

**Regular meeting** of the Town Board of the Town of Chester was held on **July 9, 2013**, at 7:00 pm in the Town Municipal Center, Chestertown, NY.

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

**RESOLUTION #106: ACCEPT MINUTES OF JUNE 11<sup>TH</sup> AND 24<sup>TH</sup>.**

Introduced by Mr. Packer, seconded by Mrs. Wells, accept Minutes of June 11<sup>th</sup> and June 24<sup>th</sup>, with correction to Resolution page for Resolution #99 (change from "hearing" to "heating"), as presented.

AYE 5 NO 0

**Privilege of the floor.**

**Jason Monroe** reminded the Board that the Bicentennial Committee had asked for water to be made available at the Glendale for the upcoming celebration. Additionally, owner Mr. Beadnell plans to construct 10 new homes in there within the next year. Jason will put in an 8" Main and a hydrant with a stub that Mr. Beadnell will eventually loop around from in order to supply the new homes. He has gotten 3 quotes, the lowest of which is \$8,900, and the highest is \$9,300. He has obtained a permit from D.O.T. to make a cut across Route 9, and then it will cost about \$3,500 for blacktop.

**RESOLUTION #107: AUTHORIZE INSTALLATION OF WATER MAIN AND HYDRANT TO GLENDALE PROPERTY.**

Introduced by Mr. Wells, seconded by Mrs. DuRose, authorize the installation of extending the water line across Route 9 and installing a Main and a hydrant on the former Glendale property.

AYE 5 NO 0

**Al Muench** commented on the positive changes being made in the Town with regard to the addition of the Farmer's Market, and the music that was scheduled to be presented by two different bands in front of the Town Hall on Wednesday night, the 10<sup>th</sup>.

**Old Business.**

**Pellet boiler.**

Supervisor Monroe stated that he had been working with a consultant, and they had filed a pre-application for a USDA Grant, and has received a call from the Office of Parks and Historic Preservation, as they need to determine any impacts. He has also been working with Rick Handley on the bid specifications in order to get the notices out for a good solid price on a pellet boiler. He is also working on getting a price from NYSERDA, a Consolidated Funding Application. These grant recipients are usually announced in December, and seeing this is an election year, we are hoping they may be announced before elections, as we are in need of a second boiler

before winter.

**Renovate.** Mr. Monroe reported that all testing reports of the water in Loon lake following the treatment with Renovate have come back at below 1 part per billion. The attempt to eradicate the Milfoil in the south bay area of the lake has been successful with the use of the Renovate. Further study shows no Milfoil present in that area. There is still an area near Rock Island that is pretty good size, but that still has to be mapped. The rest of the Lake seems to be under control.

We still need to perform a post treatment survey and have the results in by September. Our goal now is to protect the Lake by means of the boat wash station and the Stewards, and with careful monitoring.

**New business.**

**Waterfest.** We have had a request to demonstrate the Boat Wash Station at the Adirondack Waterfest which is being held here on Friday the 12<sup>th</sup>, so John will be bringing that over, leaving the Steward's at the Lake. They will have Clorox capsules and 409 which can be used to kill the invasive's as well when added to the bilge water, in the absence of the boat wash station. Ralph Bentley from Town of Horicon has also requested that we bring it over for Horicon Days for a couple of hours. Ed Greismer feels that it's a good idea to make people aware of it, teaching them about it, showing them the value of it. Making every boat owner aware of the problem is a good thing.

**RESOLUTION #108: APPROVE BRINGING BOAT WASH STATION TO WATERFEST AND HORICON DAYS.**

Introduced by Mr. Monroe, seconded by Mr. Durkish, approve bringing the boat wash station to Adirondack Waterfest, and over to Horicon for Horicon Days.

Roll Call Vote:  
Mr. Durkish ~ YES  
Mr. Packer ~ NO  
Mrs. Wells ~ YES  
Mrs. DuRose ~ YES  
Mr. Monroe ~ YES

Mr. Greismer stated that we have had 140 boats launch since July 2<sup>nd</sup>, and they have had 13 boats go through the wash station.

Concern over jet-ski's, which chew everything up and spews it out. We do have the capability of washing them with the same cup that is used to wash inboards. Supervisor Monroe now has information on the seals, which have a small cable that goes through the bow ring and seals to the trailer. Any boats that are washed coming out of our Lake can be sealed to the trailer, and when they come back, if the seal is not broken, they can re-launch without being rewashed. The seals are

inexpensive, about \$20 per 100. All boats, including kayaks and canoes have to go through the launch. There is to be no launching from the beach. Signs are being made to show the boat launch hours of operation, and there will be a sign by the road announcing the boat wash station. Mr. Greismer added that Lincoln Logs would be loaning us the use of a lean-to shelter for the season. Thank you Lincoln Logs!

**Notice of Claim.** There have been recent changes to a number of State statutes concerning how a potential plaintiff can serve the Town with a Notice of Claim. Before one can sue the Town for money damages, one must serve a Notice of Claim explaining the grievance so that the Town can investigate. Previously, potential litigants were required to serve a Notice of Claim upon one of any number of Municipal Officials. In order to streamline the process, the Legislature has recently provided an alternative method for service which allows, but does not require, a potential plaintiff to serve the Secretary of State rather than the Town. Service on the Secretary of State is deemed to be service on the Town, and the Secretary of State is supposed to forward the Notice of Claim to a designated Town representative within ten days of receipt.

**RESOLUTION #109, 2013, TOWN OF CHESTER.**

Introduced by Mrs. Wells, seconded by Mrs. DuRose:  
WHEREAS General Municipal Law, Sec.53 requires towns to file a certificate with the Secretary of State designating the Secretary of State as an agent for service of a notice of claim; and

WHEREAS, General Municipal Law, Sec.53 requires the certificate to include the applicable time limit for filing the notice of claim and the name, post office address and electronic mail address, if available, of an officer, person, for the transmittal of notices of claim served upon the Secretary as the town's agent; and

WHEREAS, pursuant to General Municipal Law, Sec.50-e(1)(a), the applicable time limit for the filing of a notice of claim upon a town is 90 days after the claim arises, or in the case of a wrongful death action, 90 days from the appointment of a representative of the decedent's estate; **Now therefore Be It RESOLVED , that the Town Board of the Town of Chester, County of Warren designates Patricia M. Smith, in her capacity as Town Clerk, to receive notices of claims served upon the Secretary of State by mail at P.O. Box 467, Chestertown, NY, 12817, and email at [townclerk104@gmail.com](mailto:townclerk104@gmail.com).**

**BE IT FURTHER RESOLVED, that the Town Board hereby directs the Town Clerk to file the required certificate with the Secretary of State informing him or her of the Town's designation and applicable time limitation for filing a notice of claim with the town on or**

before July 14, 2013.

AYE 5 NO 0

**Alternate board member.** Supervisor Monroe stated that John Nick was interested in becoming a board member for the Zoning Board of Appeals. At this time, the ZBA has full membership with one alternate. The Planning Board, on the other hand, has full membership, but no alternate to serve in the event there is no quorum.

**RESOLUTION #110: APPOINT JOHN NICK AS ALTERNATE TO PLANNING BOARD.**

Introduced by Mr. Monroe, seconded by Mr. Packer, appoint John Nick as an alternate member to the Planning Board, in the event he accepts the position.

AYE 5 NO 0

Highway Superintendent Jason Monroe asked for permission to sell a 1998 pick up truck that has been retired from the fleet. It does need some work. Discussion ensued. John West also has a sidewalk plow that has parts missing, and other items that could be put out for a bid to purchase. Minimum bid on the truck should be \$1,000.

**RESOLUTION #111: AUTHORIZE ADVERTISE FOR BIDS TO PURCHASE EQUIPMENT.**

Introduced by Mrs. Wells, seconded by Mr. Durkish, authorize to advertise for bid to purchase 1998 pick up truck, and some items that John West has. He will supply us with a list.

AYE 5 NO 0

**RESOLUTION #112: AUTHORIZE SUPERVISOR SIGN CONTRACT WITH EASTSIDE METALS AND RECYCLING.**

Introduced by Mrs. DuRose, seconded by Mr. Durkish, authorize Supervisor Monroe sign contract with Eastside Metals and Recycling for purchase of scrap metal at the Transfer Station.

AYE 5 NO 0

**HHHN sidewalks.** Sue Gill had contacted John West regarding a problem with the sidewalk at the Chester-Horicon Health Center. Someone had caught their toe on it where it was raised up, and they fell. John feels that the site had never been compacted before the building was erected, and now it is settling, causing the walks to heave. There are probably 8 or 10 areas needing attention. John thought HHHN had an in-house engineer who might be able to provide some specs. in order to get an estimate for the repairs. It was suggested that Horicon be asked to contribute some money and HHHN as well toward the cost for repairs.

**RESOLUTION #113: AUTHORIZE SUPERVISOR HAVE SPECS PREPARED FOR SIDEWALK RECONSTRUCTION AT CHESTER-HORICON HEALTH CENTER.**

Introduced by Mr. Monroe, seconded by Mr. Packer, authorize Supervisor Monroe to have specs prepared for sidewalk reconstruction at Chester-Horicon Health Center.

AYE 5 NO 0

**RESOLUTION #114: AUTHORIZE APPLICATION FOR JUSTICE COURT GRANT.**

Introduced by Mrs. Wells, seconded by Mrs. DuRose, authorize application be submitted for Justice Court Grants.

AYE 5 NO 0

**Request for mowing.** Karen DuRose had requested that the Pottersville Fairgrounds be mowed for the Bicentennial which is scheduled for August 24<sup>th</sup>. Supervisor Monroe had also received a call from Howard Nelson, Executive Director for Hudson Headwaters Health Foundation, regarding their proposed 2013 Care for Kids 5K Run and Fitness Walk which would take place on Sunday, July 28<sup>th</sup>. The race begins at the former R&R Auto Rebuilders on Schroon River Road, and it is now under new ownership. Mr. Nelson is requesting the Town mow it before the race.

**RESOLUTION #115: AUTHORIZE MOWING FOR THE BICENTENNIAL AND FOR THE HHHN CARE FOR KIDS 5K RACE.**

Introduced by Mrs. Wells, seconded by Mr. Durkish, authorize Parks & Rec mow the former Glendale property for the Bicentennial, and the former R&R Auto Rebuilders property for the HHHN Care for Kids 5K Race.

AYE 5 NO 0

**Boat wash attendants.** Mr. Monroe announced that we have hired 2 people for the position of boat wash attendants. One is Steve Smith who used to own Rocky Ridge Boat Storage. He has attended training at Paradox, and Norowal Marina. The other is Nick Bonavita who used to have a scuba diving business and also builds motorcycles. Both are doing a good job. Neither Mr. Monroe nor Mr. Greismer feel that they need to hire a third person. They will be paid \$12 per hour.

**Adirondack Shakespeare.** Tara Bradway, Artistic Director for the Adirondack Shakespeare Company, has requested use of our auditorium on Friday, July 26<sup>th</sup> at 10:30 am to present a free performance of Celtic Fairy Tales for children of all ages. They would begin setting up at about 9:00 am, and should have the space completely cleared within an hour of the ending of the performance.

**RESOLUTION #116: AUTHORIZE ADK. SHAKESPEARE CO. USE OF AUDITORIUM FOR FREE PERFORMANCE.**

Introduced by Mrs. DuRose, seconded by Mr. Packer, authorize Adk. Shakespeare Co. use the auditorium on July 26<sup>th</sup> to present a free performance of Celtic Fairy Tales.

AYE 5 NO 0

**Stockfarm Beaver dam.** The beaver dam on property of Frank Barrera on Stock Farm Road breached on Monday night (the 8<sup>th</sup>). Highway Superintendent Jason Monroe explained that the homeowner had been putting boards in front of the culvert to build up the water. Jim Comstock used to come and trap the beavers for us under our nuisance

permit, but after several run-ins with the landowner, he no longer wanted to come up here and trap for us. Consequently, the water kept building up higher and higher, and Jason contacted the County. County Superintendent of Public Works, Jeff Tennyson, sent emergency management people up here to look at the situation, Soil and Water people, and Warren County DPW Engineering Division. They determined that the dam and associated beaver pond are posing a significant hazard to both Stock Farm and Potterbrook Roads. Jason added that the water was about 5 ft. high, and covered between 15 and 16 acres of land. Jason received a letter from Mr. Tennyson which confers authority to Jason regarding entry upon private lands when directed by himself, under Highway Law Section 147, and when authorized by the Town of Chester Town Board in order to trap the beaver's and remove the rest of the dam. Attorney Schachner explained the law, as it had been stated in Mr. Tennyson's letter, and added that he also always recommends notice to the landowner before any action is taken.

Mr. Barrera was in attendance and thought that the dam did not breach itself, as he said witnesses had seen people walking on the dam Monday morning. It was not the highway crew, as they had taken a floating holiday for a long 4<sup>th</sup> of July weekend and they were not working. He was concerned over the habitat and his property values at the loss of the beaver pond. Mr. Barrera had been putting boards in the culvert to keep back pressure on the dam and maintain the water level. He stated that only one person was making this decision to remove the dam without conferring with the homeowner. In defense, Jason stated that he'd had DEC, Soil and Water, and three County Engineers visit the site. Warren County DPW Superintendent Jeffrey Tennyson, himself an Engineer, has "directed the Town Superintendent of Highways, in accordance with Highway Law Sec. 147, to take necessary actions to immediately mitigate the hazard and protect the public highway." The same Highway Law also "confers certain authority to the town Highway Superintendent regarding entry upon private lands..." The Attorney for the Town stated that the Town Board was, in fact, listening to the plight of the homeowner at this time, as he was talking. The Town, also, had not taken any action. The dam breached, the Town had done nothing to alter the course of Mother Nature. However, the Town can now take action to prevent a recurrence of the damage that had been done to Stock Farm Road, by not allowing the rebuilding of the beaver dam. The concern of the Board is the possible loss of life due to a breach that could happen, taking out a large portion of road that someone could literally fall into with a car. Supervisor Monroe asked the homeowner what alternative he suggested. A lengthy discussion ensued. We lost about 140 ft. of highway, and one lane.

**RESOLUTION #117: AUTHORIZE TOWN HIGHWAY SUPERINTENDENT TAKE NECESSARY ACTION UNDER SECTION 147 OF NYS HIGHWAY LAW REGARDING BEAVER DAM ON STOCK FARM ROAD.**

Introduced by Mrs. Wells, seconded by Mr. Durkish, authorize Town Highway Superintendent take necessary action under Section 147 of NYS

Highway Law regarding the Beaver Dam on Stock Farm Road, providing written notice to the property owner, and contingent on needing no further authorization from DEC.

AYE 5 NO 0

**Water rates.** Discussion on rates for those people who used to get their water from Wendell Ross. There are four accounts and they are to be charged "Out of District Rate" plus usage, (anything over 24,000 gallons @2.50 per 1000 gallons).

**Hot dog man.** Discussion on the man who parks at the beach each year selling hot dogs. He has done away with his generator and has plugged into our electricity. Board decided he must pay for use of the electricity and provide the Town with a Certificate of Insurance naming the Town of Chester as an additional insured. Mr. Monroe was going to stop and talk with him.

**RESOLUTION #118: APPROVE ABSTRACTS AND CLAIMS PAID PRIOR TO AUDIT.**

Introduced by Mrs. Wells, seconded by Mrs. DuRose, approve abstracts and claims paid prior to audit:

General	\$61,879.07	(274-328)
Highway	\$94,215.16	(154-182)
C'Town Water	\$ 120.21	( 29-30 )
P'Ville Water	\$ 100.21	( 23-24 )
Library	\$ 1,048.97	( 23-25 )
Loon Lk. Park Dist.	\$13,962.65	( 15-28 )

AYE 5 NO 0

On a motion by Mr. Monroe, seconded by Mr. Packer, Board went into Executive Session at 8:55 pm to discuss the Assessor's Clerk.

On a motion by Mr. Monroe, seconded by Mr. Packer, Board came out of Executive Session at 9:15 pm. No action taken.

**RESOLUTION #119: AUTHORIZE CLERK ADVERTISE FOR REAL PROPERTY TAX SERVICE ASSISTANT.**

Introduced by Mrs. Wells, seconded by Mr. Packer, authorize Town Clerk advertise for Real Property Tax Service Assistant. Wage to be commensurate with experience.

AYE 5 NO 0

On a motion by Mr. Monroe, seconded by Mr. Packer, meeting adjourned 9:20 pm.

Respectfully submitted,

~ Town Clerk

Town Clerk