

**Regular meeting** of the Town Board of the Town of Chester was held **December 12, 2006** at 7:00 pm in the Town of Chester Municipal Center, Chestertown, NY.

Roll Call: Frederick H Monroe, Michael Packer, Frank Shaw (arrived at 7:15pm), Edna Wells, Karen DuRose and Mark Schachner (Attorney for the Town).

**RESOLUTION #183: APPROVE MINUTES OF THE NOVEMBER MEETING.**

Introduced by Mr.Packer, 2<sup>nd</sup> by Mrs.Wells to approve and accept the minutes of the November 9<sup>th</sup> , 14<sup>th</sup> and 29th meetings. AYE 4 NO 0

**Public Hearing on Local Law for Regulating Junk and Junk yards -**

Clerk read published notice of Public hearing on Local Law for Regulating Junk and Junk yards. Supervisor Monroe opened Public Hearing at 7:05pm and gave a brief review of the sections. Questions asked from the floor:

Cost of permit (Section 4) - nothing is stated in Local Law.

Junkyard permitted in hamlet - no restrictions, but has to meet requirements. Planning board has authority.

Who enforces oil spills etc. - DEC would be enforcement.

Zoning officer would enforce conditions in regards to an operating permit.

Mr.Schachner stated that the Enforcement Section 10 was included in the "stand alone law".

Question on what is "repair garage" and how many vehicles are they allowed to have? Mr.Schachner stated that the question was about a commercial garage/automotive repair facility and "he did not believe that that was what these laws were intended to cover".

Definitions were reviewed.

Mr.Schachner noted that Sections 3 (accumulation of storage of junk) and 4 (operating permit) of the new proposed local law were inadvertently not included in the zoning law.

Town Board supports the Zoning Administrator in enforcing the local law.

Supervisor Monroe closed public hearing at 7:46 pm.

**RESOLUTION #184: ADOPT LOCAL LAW FOR REGULATING JUNK AND JUNKYARDS IN THE TOWN OF CHESTER.**

Introduced by Mr.Shaw, 2<sup>nd</sup> by Mrs.Wells to adopt Local Law regulating junk and junkyards with the two changes recommended by the Attorney for the Town (Section 2 replace "motor vehicles" with junk automobiles and Section 9 replace "this Local" with the current Town of Chester Zoning Law ). This will be local law #3 for 2006.

AYE 5 NO 0

**Public Hearing:**

Clerk read published notice of Public hearings for purpose of entering into contracts with:

North Warren Chamber of Commerce to act as advertising agency for the Town of Chester in the amount of \$10,000 (A6410.4).  
North Warren Emergency Squad to furnish emergency ambulance service in the Town of Chester in the amount of \$50,000 (A4540.4).  
North Creek Fire District to provide fire protection in the amount of \$20,000 (SB3410.4).  
Riverside Volunteer Fire Co to provide fire protection in the amount of \$7,000 (SA3410.41) and Chestertown Fire Co to provided coverage in the Riverside Fire District in the amount of \$5,000 (SA3410.42).

Supervisor Monroe declared public hearing open at 7:50pm. Comments were heard from the floor.

Mr.Finch inquired as to why Chestertown Fire Co. was receiving funds from the Riverside Fire District, as he felt that this was an automatic mutual aid. An agreement was made between Chestertown and Riverside in regards to daytime coverage provided by Chestertown and the amount that Chestertown would receive for providing daytime coverage.

Board request Mr.Schachner to research as to the split payment for districts (Chestertown and Riverside) or if Riverside District should make payment to Chestertown District.

**RESOLUTION #185: AUTHORIZE SUPERVISOR TO ENTER INTO CONTRACTS FOR YEAR 2007.**

Introduced by Mr.Shaw, 2<sup>nd</sup> by Mr.Packer authorizing the Supervisor to enter into the following contracts for the fiscal year 2007:

North Warren Chamber of Commerce to act as advertising agency for the Town of Chester in the amount of \$10,000 (A6410.4).  
North Warren Emergency Squad to furnish emergency ambulance service in the Town of Chester in the amount of \$50,000 (A4540.4).  
North Creek Fire District to provide fire protection in the amount of \$20,000 (SB3410.4).

Authorize Supervisor Monroe to sign the following contract based on the attorney's research determining the legality of split payment for coverage in the Riverside District.

Riverside Volunteer Fire Co to provide fire protection in the amount of \$7,000 (SA3410.41) and Chestertown Fire Co to provided coverage in the Riverside Fire District in the amount of \$5,000 (SA3410.42).

AYE 5 NO 0

**Bid openings:**

Two bids were received for fuel oil, diesel and kerosene.

**Shaw Fuel** 1470 St Rt 9, Fort Edward, NY 12828

**Bid - markup** \$.35 per gallon on fuel oil, low sulfur diesel fuel, kerosene and \$.15 mark up on fuel oil for 5000 gallons minimum delivery at municipal building. Servicemen available 8am -4 pm and on call number after hours.

**Buckman's Family Fuel Co.Inc.**, Box 448, Chestertown, NY 12817

**Bid - markup** \$.22 per gallon on fuel oil, low sulfur diesel

fuel, kerosene and \$.18 mark up on fuel oil for 5000 gallons minimum delivery at municipal building. Servicemen available.

**RESOLUTION #186: ACCEPT BID FROM BUCKMAN'S FAMILY FUEL CO, INC. FOR FUEL OIL, DIESEL, AND KEROSENE DELIVERIES FOR THE YEAR 2007.**

Introduced by Mr. Shaw, 2<sup>nd</sup> by Mr. Packer to accept bid from Buckman's Family Fuel Co. Inc. P O Box 448, Chestertown, NY for the delivery of: #2 fuel oil, kerosene, and diesel with a mark up of \$.22 per gallon and fuel oil for the town hall only with a mark up of \$.18 per gallon. Delivery will be to ski hut at Dynamite Hill, health center, Quonset hut and highway garage and Town Municipal Center.

AYE 5 NO 0

**One Bid received for Senior Transportation:**

Warren - Hamilton Community Action, Box 968, 190 Maple Street, Glens Falls, NY. Total \$8,925 for 2007: 51 trips cost per trip \$175.

**RESOLUTION #187: ACCEPT BID FROM WARREN-HAMILTON COMMUNITY ACTION FOR SENIOR TRANSPORTATION FOR THE YEAR 2007.**

Introduced by Mr. Shaw, 2<sup>nd</sup> by Mrs. DuRose to accept bid from Warren-Hamilton Community Action, Box 968, 190 Maple Street, Glens Falls, NY 12801 for Senior Transportation for the year 2007 in the amount of \$8,925 for 51 trips. Cost per trip is \$175.

AYE 5 NO 0

**Privilege of the Floor: none**

**Old Business:**

**Status of solid waste study - Steve Lynch** will present study at the December 28, meeting.

**Status of Pottersville Street Light Project** - the contractor has the poles and is waiting for the delivery of the globes. Tentative date for completion is December 21.

**Robbins proposal to sell property** - no interest or action at this time.

**Dr. Delman and Janet Moon request for consideration of a ban on burn barrels in hamlets** - Supervisor Monroe read letter (Nov.1-06) from Dr. Delman. Copies of DEC's open burning were distributed to the Town Board. Discussion on banning and concerns over enforcement. Further discussion **tabled until December 28 meeting.**

**Affordable housing** - consider adding to the zoning ordinance something that would include: in law apartments and consider density bonus. Councilperson Shaw doesn't want this to hold up other amendments that are going before APA. Mr. Monroe and Mr. Schachner will review affordable housing with APA.

**New Business:**

**RESOLUTION #188: AUTHORIZE SUPERVISOR TO SIGN SNOW AND ICE CONTRACT WITH WARREN COUNTY FOR FISCAL YEAR 2007.**

Introduced by Mr.Packer, 2<sup>nd</sup> by Mrs.Wells authorizing Supervisor to sign contract with Warren County for snow and ice removal for the fiscal year 2007. Included in contract is sweeping of roads and mowing. Total miles 32.87. Contract amount \$188,285.

AYE 5 NO 0

**RESOLUTION #189: RESOLUTION OF SUPPORT FOR THE ADIRONDACK CENTRAL ADIRONDACK TRAIL AMENDMENT.**

Introduced by Mr.Shaw, 2<sup>nd</sup> by Mrs.Wells:

The Town of Chester supports the inclusion of their community along the Central Adirondack Trail and is in agreement with the amended route as defined by County resolution 171 - 2005.

WHERE AS the new Route including NYS Route 8 as it leaves the Town of Johnsbury and enters into the Town of Chester,

WHERE AS the Community of Chester embraces the Central Adirondack Trail perspective of a rural community in the Adirondacks,

WHERE AS the Community of Chester will benefit from the designation of this byway through the promotion of the assets of the community to travelers and residents alike,

THEREFORE it be resolved the Town of Chester authorizes the Warren County Planning and Community Development Department to pursue the necessary means to accomplish the amendment to the Central Adirondack Trail.

AYE 5 NO 0

**RESOLUTION #190: TO SET DATE OF JULY 7, 2007 FOR ANNUAL FIREWORKS.**

Introduced by Mr.Shaw, 2<sup>nd</sup> by Mrs.DuRose to set date of July 7, 2007 for the annual fireworks to be held in the Town of Chester.

AYE 5 NO 0

**RESOLUTION #191: APPROVE REQUEST OF ASSESSOR TO ATTEND ASSOCIATION OF TOWNS MEETING IN FEBRUARY 2007.**

Introduced by Mr.Packer 2<sup>nd</sup> by Mrs.Wells approving request of Paul Maniacek, Assessor, to attend Association of Towns meeting in February and to be included with other town officials for pre-pay bus and registration. (Res. #182 Nov.29,06).

AYE 5 NO 0

**RESOLUTION #192: APPROVE MEMORANDUM OF UNDERSTANDING WITH DEC.**

Introduced by Mr.Shaw, 2<sup>nd</sup> by Mrs.DuRose to approve Memorandum of Understanding with DEC.

AYE 5 NO 0

**RESOLUTION #193: RE-APPOINT SAM SEWALL TO ZONING BOARD OF APPEALS.**

Introduced by Mr.Shaw 2<sup>nd</sup> Mrs.Wells to re-appoint Sam Sewall to Zoning Board of Appeals. Term is for five (5) years and ends 12-31-2011.

AYE 5 NO 0

**RESOLUTION #194: AUTHORIZE INCREASE IN MAXIMUM LIMIT FOR FLEXIBLE SPENDING ACCOUNT FOR \$2,000.**

Introduced by Mrs.Wells, 2<sup>nd</sup> by Mr.Shaw authorizing increase in maximum limit for Flexible Spending Account for \$2,000 for 2007.

AYE 5 NO 0

**Blythefield Fencing quote to fence Chestertown Water District water tank and encroachment** - Supervisor Monroe will contact owner (Pereau) in regards to the encroachment and Water Superintendent will get a 2<sup>nd</sup> quote for fencing.

**Maxam complaint regarding Redmond storage building property** - Review of complaint. Was determined that all requirements were met in the Redmond application. Supervisor Monroe will discuss the snow plowing issue with Highway Superintendent Clark and if need he will contact Mr.Redmond and request that plowing be done so as to not cause a hazardous situation (snow and water run off) on Foster Flats Rd.

**Ratify CSEA contract** -Formal contract to be sent.

**RESOLUTION #195: RATIFY CSEA CONTRACT.**

Introduced by Mr.Shaw, 2<sup>nd</sup> by Mrs.Wells to ratify CSEA contract.

AYE 5 NO 0

**Approve final version of Loon Lake milfoil contract with Steve LaMere** Attorney for the Town reviewed the contract.

**RESOLUTION #196: AUTHORIZE SUPERVISOR TO SIGN LOON LAKE MILFOIL CONTRACT.**

Introduced by Mr.Shaw, 2<sup>nd</sup> by Mrs.Wells authorizing Supervisor Monroe to sign the final version of Loon Lake Milfoil contract. Contract is with Steve LaMere.

AYE 5 NO 0

**RESOLUTION #197: AUTHORIZE SUPERVISOR TO SIGN CONTRACT WITH CONVENIENT MEDICAL CARE FOR DRUG AND ALCOHOL TESTING.**

Introduced by Mrs.DuRose, 2<sup>nd</sup> by Mr.Shaw authorizing Supervisor Monroe to sign Contract with Convenient Medical Care for Drug and Alcohol Testing to provide drug and alcohol testing service for 2007.

AYE 5 NO 0

**RESOLUTION #198: AUTHORIZE SUPERVISOR MONROE TO SIGN CONTRACT WITH OFFICE OF THE AGING.**

Introduced by Mr.Shaw, 2<sup>nd</sup> by Mrs.Wells authorizing Supervisor Monroe to sign contract with Office of the Aging for 2007.

AYE 5 NO 0

**RESOLUTION #199: AUTHORIZE TRANSFER FROM CHESTERTOWN WATER TO CAPITAL PROJECT FUND - WELL #1.**

Introduced by Mr.Shaw, 2<sup>nd</sup> by Mrs.Wells authorizing transfer from

Chestertown Water (appropriated as CW9950.9) to Capital Project Fund - Well #1. AYE 5 NO 0

Discussion on North Warren Chambers request for contract money (2007) to be issued in January.

**RESOLUTION #200: AUTHORIZE PAYMENT OF ABSTRACT.**

Introduced by Mr.Packer, 2<sup>nd</sup> by Mrs.DuRose authorizing payment of abstract and approve budget amendments to 2006 budget: Budget amendments are attached.

|                                       |             |         |
|---------------------------------------|-------------|---------|
| General fund                          | \$ 212.94   | 540     |
| (above Res.#181 Nov.29, 2006 meeting) |             |         |
| General fund                          | \$75,194.11 | 541-588 |
| Highway fund                          | \$60,965.05 | 228-246 |
| Chestertown water                     | \$ 1,250.48 | 58- 63  |
| Pottersville water                    | \$ 1,172.01 | 44- 46  |
| Library                               | \$ 2,294.20 | 53- 54  |
| Loon Lake Park Dist                   | \$ 5,987.00 | 11      |
| Fire Prot.North Creek                 | \$ 1,781.42 |         |
|                                       | AYE 5       | NO 0    |

John West stated that in reviewing propane slips from Suburban Propane there is a difference in price per gallon for the health center and transfer station and tax is being charged. Supervisor Monroe will check on this.

Supervisor Monroe received a complaint about garbage that is falling off from trucks on there way to transfer station. Other roads were also mentioned that have debris. Suggest that the tarp covering be enforced by sheriff's department.

Motion by Mrs.DuRose, 2<sup>nd</sup> by Mrs.Wells the Town Board went into Executive Session at 8:40pm to discuss Word of Life litigation and lawsuit - Maxam v. Warren County, et al (US District Court, Northern District of NY). Motion by Mr.Shaw, 2<sup>nd</sup> by Mrs.Wells regular session was resumed at 9:40 p.m.

**RESOLUTION #201: AUTHORIZE ATTORNEY, MARK SCHACHNER, TO REPRESENT TOWN OF CHESTER IN THE LITIGATION WITH JUNE MAXAM IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF NEW YORK.**

Introduced by Mr.Shaw, 2<sup>nd</sup> by Mrs.DuRose authorizing Mark Schachner, Attorney for the Town of Chester, to represent the Town of Chester in the litigation with June Maxam in the United States District Court for the Northern District of New York.

AYE 5 NO 0

Motion by Mr.Shaw meeting was adjourned at 9:45pm.

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Town Clerk