

Regular meeting of the Town Board of the Town of Chester was held **April 10, 2012** at 7:30 pm in the Town Municipal Center, Chestertown, NY.

Roll Call: Frederick H. Monroe, Edna Wells, Karen DuRose and Steve Durkish. Attorney for the Town, Mark Schachner. Absent: Mike Packer.

Sand bids. Sand bids were opened and read by the Secretary. As follows:

1. Gilma Enterprises: \$2.00 per cubic yard for bank run sand to be screened at the Gilma Pit, Route 8, Chestertown.
2. Adirondack Construction Enterprises: \$1.28 per cubic yard for bank run sand.

RESOLUTION #55: TABLE DECISION ON AWARDING BID FOR BANK RUN SAND PENDING DISCUSSION WITH JASON MONROE.

Introduced by Mr. Durkish, seconded by Mrs. Wells, table decision on acceptance of bid until input from Jason, who was unable to be in attendance.

AYE 4 NO 0

Public Hearing. Public hearing on the Harry Ellis wastewater variance was opened at 7:31 p.m. Tom Jarrett, Engineer, representing Mr. Ellis. Al Matrose, resident Engineer/consultant, was also in attendance.

Property located in Chester Shores View on Loon Lake, tax parcel #86.18-1-6. Mr. Jarrett and Mr. Matrose have been in correspondence to decide on actual variances needed. One is that there is no reserve area shown on the property, with new construction dwelling to be limited to three bedrooms, and the second is that additional perc tests would be needed at the time of construction within the actual footprint of the system.

Mr. Monroe recused himself, as his wife, a Real Estate broker, had listed the property. Mrs. Wells was appointed as Interim Deputy in the absence of Mr. Packer.

No questions or discussion, public hearing was closed at 7:35 pm.

RESOLUTION #56: APPROVE WASTEWATER VARIANCE FOR HARRY ELLIS, WITH CONDITIONS IMPOSED.

Introduced by Mrs. DuRose, the board finds that there are circumstances or conditions applying to the land so that strict application of the ordinance would deprive the applicant of reasonable use, the variance would not be materially detrimental to

the purposes of the ordinance, or to adjoining properties, and that the granting of the variance is necessary for the reasonable use of the land. The board therefore approves the wastewater variance as set forth, with the conditions that the new dwelling shall be limited to three bedrooms, and perc tests shall be done during construction within the actual footprint of the system.

Roll call vote:

Mr. Durkish - AYE

Mrs. Wells - AYE

Mrs. DuRose - AYE

Mr. Monroe - ABSTAIN

RESOLUTION #57: ACCEPT MINUTES OF MARCH MEETINGS.

Introduced by Mrs. Wells, seconded by Mr. Durkish, the minutes of March 8th, 12th and 19th were accepted, as presented.

For the 8th and the 12th:

AYE 4 NO 0

For the 19th, Mrs. DuRose had been absent.

Roll call vote:

Mrs. Wells - AYE

Mr. Durkish - AYE

Mr. Monroe - AYE

Mrs. DuRose - ABSTAIN

Privilege of the floor:

Arnold Jensen had visited six marinas looking for an appropriate boat for patrolling Loon Lake. His recommendation would be a 2000 Seaswirl 18 ft. boat with a 2001 Evinrude 115 HP engine with trailer. The motor has only been run for 140 hours and the boat is in nearly new condition despite its age. Rich Stolen, Loon Lake Marina, offered it to the town for \$9,340.00. Mr. Stolen will accept \$5,000.00 for 2012, with the balance of \$4,340.00 due in February of 2013.

RESOLUTION #58: PURCHASE BOAT FROM LOON LAKE MARINA FOR LOON LAKE CONSTABLE.

Introduced by Mr. Monroe, seconded by Mrs. Wells, purchase the 2000 Seaswirl boat for Loon Lake Patrol, upon agreement with Mr. Stolen for payment of \$5,000.00 for 2012, and the balance due of \$4,340.00 in 2013.

AYE 4 NO 0

Clarke Dunham, member of the Tri Lakes Business Association, thanked the board and the Town of Chester for their support, etc. of the Railroads on Parade project. He explained the difficulty of getting traffic to both his business, as well as Stonebridge & Caves. He is asking if directional signs (flags) could be located in town which would not have to be replaced every week, or be taken away. He is

proposing locating at Exit 26 of the Northway, both north and south ramps, on Stone Bridge and Valley Farm Roads. The banner committee within the Business Alliance also was looking at flags being strategically placed throughout the three communities, and all of the businesses have agreed to sponsor the flags/banners, with no cost to the town. They would be changed periodically, and would keep the information out to the public. Mr. Monroe wanted to know whether the board would support such a plan, and if the Zoning Ordinance does not support it, to either apply for a variance, or consider amending the Ordinance, as there is stipulation regarding off premises signs. The Board supports plan, advising Mr. Dunham and the committee to talk with the Zoning Administrator first.

Jim McDermott inquiring on status of unsafe building on Pine Street. Mr. Monroe stated that engineers have found asbestos in the building. The Trustee in Bankruptcy consented to the building being taken down, with the cost thereof to be assessed against the property. The job will have to be bid out, and hopefully, project will be undertaken within the next couple of months. It will be a risk for the town, and there is concern over what is in the ground as evidence points to fuel tanks still being there. The town cannot take title without protection, nor will they impose upon the taxpayers the cost of tank removal.

Barbara Thomas had submitted a letter to the board, and requested hiring Steve Ovitt of Wilderness Property Management as a consultant for a viable plan to make the Caroline Fish Nature trail a multi-use educational nature trail.

RESOLUTION #59: AUTHORIZE PAYMENT OF \$400.00 FOR STEVE OVITT TO SPEAK TO CHAMBER COMMITTEE REGARDING NATURE TRAIL.

Introduced by Mr. Monroe, seconded by Mrs. Wells, authorize cost of \$400.00 for Steve Ovitt to speak with Chamber Committee members in an all day session with suggestions for a plan for the Caroline Fish Nature trail.

AYE 4 NO 0

Linda Muench passed out a rendition of the proposed signage intended to replace the deteriorating signs which had been done by Forest Jones. They are located on Valley Farm Road and Route 8 by Stewart's, and the estimated cost for each sign is \$1000.00. Clarke Dunham explained that they would like the Historical Association to take a portion of each sign for permanent display to honor Mr. Jones. Due to the regulations involved, the existing signs cannot just be uprooted and replaced. Plans will first need to go to the Dept. of Transportation for permit approval. Mr. Monroe requested the board be provided with the dimensions. Mr. Monroe also suggested that they get involved with Adirondack Regional Tourism to perhaps get listed on their website.

Mary Jane Dower wondered if work could be done on East Hudson River Drive to smooth it out. Mr. Monroe will ask Jason to take a look at it.

Ed Greismer, President of the Loon Lake Park District Association reminded the board that they would be having the Lake Steward program again this year, from July until Labor Day, running for about 30 days at a cost of about \$1,800.00.

Florence Converse spoke to the board about Joseph LaRocque's complaint regarding dogs being allowed to run loose on his property on Old River Road. He would like a sign posted at the beginning of his road stating that there is a Leash Law in effect in the Town of Chester. Mr. Monroe will take care of getting such a sign made and posted.

Old business:

Mr. Rick Handley was in attendance to offer a presentation of biomass heating for public buildings. He stated that the technology is proven and reliable with new technology on the horizon. He touted the increased efficiency, lower emissions, lower time requirements, and reliable operation for hot water boiler and heat distribution. He went over the energy cost ranges, sizing of a biomass system, best application for woodchips vs. wood pellets, integrating a pellet boiler with solar panels, and the components of a biomass system. He also discussed potential funding options, most of which have gone by the wayside, but he thought that Rural Energy for America Program (REAP) in the Federal Farm Bill might well include grant money for municipalities. Wood chips could cost about 20 % of the cost of fuel by current standards, although the initial cost for a biomass system would offset any savings. The price of such biomass fuels are in plentiful supply in our area, and prices would be far more stable than the oil market has been and is likely to continue to be. Mr. Handley thought that wood pellets would be ideal for the municipal center complex, as it measures about 35,000 square feet. The wood chips themselves could be stored outside in a silo, and the property has ample space for storage and delivery of either the wood chips or wood pellets. The board would like to tour a facility having a system on site, such as the Wild Center in Tupper Lake or the Hartford School. Approximately 43 of the schools in Vermont now heat their facilities with wood.

Pat Tatich was unable to be in attendance to discuss the First Wilderness Project.

Solar project. Mr. Monroe said he had spoken with Winslow Moore and Edge Design, and they thought the solar panels would be going up for the town hall by next week. The health center should be up and running within the next 3 to 4 weeks, and we are still waiting for a proposal for pole mounted panels for Dynamite, as opposed to ground mount. Dynamite will be the last location to be done.

Veteran's Memorial Project. Mr. Harry Bollback spoke first, stating that the Veteran's were within \$8,000.00 of their goal . They are planning to dedicate the Memorial on July 7th, in coordination with the Summerfest program for the town. The stones, measuring 5 ½ ft. high by 8 ft. wide are currently being engraved. It is a joint venture between the American Legion and the Veteran's of Foreign War. Harry Balz spoke, stating that there would be 6 flagpoles, one for each branch of the Service, and one for the MIA's, and they would be lit up at night by recessed ground fixtures. He explained that Jason offered to provide the manpower, and they anticipate that construction will begin the 1st of May. Northwoods Concrete will supply the labor for the concrete, and Peckham's will supply the stone.

RESOLUTION #60: AUTHORIZE SUPERVISOR SIGN MEMORANDUM OF AGREEMENT FOR VETERAN'S MEMORIAL.

Introduced by Mrs. Wells, seconded by Mr. Durkish, authorize Supervisor sign Memorandum of Agreement between Town of Chester Town Board and Joint Venture of the American Legion Post and the Veteran's of Foreign War with regard to the scope of work that each organization will be responsible for.

AYE 4 NO 0

RESOLUTION #61: AUTHORIZE HIRING OF JUSTINE MONTHONY FOR LIFEGUARD.

Introduced by Mrs. Wells, seconded by Mrs. DuRose, authorizing hiring of Justine Monthony for Lifeguard for 2012 season.

AYE 4 NO 0

Water hookup. Greg Taylor has purchased the Remington building at the corner of Main & Church Streets, (former Ice Cream Parlor location), and has requested a new water service. The building will be renovated to include a Restaurant on the ground floor, with one 3 bedroom and one single bedroom apartment on the second floor.

RESOLUTION # 62: APPROVE WATER HOOKUP FOR GREG TAYLOR.

Introduced by Mr. Monroe, seconded by Mrs. DuRose, approve new water hookup for Greg Taylor at the former Remington building.

AYE 4 NO 0

Wastewater Variance. Zach Monroe from Cedarwood Engineering was in attendance to discuss a proposed wastewater septic variance for Greg Taylor for the Remington building. There is currently a septic tank with a seepage pit on site. The building is approximately 80' x 40', and Zach stated that he knows the project is subject to Dept. of Health review and approval, due to the fact that a public facility will be involved, and he also will need a SPEDES permit from DEC. However, he feels that he will still need a variance from the town for the required setback from the tank to the property line, and from the tank to the building. Mr. Al Matrose suggested he might want to get the DOH approval first, so that he does not have to keep coming back

to the town. Zach would like to go ahead with a public hearing for the proposed project at the next meeting.

At this time, Supervisor Monroe stated that he would not be able to attend the scheduled May 8th meeting of the Town Board, and asked that the meeting be moved to Tuesday, May 15th.

RESOLUTION #63: APPROVE CHANGE OF DATE FOR MAY MEETING, AND SCHEDULE PUBLIC HEARING FOR TAYLOR WASTEWATER VARIANCE.

Introduced by Mr. Monroe, seconded by Mrs. Wells, change date of May meeting from May 8th to May 15th, and advertise public hearing for the Taylor Wastewater Variance to be held at that meeting.

AYE 4 NO 0

White Space Broadband. Fred Engleman from Loon Lake has been working with the Town of Thurman on this project. There is now a new Federal Law which allows Municipalities to use unused space in the electro-magnetic spectrum for Broadband. Mr. Engleman may come to a future meeting to explain the process to the board. It is a way to get Internet service out to areas which are unlikely to have it as the companies offering it do not want the expense of running the wire to remote areas.

Electric supply for snowmaking. Mr. Monroe suggested tabling this discussion until such time as Jason could be in attendance.

Proposed amendments to Animal Control Local Law. New Animal Control Officer, Florence Converse, spent some time with Ags. & Markets Elizabeth Holmes, going over our current Animal Control Local Law. Ms. Holmes has suggested a couple of changes. One of them has to do with the conditions of employment of the Animal Control Officer having the following credentials or meeting the following requirements as outlined in Sect.5.b.1-7.

She agrees with the rabies pre-exposure vaccination, but has a problem with satisfactory completion of courses held in connection with Animal Control Academy. She said the cost is \$1,200.00, and it was held in Albany at one time, but basically is held all over the country now which would involve extensive traveling, for great expense. Florence stated she would be taking the course in the office of Ags. & Markets. Ms. Holmes agreed with maintaining and wearing of a uniform, etc., but utilization of a paging system was optional. Additionally, she wasn't sure that we needed to get involved with nuisance wildlife control and use of a firearm. The agreement that we have between the town and the ACO says no firearms. Ms. Holmes is then proposing that we eliminate #'s 3, 6, and 7, and that the employee meet at least 2 of the other requirements.

The other issue has to do with fees for seizure, redemption, disposition and/or impoundment, Section 11.

Under #2, fees for any seizure and impoundment of any dog found to be unlicensed or untagged, shall be as follows:

A. For the first impoundment, this section now says \$45 plus the actual cost to the Town for boarding. Ms. Holmes says we cannot call it boarding, but we can just set a rate for an impoundment fee. The board wishes to make the cost reasonable for the people. They recommend changing the fees:

- 1st impoundment ~ \$10.00 per day
- 2nd impoundment ~ \$15.00 per day
- 3rd impoundment ~ \$20.00 per day

Florence mentioned that Hills Science Diet would donate food, based on records of town for average number of dogs impounded. A large enclosure had been added to the dog shed, with pads for the floor. The only problem with it was that it either had to extend to the ceiling or had to have a cover, in the event that an aggressive dog was impounded and might be able to get out. It becomes an issue of safety. Covers are not made for the size of this particular enclosure, so Florence asked whether regular livestock fencing could be placed over the top. Ms. Holmes agreed, but added that all of the metal twist ties that had been used on the enclosure, and securing of the cover needed to be replaced with vinyl zip ties.

RESOLUTION #64: REVISE LOCAL LAW #1 OF 2010 FOR ANIMAL CONTROL DOG AND DOG LICENSING, AND SCHEDULE PUBLIC HEARING FOR 7:45 PM, MAY 15, 2012.

Introduced by Mr. Durkish, seconded by Mrs. Wells, authorize Attorney Schachner draft revisions for Local Law #1 of 2010 as it pertains to Animal Control dog and dog licensing, and schedule public hearing for same for May 15th meeting at 7:45 pm.

AYE 4 NO 0

Discussion followed, each incident would be judged on a case by case basis and impoundment not be limited to just 5 days, and Ms. Holmes recommended that any aggressive dogs be taken right away to Glens Falls Animal Hospital and not be housed in town. Florence will use her own judgment and consult with Supervisor Monroe if unsure on any issue.

Senior exemption. Mr. Monroe suggested discussion take place at a later time, as there is a hearing scheduled for a week from this Friday at the County.

Streetlight bids. Town has a \$24,000.00 grant to extend our decorative streetlights. Jason will do all of the digging, installing the conduit, pulling the wire, etc., so all that we have to do is buy the lights. Mike Glebus, electrician, will give the town a quote. If it is under our limits, we can accept it. The street lights

themselves will need to be bid out.

RESOLUTION #65: ADVERTISE BIDS FOR PEDESTRIAN LEVEL STANDARDIZED LIGHT FIXTURES IDENTICAL TO THOSE ALREADY IN PLACE.

Introduced by Mr. Monroe, seconded by Mrs. Wells, advertise bids for pedestrian level standardized light fixtures, identical to those we already have in place.

AYE 4 NO 0

RESOLUTION #66: AUTHORIZE JASON MONROE AND DEPUTY WATER SUPERINTENDENT ATTEND RURAL WATER WORKS TRAINING.

Introduced by Mr. Monroe, seconded by Mrs. Wells, authorize Jason Monroe and Kim Frazier attend the annual Rural Water Works training class to be held May 22nd through May 24th. All necessary expenses for same to be a lawful claim against the Town of Chester.

AYE 4 NO 0

Data Collector. Patrick Powers was in attendance with a complaint against the Assessor's data collector gaining entrance into a dwelling that he rents out. Data collector's letter in defense of his actions were read in open meeting. Mr. Powers stated that there was more to be discussed in executive session. Additionally, he has a claim regarding his assessment which will also be discussed in executive session.

Camp of the Pines. Matter to be discussed in executive session.

RESOLUTION #67: RATIFY TERMINATION OF WILLIAM MOSHER AS ACO.

Introduced by Mr. Monroe, seconded by Mrs. Wells, ratify the termination of William Mosher as Animal Control Officer for the Town of Chester as of November 23rd, 2011.

AYE 4 NO 0

Little League. Jason had mentioned to Supervisor Monroe that the Little League has asked if we would buy an outfield fence, 320' for \$900.00. Teams wants to sell advertising to hang on the fence. It is the consensus of the board that if they want a fence to hang advertising on, they can purchase it from the revenue from the selling of the ads.

Trading of services. For years services have been traded with the Town of Horicon for screening of sand. One year they would screen, the next year we would. Horicon has now pulled their screen from the pit, and the Highway Superintendent requested that we screen 1000 yards of sand for them, and then he'll do the same for us next year.

RESOLUTION #68: APPROVE CONTINUATION OF TRADING OF SERVICES WITH THE TOWN OF HORICON.

Introduced by Mrs. Wells, seconded by Mr. Monroe, approve continuation of the trading of services with the Town of Horicon.

AYE 4 NO 0

Tri-Lakes Business Alliance. Tri-Lakes Business Alliance had written 3 separate letters to the Town Board.

#1. Concerned over safety at Intersection of Route 8 & Schroon River Road, requesting a street light be placed on the west side of Route 8 turning towards the Crossroads. The board would like to take a look at it first.

#2. Interested in helping the Main Street Enhancement Committee improve the look on Main Street to appear more inviting. Wants to contact the artists involved in the North Country Arts Center about doing something creative with the park benches. Board thinks it's a good idea.

#3. Request Town of Chester retain an engineering firm to look into the feasibility of a town sanitary sewer system for the downtown business district and complete a plan acceptable to the Town Board. This will be a substantial expense, and there is no money budgeted for such a project. There first needs to be a map plan which would cost 10's of thousands of dollars. There would also need to be a critical mass of people who would want to connect to it. At this point, this information is not available. There must first be a petition process which requires a mandatory number of signatures. Board feels that a sewer district is an expensive proposition to plan, to build, and for the homeowners who may want to connect to it. The board is reluctant to take the first step in hiring an engineer until they are assured that there are enough people interested in it who are also willing to pay for the capital cost of it. With the 2% tax cap, this might be a difficult project to undertake for the town. Supervisor Monroe will call Mr. Butler regarding this issue.

RESOLUTION #69: AUTHORIZE PAYMENT OF ABSTRACTS AND CLAIMS PAID PRIOR TO AUDIT.

Introduced by Mrs. Wells, seconded by Mr. Durkish, authorize payment of abstract and claims paid prior to audit.

General Fund	\$33,927.69	(131-182)
Highway Fund	\$42,780.20	(60-90)
C'Town Water	\$ 797.21	(11-15)
P'Ville Water	\$ 2,162.68	(12-18)
Library	\$ 1,149.04	(12-14)

AYE 4 NO 0

On a motion by Mr. Monroe, seconded by Mrs. Wells, the board went into executive session at 10:10 pm. to discuss the Patrick Powers issues, Camp of the Pines, and the various complaints from June Maxam.

On a motion by Mrs. Wells, seconded by Mr. Durkish, board out of executive session at 11:00 pm. No action taken.

RESOLUTION #70: APPOINT JOHN WOLFE DEPUTY ZONING ADMINISTRATOR.

Introduced by Mr. Monroe, seconded by Mrs. Wells, appoint John Wolfe Deputy Zoning Administrator.

AYE 4 NO 0

On a motion by Mr. Monroe, seconded by Mrs. Wells, board adjourned at 11:05 pm.

Respectfully submitted,

Town Clerk