

**Regular meeting** of the Town Board of the Town of Chester was held **March 13, 2007** at 7:30 pm in the Town of Chester Municipal Center, Chestertown, NY.

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

**RESOLUTION #23: APPROVE MINUTES OF TOWN BOARD MEETING.**

Introduced by Mr. Shaw, 2<sup>nd</sup> by Mrs. DuRose to approve the minutes of the February 13, 2007 meeting. AYE 5 NO 0

**Privilege of the Floor:**

Don Nieradka - inquired as to the enforcement of the new "junk law" . A written complaint to the zoning administrator, who then will investigate such complaint and if need will issue a notice of violation. It is only grandfathered if a permit or lawful use prior to when zoning was initially adopted.

**Old Business:**

**Solid Waste Report - Prepared by R.S.Lynch & Company.** Discussion. Town Board did not feel the report was accurate for the number given on private haulers picking up garbage, felt the number was much lower (actual number approximately 100, report states about 450). Report also factors in the elimination of salaries and benefits (reducing hours) and Councilperson Shaw stated that it was his understanding that it was not the current plan for such, and if hours were reduced a transition would be done.

Supervisor Monroe again stated that Town of Horicon did not have an interest in doing a joint transfer station. He will again talk with Supervisor Bentley.

Councilperson Shaw didn't feel there was a substantially savings and Councilperson DuRose inquired as to an informational hearing or do a random survey.

**Tabled Solid Waste.**

**RESOLUTION #24: AUTHORIZE SUPERVISOR TO RETAIN SURVEYOR.**

Introduced by Mr. Shaw, 2<sup>nd</sup> by Mrs. Wells authorizing Supervisor Monroe to retain, surveyor Jim Hughes, to surveyor area (off of Spring Street) where Chestertown water tank encroaches on to land of Loren Perea. AYE 5 NO 5

**New Business:**

**RESOLUTION #25: AUTHORIZE CLERK TO ADVERTISE FOR SAND BIDS.**

Introduced by Mr. Shaw, 2<sup>nd</sup> by Mrs. DuRose authorizing clerk to advertise for sand bids. Bid opening April 10, 2007 at 7:30pm. AYE 5 NO 0

**Lifeguards** - Councilperson Wells reported that one applicant is interested in becoming certified for lesson instruction.

**RESOLUTION #26: AUTHORIZE HIRING OF LIFEGUARDS AND REQUEST BOTH BE**

**CERTIFIED IN SWIMMING INSTRUCTION.**

Introduced by Mr. Shaw, 2<sup>nd</sup> by Mr. Packer authorize hiring of Elizabeth Aiken and Danielle Mahlstedt as lifeguards at Loon Lake beach for the summer of 2007. Upon completion of instruction and signing the agreement, the Town Board authorizes an additional wage increase of \$.50 per hour when lifeguards are giving lessons. Town will pay for certification for lessons. AYE 5 NO 0

**Resolution establishing polling places** - discussion on polling place just being in one location and how it affects the northern end of the Town of Chester. Supervisor Monroe will check on changing of the polling place and Mr. Schachner will research as to who determines where the polling place is - Town Board or Board of Elections. **Tabled.** (note that Resolution was withdrawn by Mr. Shaw and Mr. Packer)

**RESOLUTION #27: ESTABLISH A 3 TON WEIGHT LIMIT ON ALDER BROOK ROAD BRIDGE IN THE TOWN OF CHESTER.**

Introduced by Mr. Shaw, 2<sup>nd</sup> by Mrs. DuRose to establish a 3 ton weight limit on Alder Brook Road bridge. AYE 5 NO 0

**Authorize Supervisor to retain engineer for Alder Brook Road bridge replacement** - proposed design needs to be reviewed and have stamped plans.

Bridge work will have to be put out for bid and specs will be needed. Highway Superintendent Clark felt that the funding for this bridge repair/replacement would have to come from the CHIPS program.

Supervisor Monroe stated that at the last meeting it was discussed as to why one of the bridges on Alder Brook Road is maintained by Warren County and the "little" bridge is the Town's. He was told that if it is 25' or over the County maintains and less than 25' it is the Towns.

**RESOLUTION #28: AUTHORIZE SUPERVISOR TO RETAIN ENGINEER, JIM HUTCHINS, FOR ALDER BROOK ROAD BRIDGE REPLACEMENT.**

Introduced by Mr. Shaw, 2<sup>nd</sup> by Mrs. Wells authorizing Supervisor Monroe to retain engineer, Jim Hutchins, for Alder Brook Road bridge replacement. AYE 5 NO 0

**Deferred compensation plan for town employees** - Voluntary plan that employees can participate in. Money is tax deferred until withdrawn. A representative will come to answer any questions.

**RESOLUTION #29: TOWN OF CHESTER ADOPTION OF THE STATE OF NEW YORK DEFERRED COMPENSATION PLAN.**

Introduced by Mr. Shaw, 2<sup>nd</sup> by Mrs. DuRose:  
WHEREAS, the Town of Chester wishes to adopt the Deferred Compensation Plan for Employees of the State of New York and Other Participating Public Jurisdictions (the "Plan") for voluntary participation of all eligible employees; and  
WHEREAS, the Town of Chester is a local public employee eligible

to adopt the Plan pursuant to Section 5 of the State Finance Law\* and  
WHEREAS, the Town of Chester has reviewed the Plan established in accordance with Section 457 of the Internal Revenue Code and Section 5 of the State Finance Law of the State of New York; and

WHEREAS, the purpose of the Plan is to encourage employees to make and continue careers with the Town of Chester by providing eligible employees with a convenient and tax favored method of saving on a regular and long-term basis and thereby provide for their retirement;

NOW, THEREFORE, it is hereby:

RESOLVED, that the Town of Chester hereby adopts the Plan for the voluntary participation of all eligible employees; and it is further

RESOLVED, that the appropriate officials of the Town of Chester are hereby authorized to take such actions and enter such agreements as are required or necessary for the adoption, implementation, and maintenance of the Plan; and it is further

RESOLVED that the Administrative Services Agency is hereby authorized to file copies of these resolutions and other required documents with the President of the State of New York Civil Service Commission.

AYE 5 NO 0

**Dynamite Hill warming hut worker. \$8.28/hr.** Councilperson Wells request that the rate be increased. Discussion on hiring for the hut and rope tow. John West stated that the attendant has to be over 18 to operate rope tow. Town Board decided, that for next year, an ad will be put in the newspaper advertising for hut worker and tow rope operators. **Tabled**

John West reported on the tow rope breaking and other problems with equipment. Quote has been received for a skilift handle tow - prices vary (\$18,500 to \$21,500). Supervisor Monroe will check to see if Occupancy Tax money can be used for such a purchase.

**Schroon Lake Management Plan & lake levels** - A tentative date of **March 27 (Tuesday) at 6:00pm** to hold a joint meeting with the Towns of Schroon and Horicon. Supervisor Monroe will check to see if the meeting can be held in the Town of Horicon town hall, if there is a conflict with Chester Town Board meeting room. Purpose for joint meeting is to review Schroon Lake Management Plan. Schroon Lake Association wants to have a plan prepared for the management of Schroon Lake. Supervisor Monroe said that this is a very large undertaking, will take several years to do, and the cost will be high. The Association will put in \$1,000 and the rest would be split among the three towns (based on percentage). It was felt that the Towns should be involved in the preparing of the specifications and getting proposals. Lycott Environmental Incorporated recommends that an aquatic nuisance species survey with GPS readings and GIS maps. Hand harvesting has been done in the lake for 10 years. But no maps

exist in showing areas where hand harvesting has been done. In order to apply for a grant much more detailed information is required. Supervisor Monroe has consulted with Dave Wicks (sp), Director of Warren County Water and Soil Conservation, in regards to water quality and what the plan should include.

Steve LaMere's proposed a study of all inlets and outlets to see what was happening with silk, salt and any chemicals going into the lake. Supervisor Monroe said that this work has already been done by Warren County Water and Soil (at no charge) and he has asked Mr. Wicks if this similar work could be done in Essex County. This can be done and also will be for no charge for the three towns. The water shed assessment would "tie in" with the water quality and this would help in identifying problems and what should be included in proposals.

**Lake Levels - control** - Request to have Schroon Lake Park District, control the level of Schroon River, below the Starbuckville Dam to keep the water level lower. Concerns from the people below the dam, that are affected with higher water levels, when the gate(s) are opened. Discussion on trying to reach a reasonable compromise on controlling the levels and also checking on the automatic gates, if it was installed.

Supervisor Monroe has spoken with Joe Koch and made him aware of the request.

Supervisor Monroe invited people that have concerns over this issue to come to the joint Town meeting on March 27.

Councilperson Shaw suggested checking on line for information at USGS.govt the Riverbank Gauging Station.

**Authorize attendance at 3/26 Planning Department training at Warren County Municipal Center and approve training for Planning Board and Zoning Board of Appeals members** - As the result of a new law mandatory training, of 4 hours, is required for these boards or the Town can waive the training.

Joint training session, with Mark Schachner as instructor, is being considered for surrounding towns. Town of Chester Planning Board secretary, Pat Smith is organizing this.

**RESOLUTION #30: AUTHORIZE ATTENDANCE FOR PLANNING DEPARTMENT TRAINING AT WARREN COUNTY MUNICIPAL CENTER.**

Introduced by Mr. Shaw, 2<sup>nd</sup> by Mrs. Wells authorizing attendance on March 26 for Planning Department training at Warren County Municipal Center and/or Local Government Day Conference on March 22. And to include the session that is being planned by Town of Chester Planning Department, with Mark Schachner presiding. All necessary expenses for same to be a lawful claim against the Town of Chester.

AYE 5                      NO 0

**Federal waterline grant application** - Supervisor Monroe and Mr. Schachner meet with Congresswoman Gillibrand on February 15. A number of issues were discuss. Specifically the waterline proposal

(submitted through Congressman Sweeney's office), that would run down to the Peckham Industrial site. The pipeline could also serve an affordable housing site. Supervisor Monroe said that the grant application was modified and Congresswoman has submitted the grant.

**Set date for public hearing on Tedeschi septic variance application -** Request was reviewed by Mr.Schachner. Clarification on application, area variance (from some provision on zoning law) for set back requirement and also a variance from septic regulations (for sanitary regulations). Within the application 2 plans were submitted. Discussion involved the plans a and b that were for the sanitary code. Mr.Scudder, acting as agent for John B. Tedeschi, stated that the proposed system is an aeration system, followed by an elgan(sp) not considered a septic system. Request that Mr.Scudder obtain further information from State Department of Health and APA in respect to proposed system. Notification to adjoining landowners within 500'.

**RESOLUTION #31: SET DATE FOR PUBLIC HEARING ON TEDESCHI VARIANCE APPLICATION.**

Introduced by Mr.Shaw, 2<sup>nd</sup> by Mrs.Wells to set date of April 24, 2007 at 6:00 pm for the public hearing on septic variance, submitted by John B.Tedeschi. AYE 5 NO 0

**Theis request to purchase town property -** Discussion on property that adjoins town property (located in hamlet area of Pottersville, next to the playground.) Mr.Theis (not present) is seeking to either purchase property or be granted a permanent deeded easement/right of way. Part of the road, that is used to access Mr.Theis property, is town property.

Question was asked to both the Highway Superintendent, Gary Clark and also to Parks and Recreation, John West, if they felt that the Town needed to retain full ownership/control over area being considered for easement. Both were in agreement "no particular need" for area. Town has two choices: 1. Grant an easement/right a way for access across town own land (with limitation for width of road only); or 2. Town has the right to sell the property (legal requirements). Discussion on a "Swap" with the town having an easement to the remainder of the Theis in exchange for granting Theis an easement to town property.

**RESOLUTION #32: APPROVING MUTUAL EXCHANGE OF EASEMENTS TO ALLOW THEIS OR THEIR SUCCESSOR ACCESS THE EXISTING ROAD, ON THE TOWN OWNED PROPERTY IN QUESTION, AND ALLOWING THE TOWN IN EXCHANGE ACCESS ACROSS THE BALANCE OF THE ROAD ON THE THEIS PROPERTY.**

Introduced by Mr.Monroe, 2<sup>nd</sup> by Mrs.Wells approving mutual exchange of easements to allow Theis or their successor access the existing road, on the town owned property in question, and allowing the town in exchange access across the balance of the road on the Theis property. Indemnification provision clause to be included in the

easement.

Roll Call: Frederick Monroe - AYE Michael Packer - AYE  
Frank Shaw - NO Edna Wells - AYE Karen DuRose - AYE

**Repairs to Municipal Center chimney** - Jason Monroe reported on work that needs to be done on the chimney. Estimates on materials needed for repairs. Highway department will assist Jason in doing the repairs.

**TV at youth center** - Rotary has donated a 32" TV. No cable access is available at the Dynamite hill location. Nicole Howe reported that she was told it would cost approximately \$8300 to run cable. Discussion on renting movies, cable, or satellite, and how to block and have control over what is watched. **Tabled.**

Hours that center is opened:

7 pm - 9 pm on Fri. and Sat. for older group

2 pm - 4 pm on Sat. and Sun. for younger group

More volunteers are needed to help with the operation of the youth center.

**Memorial for Pottersville veterans** - letter received from Ed Grey, requesting funds for a memorial plaque. Plaque would have the names of Harry Linneman and Duane Barlow, who both lost their lives in the Korean War and were from Pottersville. Installation of plaque would be done by the VFW Post 5513.

**RESOLUTION #33: AUTHORIZE FUNDING FOR MEMORIAL PLAQUE.**

Introduced by Mr. Shaw, 2<sup>nd</sup> by Mrs. DuRose authorizing funds for a Memorial Plaque for Harry Linneman and Duane Barlow, both killed in the Korean War. Cost not to exceed \$400.

AYE 5 NO 0

**RESOLUTION #34: ADOPT RESOLUTION IN REGARDS TO GLOBAL WARMING.**

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

WHEREAS our Town is vulnerable to the economic and environmental impacts of world-wide climate change, and is concerned about our future in a changing climate;

WHEREAS we, along with other communities across the Adirondacks, are concerned about such questions as whether we are going to be able to sustain winter tourism and recreation opportunities as the climate warms, whether we will see changes in our natural forest ecosystems and wildlife populations, whether our northern identity and related quality of life characteristics will be impacted, and whether our infrastructure such as clean water supplies, energy utilities, roads and bridges will suffer from increased climate variability;

WHEREAS we recognize the magnitude of the problem will require complementary actions by many governmental and non-governmental agencies;

WHEREAS we would our country to take a leading role in addressing this international problem;

WHEREAS we want to speak out with communities from across the Adirondacks to bring attention to this issue, the impact it is already having on our region and the opportunity to act collectively to address the problem;

THEREFORE, BE IT RESOLVED that we are joining with other communities to ask our national elected leaders in Congress to address the problem, possibly by enacting legislation that will put us on the path to reducing our national carbon emissions by exploring the use of new technologies, improving energy conservation, and recommending the use of low carbon-emitting and renewable energy sources, among other possible responses.

AYE 5 NO 0

**RESOLUTION #35: RETAIN STEVE LAMERE TO CONTINUE LOON LAKE MILFOIL PROJECT.**

Introduced by Mr.Shaw, 2<sup>nd</sup> by Mr.Packer to retain Steve LaMere to continue work at Loon Lake for milfoil. AYE 5 NO 0

**RESOLUTION #36: CHESTER TOWN BOARD RESOLUTION REFERRING SUBDIVISION AND ZONING AMENDMENTS TO APA.**

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

**WHEREAS**, the Town of Chester has previously adopted Subdivision Regulations and the Town Zoning Law, both of which are parts of the Town's Local Land Use Program which has been accepted and approved by the Adirondack Park Agency (APA); and

**WHEREAS**, the Chester Town Board wishes to consider adoption of Amendments to the Town's Subdivision Regulations and Zoning Law relating to boundary line adjustments, junk/junkyard regulations and establishment of the Friends Lake Watershed Overlay District; and

**WHEREAS**, the Subdivision and Zoning Amendments are potentially subject to APA approval; and

**WHEREAS**, the Town Board wishes to formally refer these Amendments to APA for its review and approval.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board declares its intent and purpose in considering adoption of these Amendments to be allowing approval of boundary line adjustments without formal subdivision review when appropriate, incorporation of junk/junkyard regulations into the Town Zoning Law and balancing mining interests with protection of the Friends Lake Watershed; and be it further

**RESOLVED**, that the Town declares its intention to serve as Lead Agency for review of potential environmental impacts of these Amendments pursuant to the New York State Environmental Quality Review Act (SEQRA); and be it further

**RESOLVED**, that the Town Board hereby formally refers the proposed Subdivision and Zoning Amendments to APA for its formal review and approval.

AYE 5 NO 0

**RESOLUTION #37: AUTHORIZE PAYMENT OF ABSTRACT.**

Introduced by Mrs.Wells, 2<sup>nd</sup> by Mr.Shaw authorizing payment of

abstract and approve claims paid prior to audit:

General Fund \$ 33,302.78	( 68-118)
Highway fund \$ 29,245.97	( 21- 41)
Chtwn Water \$ 682.55	( 6- 8)
P'ville Water \$ 1,342.50	( 4- 11)
Library \$ 991.84	( 11- 15)
Schroon Lk Pk dist \$ 4,221.45	( 1 )
AYE 5	NO 0

**RESOLUTION #38: AUTHORIZE PURCHASE OF SAVON 8016 COPIER FOR TOWN CLERK'S OFFICE.**

Introduced by Mr.Shaw, 2<sup>nd</sup> by Mrs.Wells authorize purchase of Savon 8016 copier for the Town Clerk's office, through IKON, under New York State Contract. Price \$1,477. AYE 5 NO 0

Motion by Mr.Shaw, 2<sup>nd</sup> by Mrs.Wells Town Board went into Executive Session at 10:30pm to discuss Word of Life assessment litigation, Maxam litigation and Nicole Howe's pay rate. Motion by Mr.Shaw, 2<sup>nd</sup> by Mr.Packer Town Baord resumed regular session at 11:00 pm. No action taken.

Motion by Mr.Monroe meeting was adjourned at 11:00 pm.

Town Clerk \_\_\_\_\_

