrupted.

Jason stated that he had been approached numerous times over low water

pressure. He visited the residence and put a pressure gauge on and it was adequate. But as the result of the ¾" line (that comes under Rt 9) it makes a T. The one branch of this T feeds the residence on the left side (basically a summer residence and this end of the line seems to be ok and the copper line looks ok) and the other end goes to the apartment house where it is reduced down to ½" copper line inside, which is not sufficient. He recommended that Marietta apply for new water service, which would be the tap on charge of \$500, by doing that a larger size line could be run to her property and the line would supply sufficient amount of water, volume and pressure to accommodate the three apartments. Unfortunately this was not done.

An offer was made from an individual to do the digging, at not cost. This offer was rejected for legal reasons as far as the town's part is concerned and a private contractor would not be able to dig in the state right a way. The individual could do the digging for the landowner on her property to run a new line.

RESOLUTION #101: AUTHORIZE WATER SUPERINTENDENT TO INSTALL A NEW SHUT OFF ACROSS THE BROOK FOR THE MARIETTA KNAPP APARTMENT HOUSE.

Introduced by Mr.Packer, 2nd by Mr.Durkish authorizing Water Superintendent, Jason Monroe, to install a new shut off, across the small brook, for the property owned by Marietta Knapp, tax map# 52.12-1-1 (apartment House) in the Pottersville Water District.

AYE 5 NO 0

Discussion on funds being available in the Pottersville Water District for boring under Route 9 to replace the line that water line. Supervisor Monroe will contact DOT Engineer about cutting the pavement instead of boring under Route 9. This would be much cheaper.

Further discussion on the unauthorized tap will be done in Executive Session.

Appoint members and alternates to ZBA - Four individuals have expressed an interest in being alternates. Arnold Jensen - Loon Lake; Bill Oliver - Hill Park Rd; John Grady - Woodridge Rd; and John Macmillan - Landon Hill Rd. At this time there is a vacancy on the board. Discussion on appointing one to the board and having three alternates. Local law #1 of 2000 would need to be amended from 2 alternate members, on both the Planning Board and Zoning Board of Appeals, to increase the alternate number to four (4).

RESOLUTION #102: APPOINT JOHN GRADY TO ZONING BOARD OF APPEALS, TO FILL TERM OF ELWOOD FINDHOLT.

Introduced by Mr.Packer, 2nd by Mrs.Wells to appoint John Grady to Zoning Board of Appeals to fill the term of Elwood Findholt, who resigned. Term is up December 31, 2008. AYE 5 NO 0

RESOLUTION #103: AUTHORIZE THAT A DRAFT BE DONE TO AMEND LOCAL LAW # 1

OF 2000 AND SCHEDULE DATE FOR PUBLIC HEARING.

Introduced by Mr.Monroe 2nd by Mrs.Wells authorizing Mr.Schachner to draft an amendment to Local Law #1 of 2000 to increase alternate members on the Planning Board and the Zoning Board of Appeals. Number will be increased from two (2) to four (4). Advertise for public hearing on the amendment for July 8, 2008 Town Board meeting at 7:30 pm.
AYE 5 NO 0

Pottersville cat issue - Councilperson Wells reported that in her conversation with the ACO Bill Mosher, the problem seems to have been resolved. He has picked up 25 cats. Discussion on if the Town is responsible for the cost, if the cats are euthanasia. Will have lawyer research such matter.

Councilperson Wells also stated that Mr.Mosher asked if she could check on two things: have rabies clinics and ways to check on unlicensed dogs.

Town Clerk reported that rabies clinics have been done in the Town of Chester for a number of years. Warren County Public Health sets up a rabies clinics in the County, at various locations.

Supervisor Monroe asked Town Clerk what did former ACO do to get people to license their dogs. Town Clerk replied that he was visible to the public.

Councilperson DuRose request that a rabies clinic be held in Chestertown prior to the one in Pottersville, which will be held in September. Suggested about having notice in paper.

Discussion on the road name signs that were stole last year and if any reimbursement has been made.

RESOLUTION #104: AUTHORIZE PAYMENT OF ABSTRACT.

Introduced by Mrs.Wells, 2nd by Mr.Packer authorizing payment of abstract and approve claims paid prior to audit:

General fund	\$ 30,285.89	(226-280)
Highway fund	19,805.92	(99-123)
Chtwn water	3,063.35	(30- 38)
P'ville water	9,013.05	(22- 29)
Library	1,058.93	(21- 25)
Loon Lk Pk	10,968.97	(10- 12)

AYE 5 NO 0

Motion by Mr.Monroe, 2nd by Mrs.DuRose the Town Board went into Executive Session at 9:30pm to discuss Considine litigation and Word of Life litigation, animal control officer position and unauthorize water tap. Motion by Mr.Monroe, 2nd by Mrs.DuRose Town Board resumed regular session at 10:20. No action taken.

RESOLUTION #105: REQUEST THAT A RABIES CLINIC BE DONE IN THE HAMLET OF CHESTERTOWN.

Introduced by Mrs. DuRose, 2nd by Mr. Packer request that Warren County Public Health set a date for a rabies clinic in the hamlet of Chestertown at the Chestertown Fire House prior to the clinic being held in Pottersville in September.

AYE 5 NO 0

Discussion on having animal control officer attend the rabies clinic and have lawyer research to see what is required to have animal control officer sell dog licenses. Town Board felt that an effort should be made to help people licenses their dogs. Town Clerk stated that in prior years, she had taken time to attend the rabies clinics and had issued dog licenses. She has not done this in the past 7 years and does not want to.

Councilperson Wells stated that people find it difficult to come into the office during the hours that we are opened. Town Clerk stated that she has picked up license renewals and renewals can be done through the mail, as can new licenses.

Supervisor Monroe and Town Board wanted to know when the Town Clerk and Highway Superintendent's terms of office were up and their understanding that neither the town clerk nor the highway superintendent were planning on running again. Both terms are up December 31, 2011. He stated that the "Town Board wants to go to appointed Town Clerk and Highway Superintendent," if we are not going to run again. Supervisor Monroe stated that this would need to be approved by a referendum - "if people don't want it, they vote against it."

Motion by Mrs. DuRose meeting was adjourned at 10:30 pm.

Town Clerk

