

Regular meeting of the Town Board of the Town of Chester was held **February 12, 2008** at 7:00 pm in the Town of Chester Municipal Center, Chestertown, NY.

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

Public hearings:

1. Layton Septic Variance application. - continued Public Hearing

At 7:00 pm.

Tom Hutchins, Engineer for the Layton's, presented an amended plan. Variance summary: Reduce to 4 bedroom design; proposed absorption trench to northerly neighboring drilled well -20' of relief from 100' required and proposed absorption field to southerly neighboring dug well -23' of relief from 150' required. No longer need to request property line set back variance.

Comments from the floor: Scott West inquired as to how this would have an effect on them (adjoining neighbor) in the future, should they need to put in a system. Tom Hutchins explained to Mr. West.

(Hearing will remain open until arrival of Mr. Schachner, attorney.)

Mr. Schachner reviewed Section 5.060 - Variances of the On-site Wastewater Treatment Local Law for the Town of Chester.

Town Board determined that:

Sec. 5.060 (a) special circumstances and conditions exist and (b) variance would not be materially detrimental - existing camp on land (lot) with sub standard septic system that would not meet the current setbacks. The proposal would improve the setbacks from neighboring wells on the north and south. The propose system would be superior to the existing system and (c) granting of variance for the reasonable use of land and minimum variance alleviating hardship - considering that the proposal has been redesigned to reduce the number of bedrooms from 5 to 4 and there by reduced the size of the drain field and reduce the requested setback from the southerly well on the southerly lot and the setback from the side lot line.

Variance is granted.

Supervisor Monroe closed public hearing at 7:45pm.

RESOLUTION #14: CHESTER TOWN BOARD ACTING AS TOWN OF CHESTER LOCAL BOARD OF HEALTH. APPLICATION OF ROY AND MARILYN LAYTON FOR WASTEWATER VARIANCE. VARIANCE IS GRANTED.

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

Application of Roy and Marilyn Layton, 55 Clarkson Rd, Chestertown, NY. Tax map number 86.19-1-62.

In accordance with the criteria set forth in Section 5.060 of the Town of Chester Wastewater Treatment Local Law the Town Board acting as the local board of health makes the following findings:

1. Existing camp on land (lot) with a sub standard septic system would not meet the current setbacks.

2. Proposal would improve the setbacks from neighboring wells on the north and south and propose system would be superior to the

existing system.

3. granting of variance for the reasonable use of land and minimum variance alleviating hardship - considering that the proposal has been redesigned to reduce the number of bedrooms from 5 to 4 and there by reduced the size of the drain field and reduce the requested setback from the southerly well on the southerly lot and the setback from the side lot line.

Therefore, the Board approves the variances with the proposed changes.

AYE 5 NO 0

2. Use of ATV's on Igerna and Perry roads.

Supervisor Monroe opened Public Hearing on Local Law 1 of 2008, at 7:50pm. Purpose of local law is to enable all-terrain vehicles to gain access to a trail adjacent to a town road which is otherwise impossible for ATV's to access, in particular a trail along the southerly boundary of Tax map 51.-1-12.1.

No comments from the floor. Public hearing closed at 7:52pm.

Town Board did a Short Environmental Assessment Form.

RESOLUTION #15: DETERMINED THAT LOCAL LAW #1 OF 2008 WILL NOT RESULT IN ANY SIGNIFICANT ADVERSE ENVIRONMENTAL IMPACTS.

Introduced by Mr.Packer, 2nd by Mrs.Wells that after the review of the Short Environmental Assessment Form a Negative Declaration was made. This form will be attached to the Local Law.

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

RESOLUTION #16: ADOPT LOCAL LAW #1 OF 2008 DESIGNATING CERTAIN TOWN ROAD SHOULDERS FOR USE BY ATV'S.

Introduced by Mr.Packer, 2nd by Mrs.Wells: To adopt Local Law #1 of 2008 Designating certain town road shoulders for use by ATV's in the area of Igerna Road and Perry Road.

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

RESOLUTION #17: APPROVE MINUTES OF TOWN BOARD MEETINGS.

Introduced by Mrs.DuRose, 2nd by Mr.Packer to accept the minutes of the January 8, 2008 regular town board meeting. AYE 5 NO 0

Old Business and New Business:

RESOLUTION #18: APPROVE TOWN CLERK'S REQUEST TO ATTEND NYS TOWN CLERKS ASSOCIATION'S CONFERENCE IN SARATOGA.

Introduced by Mrs.Wells, 2nd by Mrs.DuRose approving town clerk's request to attend the New York State Town Clerks Association conference in Saratoga from April 27 to April 30, 2008.

AYE 5 NO 0

RESOLUTION #19: APPROVE ASSESSOR'S REQUEST TO ATTEND ASSOCIATION OF

TOWNS MEETING IN FEBRUARY IN NEW YORK.

Introduced by Mrs.Wells, 2nd by Mrs.DuRose approving assessor's request to attend Association of Towns meeting in New York City in February. AYE 5 NO 0

RESOLUTION #20: AUTHORIZE CLERK TO ADVERTISE POSTING OF TOWN ROADS.

Introduced by Mrs.Wells, 2nd by Mr.Packer authorizing town clerk to advertise posting of town roads. (Post Star and The News-Enterprise). AYE 5 NO 0

Request from Youth Commission to hold a raffle for the used popcorn machine and some movies. New and larger popcorn machine has been purchased.

RESOLUTION #21: AUTHORIZE TO RAFFLE OFF THE USED POPCORN MACHINE WITH SOME MOVIES.

Introduced by Mrs.Wells, 2nd by Mr.Packer authorizing youth commission to hold a raffle for the used popcorn machine and a few movies. Date yet to be determined. AYE 5 NO 0

Bid opening: Three bids received: Bids opened at 7:30

Phoenix Elect. Co.,Inc - Box 668, 515 Main St, Cairo, NY 12413

Bid amount - \$26,250

Troy Belting & Supply Co - 70 Cohoes Rd, Watervliet, NY 12189

Bid amount - \$29,290 (27,040 + 1200 freight +1050 del set up

World Wide Power Corp. - 27 Silver Circle, Queensbury, NY 12804

Bid amount - \$21,800

Councilperson Packer will review bids and suggested to also have Roger Schroeder review bids. **Tabled until later in meeting.**

Privilege of the Floor:

Greg Beckler - North Warren Chamber - Informed the Town Board of the completion of the "rack card". Town of Chester contributed \$2,000 for this project (June 12, 2007 #74) from occupancy tax funds. Printing will be done soon. Invoice and voucher will need to be submitted to town for payment.

Community event planner sheet was handed out to the Town Board.

Mr.Beckler stated that Pam Morin has helped in planning, especially on the Pug Parade for the future.

Discussion on scheduling activities for the annual fireworks that are held in the hamlet of Chestertown and if the amount of \$1,000 funding would be available, from Occupancy tax funds. Volunteers from the Chamber will coordinate events. Fireworks display will be on July 12.

RESOLUTION #22: APPROVE FUNDING OF \$2000 FOR EVENT PLANNER.

Introduced by Mrs.Wells, 2nd by Mr.Durkish to approve funding of \$2,000 for Pam Morin, at the rate of \$10 per hour, to be the Event Planner for North Warren Chamber, focusing on the Pug Parade.

AYE 5 NO 0

RESOLUTION #23: APPROVE FUNDS FOR ACTIVITIES TO BE HELD ON JULY 12.

Introduced by Mrs.Wells, 2nd by Mrs.DuRose to approve funds in the amount of \$1,000 for the funding of activities to be held on the same day as the annual fireworks display, date July 12, 2008, with a rain date of July 13. AYE 5 NO 0

Old Business:

Revaluation project presentation by Maxwell Associates - Paul

Maniacek, Assessor for Town of Chester, stated that they are nearing the completion of the 2008 reassessment and the state is satisfied with the results and unless something happens should be receiving 100% equalization rate. Issues to consider when someone calls about their taxes: 1. Appraisal is to high - an assessor issue.

2. Taxes are high - town board issue.

Mike Maxwell - Commented on various shifts in values. Land has appreciated more. Mr.Maxwell felt that biggest increase in assessments will be in land (40+ acres) and large water front lots with larger homes.

He also commented on the complexity of the Towns of Chester and Horicon. There is 13 to 14 different groups - water front, lots with lake rights, lots with river rights, flood zones, lots on common beach areas, lots with views and without, etc. Differences in commercial property all vary.

Request to approve Rivers Edge water and sewer transportation

corporation - Water corporation was approved at the January 2008 meeting. Thomas LaBombard, Engineer, was retained to review the plans, which he has done. Mr.Schachner commented that requirements have been met and felt that certain things need to be included in the resolution:

1. Town Board should require a letter of credit for the cost of construction. At this time the applicant has provided a proposed letter of credit in the amount of \$250,000.

2. A guarantee that the transportation company will monitor and operate the system for at least five (5) years.

3. Transportation company place in escrow - escrow agreement meets with counsel's approval.

4. Town Board inclined to approve the proposed rates, that the applicant has proposed for the home owners association.

RESOLUTION #24: APPROVE RIVER'S EDGE SEWER CORPORATION WITH CONDITIONS.

Introduced by Mrs.DuRose, 2nd by Mrs.Wells to approve River's Edge Sewer Corporation, located on River Road in the Town of Chester and the conditions recommended by attorney for the Town:

1. letter of credit for the cost of construction

2. A guarantee that the transportation company will monitor and operate the system for at least five (5) years.

3. Transportation company place in escrow - escrow agreement
4. Town Board inclined to approve the proposed rates, that the applicant has proposed for the home owners association.

AYE 5 NO 0

RESOLUTION #25: AUTHORIZE PAYMENT TO ENGINEER FOR REVIEW OF RIVER EDGE SEWER PLANS.

Introduced by Mrs.DuRose, 2nd by Mrs.Wells authorizing payment to Thomas LaBombard, PE., for the review of River Edge sewer plans, in the amount of \$1,350 (voucher #65 A8020.4) contingent on the reimbursement from the applicant for River Edge project.

AYE 5 NO 0

Authorize request for proposals for landfill well monitoring -

Supervisor Monroe reported that surrounding towns of (Horicon, Warrensburg, Johnsburg, and Stony Creek) are willing to join together in the proposal. Town of Chester will "put out the proposal and be returned to Town of Chester."

RESOLUTION #26: AUTHORIZE REQUEST FOR PROPOSALS FOR WELL MONITORING.

Introduced by Mrs.DuRose, 2nd by Mrs.Wells authorizing Request for Proposals for well monitoring services as drafted. Return date is set for March 11, 2008 at 7:30pm.

AYE 5 NO 0

CSEA contract regarding insurance for Medicare eligible retirees -

Letter received from Jaeger & Flynn. Empire Blue Cross will no longer offer coverage to the spouses of retirees. At this time spouses are covered for 18 months.

Restore NY Program Grant Application not funded - encouraged Town of Chester to apply again.

Loon Lake Beach bathhouse - Councilperson Durkish is working on it.

Basic size is 12x26 with 2 bathrooms, mechanical room and unisex changing area. Approximate cost \$15,000.

Supervisor Monroe has received proposal from Jim Hutchins for the septic system at Loon Lake beach area. Need to check with APA.

APA response to request for approval of zoning amendments - Supervisor Monroe stated that an answer has been received from APA requesting several changes. Mr.Schachner will review and make recommendations to the Town Board.

Schroon Manor project - is now in Phase II - development of campsites.

RESOLUTION #27: AUTHORIZE SUPERVISOR TO SIGN LARAC GRANT AGREEMENT.

Introduced by Mrs.Wells, 2nd by Mr.Packer authorizing Supervisor Monroe to sign LARAC Grant Agreement for the presentation of Hansel and Gretel. Grant in the amount of \$712 and Seagle Colony Contract.

AYE 5 NO 0

New Business:

Replacement for Dee Beckler on Warren County Youth Board -
Councilperson Wells is working on a replacement.

Redecker application for septic variance - Review of variance application and check has been received in the amount of \$75. Proposal is to move wastewater system from present location which is 15' from well. New location would place wastewater system 76' from the lake, but farther from existing well (increasing distance is up to 55'), and maintain 100' setbacks from neighbors wells. Plans need to show that it is a drilled well on the south (100') and 150' to well on north. Any alternatives that would lessen the need for a variance. Suggest that plan also show topography between the driveway and Marina road. Request a jurisdictional inquiry form to APA. Town Board will go and view site.

RESOLUTION #28: SET DATE FOR PUBLIC HEARING ON REDECKER VARIANCE APPLICATION.

Introduced by Mr.Monroe, 2nd by Mr.Packer to set date of March 11, 2008 at 7:15 pm to consider James Redeker, tax map# 86.13-2-2, septic variance application.

AYE 5 NO 0

New highway truck -Gary Clark - Highway Superintendent - reported that he has been in touch with Warren County purchasing (Jason) in regards to the clause in the state contract. Clause referred to late delivery fee, which Gary has found out, that the County accepted bid from Tracey Equipment and voided the late penalty clause. Discussion on reviewing county contract. The town had deducted the "late delivery" charge, but may need to reimburse that amount that was deducted. Gary will fax additional information to Mr.Schachner for review. Original purchase price was \$159,916 town deducted a late delivery fee and paid \$140,516. (\$200 per day penalty for 93 days) In regards to the \$800 that is owed to Arrowhead, Gary stated that Tracey Equipment has offered to pay half of the \$800, because it was not on the specs.

RESOLUTION #29: AUTHORIZE PAYMENT THAT WAS PREVIOUSLY DEDUCTED ON NEW 2008 STERLING LT 9500 HIGHWAY TRUCK TO TRACEY EQUIPMENT.

Introduced by Mrs.Wells, 2nd by Mr.Packer authorizing payment of the penalty, that was deducted by the Town, in the amount of \$18,600 to Tracey Equipment and \$400 of the \$800 (that is in dispute) to Arrowhead, provided that after review of County contract by attorney, the Town is obligated to pay.

AYE 5 NO 0

Time Warner and Gore Mountain Cable requests to renew franchise agreements - Request Mr.Schachner, attorney, to review franchise. Discussion on having maps available, showing existing coverage and have a committee. Supervisor Monroe also stated that a hearing will need to be held.

Consideration of improvement to website - Supervisor Monroe suggested that perhaps the web site could be improved and upgraded. Will look for some volunteers. Commented on how well Horicon's was done.

Appointment of Committee to recommend street lights for removal - Councilperson Packer and Durkish will be appointed to the street light committee. Supervisor Monroe previously handed out committee appoints to council members.

Councilperson Packer request an updated sheet on streetlights and location.

New locations for streetlights: Creative Stage lighting, entrance to Dynamite Hill; and Emergency squad entrance (Rt 8).

RESOLUTION #30: AUTHORIZE SUPERVISOR TO HIRE SKI TOW WORKER BASED ON RECOMMENDATION.

Introduced by Mrs.Wells, 2nd by Mr.Monroe authorizing supervisor to hire ski tow worker (Dynamite Hill) based on recommendation from John West. AYE 5 NO 0

Bird Pond Road school bus stop - Highway superintendent has checked this out and will have signs put up.

Flood program - Letter received from DEC. DEC was recently in the area reviewing flood program, which is suppose to be reviewed by them every 5 years. There has not been any prior contact from them in almost 20 years.

Discussion on National Flood program enforcement. In checking with surrounding towns, no one is enforcing. Supervisor Monroe stated that the County is also looking into the enforcing of this flood program and who is responsible. Flood maps haven't been updated in many years. Supervisor Monroe will reply to DEC.

Terrorism insurance - Tabled - more information

Word of Life assessment litigation settlement - Mr.Schachner stated that settlement should be done in 60 days.

RESOLUTION #31: AUTHORIZE PAYMENT OF ABSTRACT.

Introduced by Mrs.Wells, 2nd by Mrs.DuRose authorizing payment of abstract and approve claims paid prior to audit: **Do not pay #263 on 2007 Highway, Arrowhead Equip in the amount of \$800 and include voucher #65 A 1010.4 to Thomas LaBombard in the amount of \$1,350.**

General fund	\$183,238.40	(17- 64)
Highway fund	68,786.23	(1- 23)

Chtwn water	132.83	(1- 4)
P'ville water	18.00	(1)
Library	1,187.05	(3- 7)
Chestertown Fire Dis	5,000.00	(1)
North Creek Fire Dis	30,000.00	(1)
Riverside Fire Dis	7,000.00	(1)

2007 End of Year:

General fund	\$ 30,859.39	(650-671)
Highway	20,531.29	(259-265)
C'town Water	189.49	(83- 85)
P'ville Water	150.29	(88- 90)
Loon Lk Pk Dist	17,264.72	(6- 9)
	AYE 5	NO 0

Motion by Mrs.DuRose, 2nd by Mrs.Wells Town Board went into Executive Session at 9:30pm to discuss Maxam/Redmond claims, Zoning officer, and Animal Control officer. Motion by Mr.Packer 2nd by Mrs.Wells Town Board resumed regular session at 10:15. No action taken.

RESOLUTION #32: ACCEPT LOW BID FROM WORLD WIDE, CONDITION ON THAT IT MEETS THE SPECS.

Introduced by Mr.Packer, 2nd by Mrs.Wells to accept the bid low bid from World Wide Power Corp., 27 Silver Circle, Queensbury, NY 12804 in the amount of \$21,800 conditioned on that it meets the specs and to have Roger Schroeder also review bids and inquire as to problems there may be with the Baldor brand generator.

AYE 5 NO 0

RESOLUTION #33: AUTHORIZE THAT "CLEAN UP CARDS" BE ISSUED FOR A YEAR.

Introduced by Mrs.DuRose, 2nd by Mr.Packer authorizing that "clean up cards" for the Town of Chester transfer station be issued from May 1 to April 30, starting in 2008.

AYE 5 NO 0

Motion by Mr.Monroe meeting was adjourned at 10:35 pm.

Town Clerk