

**Regular meeting** of the Town of Chester Town Board was held on **October 8, 2013**, at 7:00 pm at the Town Municipal Center, 6307 State Route 9, Chestertown, NY.

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

**RESOLUTION #154: ACCEPT MINUTES OF THE SEPTEMBER 11, 2013 MEETING.**

Introduced by Mrs. Wells, seconded by Mr. Packer, accept Minutes of the September 11, 2013 meeting, as presented.

AYE 5 NO 0

**Privilege of the floor.** No discussion.

**Old Business:**

**Pellet boiler design options.** Adam Dantzschler from Renewable Energy Resources, and William Newburger, PE from Hallam-ICS were in attendance with a proposal to answer our question of "hot-water or steam."

Both recognize the Town's goal of offsetting fossil fuel with biomass. The summer 2013 "design-build" RFP did not yield an actionable proposal. Mr. Dantzschler suggested that we pursue a feasibility study to examine different upgrade paths and develop an RFP that will attract reliable bidders. He explained that a hot water system represents a modern approach that is easily retrofitted into the existing building, and considering the existing building layout and age, a hot water system could benefit the town through reduced operation costs, renewed heating system lifecycle, and improved thermal comfort in general while targeting solution for problem areas. He went on to explain that the existing steam heating system can benefit from upgrades as part of the biomass system installation, and by upgrading the heating system, make related repairs and maintain the existing look and feel of the building.

Both Mr. Dantzschler and Mr. Newburger recommend a proposal for a pre-engineering feasibility study of using biomass and upgrading the existing heating system. The deliverable for this study would be an updated RFP for design-build proposals which would cost the town about \$15,000 if they were to do it. It would not include completed engineered plans, and if the town chose Renewable Energy Resources and Hallam-ICS to do the project, the \$15,000 would be returned to the town. They thought that a hot water system could be put in for the amount of the grant that the town would be receiving, but it would not include all the components, such as re-piping the entire building.

Jason Monroe, as maintenance mechanic for the building, feels that we should spend more money on the infrastructure than on the heat source. The existing piping has outlived beyond it's life cycle.

Supervisor Monroe feels that the next step is to retain an engineer to design the system that we want. Rick Handley, from Rick Handley & Associates thinks that the town can stay with a steam system.

Mr. Dantscher asked whether we were still putting out an RFP for bids for an engineer, and Mr. Monroe said not necessarily. State Law requires us to bid out most things, but professional services is not a requirement for bid. Our Purchasing Policy states, "except when directed by the Town Board, no solicitation, written proposals, or quotations are required for the acquisition of professional services." USDA will require new specifications be created and approved by them, before going out to bid for the project. Further discussion will take place in executive session.

**Renovate Post Treatment.** Supervisor Monroe stated that the preliminary post treatment survey of Loon Lake shows almost a 100% kill of milfoil. There are 3 small trouble areas still in the lake, one at Rock Island, one near Blythewood Island, and one near Blue Bay.

**LCD Streetlights.** Discussion on where to install the new LCD streetlights on Main Street. To be decided.

**RESOLUTION #155: DELEGATE MIKE PACKER LOCATE INSTALLATION SITES FOR STREETLIGHTS.**

Introduced by Mr. Monroe, seconded by Mrs. Wells, delegate Mike Packer to locate installation sites for the Streetlights with Jason.

AYE 5 NO 0

**New Business:**

**Boggia ditch.** Barbara Boggia has asked the Highway Department to mow the ditch in front of her property on Stock Farm Road. Jason stated that the ditch measures greater than 25' from the center of the road, so it is not in our ROW. Additionally, although the ditch has been mowed in the past, Jason added that the vegetation creates an ideal situation as is, since any huge rush of water will be slowed by it, to further avoid wash outs and erosion. That is the purpose of hydro-seeding ditch lines. He will not be mowing the Boggia ditch, and legally we are not only NOT required to do it, we are legally required NOT to do it.

**Sand & Gravel Pit.** Discussion on the cost of sand and gravel to the Town and the Highway budget, which amounted to \$60,000 for 2013. There has been a request by Jason to retain an engineer to evaluate the feasibility of acquiring the Bennett sand & gravel pit on Route 9 by the Golf Course. He is asking \$299,000 for the property. Jim Hutchins had done a survey on it at some point, and based on his study in 2005, there should be roughly 200,000 yards of sand left on site. If that is true, that would equate to about 20 years of sustainable sand for the town. Jason will get in touch with Tom Suozzo from Cedarwood\* Engineering (\*purchased Jim Hutchins firm), to do a

proposal for a study to see what volume of material is there that we could access with the existing permits, and what the feasibility of extending the mine area would be.

**Standard work day.** This had been done last month, at Bruce's request, because the NYS Retirement System now requires a specific form, and we need to approve the Form.

**RESOLUTION #156: APPROVE STANDARD WORK DAY AND REPORTING RESOLUTION FORM RS 2417-A.**

Introduced by Mrs. Wells, seconded by Mr. Monroe:  
BE IT RESOLVED, that the Town of Chester/Location code 30213 hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the time keeping system records or the record of activities maintained and submitted by these officials to the clerk of this body:

Appointed Officials:		
Planning Bd. Member	Harold Ellsworth	6 hrs.
Planning Bd. Member	George Hilton	6 hrs.
Youth Leader	Mindy Conway	6 hrs.
	AYE	5
	NO	0

**RESOLUTION NO.: 157 - AUTHORIZE CLERK ADVERTISE NOTICE OF ADOPTION OF BOND RESOLUTION SUBJECT TO PERMISSIVE REFERENDUM:**

**INTRODUCED BY: Mr. Packer**  
**SECONDED BY: Mrs. Wells**  
**DATED: October 08, 2013**

**RESOLUTION AUTHORIZING THE ISSUANCE OF UP TO \$207,000IN SERIAL BONDS OF THE TOWN OF CHESTER TO PAY THE COST OF ACQUISITION AND INSTALLATION OF A NEW BOILER IN TOWN HALL; AND AUTHORIZING THE ISSUANCE OF UP TO \$207,000IN BOND ANTICIPATION NOTES OF THE TOWN OF CHESTER FOR THE SAME PURPOSE**

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF CHESTER, WARREN COUNTY, NEW YORK, AS FOLLOWS:**

**Section 1.** The specific object or purpose for which the obligations authorized by this Resolution (the "Bond Resolution") are to be issued is acquisition and installation of a new HVAC pellet boiler in the Town Hall, including related preliminary and incidental costs (the "Project"), and such specific object or purpose is hereby authorized at a maximum estimated cost of Two Hundred Seven Thousand and 00/100 Dollars (\$207,000.00).

**Section 2.** The plan for the financing of such maximum estimated cost is issuance of

up to \$207,000 in serial bonds and/or bond anticipation notes of said Town, hereby authorized to be issued pursuant to the Local Finance Law.

However, the Town expects to receive a \$20,000 Community Facility Grant from the U.S. Department of Agriculture - Rural Development (the "USDA") and a corresponding \$187,000 loan from the USDA for the remaining cost of the Project. The Town hopes to qualify for and receive such USDA grant and financing.

The proceeds of the bonds or bond anticipation notes may be used to reimburse expenditures paid by the Town from other funds or otherwise on or after the date of adoption of this Bond Resolution. As described above, the Town authorizes the application and acceptance of grants and/or financing from the USDA for the Project. The Town may submit applications for additional grants and/or low interest loans from the New York State Environmental Facilities Corporation (EFC) and/or the United States Department of Commerce Economic Development Administration (EDA) and/or other funding sources and, to the extent that any such moneys are received, may apply such funds to the payment of principal and interest on the bonds or bond anticipation notes. Pursuant to Local Finance Law Section 107.00(d)(9), a down payment from current funds is not required.

**Section 3.** The Town Board anticipates that the Town may pay certain capital expenditures in connection with the Project prior to the receipt of the proceeds of the Bonds. The Town Board hereby declares its official intent to use Bond proceeds to reimburse the Town for such Project expenditures. This section of the Resolution is adopted solely for the purpose of establishing compliance with the requirements of Section 1.150-2 of the Treasury Regulations and does not bind the Town to make any expenditure, incur any indebtedness or proceed with the acquisition, construction and installation of the Project.

**Section 4.** It is hereby determined that the period of probable usefulness of the specific object or purpose is ten (10) years, pursuant to Section 11.00(a)(13) of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five (5) years.

**Section 5.** The faith and credit of the Town of Chester, Warren County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as they become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such years. There shall annually be levied on all the taxable real property in the Town of Chester a tax sufficient to pay the principal of and interest on such obligations as they become due and payable.

**Section 6.** For the purpose of paying the cost of the Project, there are hereby authorized to be issued serial bonds of the Town up to a maximum amount of \$207,000 the

maximum maturity of which shall not exceed the ten (10) year period of probable usefulness set forth above and which shall mature on or before such date as measured from the date of the bonds or from the date of the first bond anticipation note issued in anticipation of the sale of such bonds, whichever date is earlier. The bonds may be issued in the form of a statutory installment bond.

**Section 7.** There are hereby authorized to be issued bond anticipation notes for the specific object or purpose in an amount up to but not exceeding the \$207,000 maximum amount of serial bonds authorized to be issued, in anticipation of the issuance and sale of the serial bonds authorized, including renewals of such bond anticipation notes.

**Section 8.** Any bond anticipation notes shall be payable from the proceeds derived from the sale of the bonds or otherwise redeemed in the manner provided by Section 23.00 of the Local Finance Law. The faith and credit of the Town are hereby irrevocably pledged for the payment of the bond anticipation notes and the interest on them.

**Section 9.** There are no bond anticipation notes outstanding which have been previously issued in anticipation of the sale of these bonds. Neither are the bond anticipation notes hereby authorized renewal notes. These bond anticipation notes will not be issued in anticipation of bonds for an assessable improvement. These notes shall mature at such time as the Town may determine and may be renewed from time to time, provided that in no event shall such notes or renewals extend more than one (1) year beyond the original date of issue except as permitted in the Local Finance Law.

**Section 10.** Subject to the terms and conditions of this Resolution and of the Local Finance Law, and pursuant to the provisions of Sections 30.00, 50.00 and 56.00 to 60.00, inclusive, of the Local Finance Law, the power to authorize bond anticipation notes in anticipation of the issuance of the serial bonds authorized by this Resolution and the renewal of these notes, and the power to prescribe the terms, form and contents of the serial bonds and bond anticipation notes and the power to sell and deliver the serial bonds and bond anticipation notes issued in anticipation of the issuance of the bonds is hereby delegated to the Town Supervisor, the Chief Fiscal Officer of the Town. The Town Supervisor is hereby authorized to sign any serial bonds and bond anticipation notes issued in anticipation of the issuance of the serial bonds and bond anticipation notes issued pursuant to this Resolution by manual or facsimile signature, and the Town Clerk is hereby authorized to affix or impress or imprint a facsimile of the seal of the Town to any of the serial bonds or bond anticipation notes and to attest such seal by manual or facsimile signature. If executed by facsimile signature, such obligation shall be authenticated by the manual countersignature of the Town Supervisor or a designated fiscal agent. The Town Supervisor, as Chief Fiscal Officer of the Town, is authorized to execute and deliver any documents and to take such other action as may be necessary and proper to carry out the intent of the provisions of this Resolution.

**Section 11.** The exact date of issuance of the bonds and/or notes and the exact date upon which they shall become due and payable shall be fixed and determined by the Chief Fiscal Officer, provided, however, that the maturity of the notes or renewals shall not exceed one (1) year from the date of issue except as permitted by the Local Finance Law.

**Section 12.** The Chief Fiscal Officer shall prepare the bonds and/or notes and sell them at public or private sale in accordance with the provisions of the Local Finance Law including, but not limited to, the provisions of Section 169.00, if applicable, and at such sale shall determine the interest rate to be borne by such bonds and/or notes, and whether fixed or variable. The Town Board authorizes the Chief Fiscal Officer to establish substantially level annual debt service or a declining annual balance for the repayment of such Bonds if the Chief Fiscal Officer believes it is in the best interests of the Town. The Town Board authorizes the Chief Fiscal Officer to issue such serial bonds in the form of a statutory installment bond.

**Section 13.** If issued, the bonds and/or notes shall be in registered form, and shall bear interest at the determined rate.

**Section 14.** The Chief Fiscal Officer shall deliver the bonds and/or notes to the purchaser only against a certified check or other immediately available funds. The proceeds of the sale of the bonds and/or notes shall be deposited and/or invested as required by Section 165.00 of the Local Finance Law, and the power to invest the proceeds of sale is hereby delegated to the Chief Fiscal Officer and the power to invest in any instruments described in Section 165.00 is expressly granted.

**Section 15.** To the extent that it is permitted to do so under the Internal Revenue Code of 1986, as amended (the "Code"), the Town hereby designates the bonds and/or notes as "qualified tax-exempt obligations" under Section 265(b)(3) of the Code. The Town hereby covenants that, to the extent permitted under the Code in effect as of the date of issuance of any bonds and/or notes, it will (i) take all actions on its part necessary to cause interest on the bonds and/or notes to be excluded from gross income for purposes of Federal income taxes and (ii) refrain from taking any action which would cause interest on the bonds and/or notes to be included in gross income for purposes of Federal income taxes.

**Section 16.**The Town of Chester is a town wholly within the Adirondack Park. However, State lands subject to taxation within the Town's boundaries are assessed at less than thirty percent (30%) of the total taxable assessed valuation of the Town, so permission of the State Comptroller to issue the bonds and/or notes is not required under Local Finance Law Section 104.10(3).

**Section 17.** This Resolution is subject to permissive referendum pursuant to Article 7 of New York Town Law and Section 35.00 of New York Local Finance Law, and shall not take effect until such time as provided. The Town Clerk is hereby authorized and directed to post

and publish the notice required for Resolutions subject to permissive referendum.

**Section 18.** Miller, Mannix, Schachner & Hafner, LLC, Glens Falls, New York, is hereby designated bond counsel.

**Section 19.** The validity of these serial bonds and bond anticipation notes may be contested only if:

(A) These obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(B) The provisions of law which should be complied with at the date of publication of this Resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or

(C) Such obligations are authorized in violation of the provisions of the State Constitution.

**Section 20.** This Resolution or a summary thereof shall be published in the *Post Star*, which has been designated as the official newspaper of the Town, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

**Section 21.** This Resolution shall take effect immediately.

**Section 22.** The question of the adoption of this Resolution was duly put to a vote on roll call which resulted as follows:

AYES: 5                      NAYS: 0                      ABSENT: 0

ROLL CALL

**None.**

AYES:

NAYS:

ABSENT:

The Resolution was declared duly adopted by a vote of not less than two-thirds (2/3) of the full membership of the Town Board.

**Rotary gift to Town.** The Chestertown Rotary has offered a gift to the town to pay for or toward a new project. The Board is in agreement to have the money go toward the new signs for the entrances to

Chestertown and Pottersville. Clarke Dunham will be drafting the designs, and the Board will approve the plan before the project goes forward.

**Recycling of Televisions and Computers.** Effective November 1<sup>st</sup>, Regional Computer Recycling and Recovery has notified John West that they will no longer be able to accept televisions or CRT (cathode ray tube) monitors without a fee of \$0.25 per pound. Discussion ensued, and the Board decided to charge a fee that is reasonable for people to still bring them into the landfill.

**RESOLUTION #158: AUTHORIZE \$10 FEE FOR DISPOSAL OF CRT TELEVISIONS AND COMPUTER MONITORS.**

Introduced by Mr. Monroe, seconded by Mr. Durkish, authorize landfill charge \$10 for each CRT television or computer monitor brought in.

AYE 5 NO 0

**Tentative budget.** The changes discussed at the October 3<sup>rd</sup> meeting were incorporated into the budget, with all increases staying within the proposed tax cap. A date was chosen for the public hearing on the preliminary budget.

**RESOLUTION #159: ADOPT PRELIMINARY BUDGET AND AUTHORIZE CLERK ADVERTISE PUBLIC HEARING FOR SAME.**

Introduced by Mrs. Wells, seconded by Mr. Packer, adopt preliminary budget for 2014, and authorize the clerk to advertise the public hearing for Thursday, November 7<sup>th</sup>, 2013, at 7:00 PM.

AYE 5 NO 0

**RESOLUTION #160: APPROVE ABSTRACTS AND CLAIMS PAID PRIOR TO AUDIT.**

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

General Fund	\$48,938.71	(435-477)
Highway Fund	\$30,343.98	(235-261)
C'Town Water	\$ 1,907.61	( 38-44 )
P'Ville Water	\$ 1,199.88	( 38-44 )
Library	\$ 1,321.47	( 37-41 )
Loon Lk. Pk. Dist.	\$ 738.81	( 48-50 )

AYE 5 NO 0

**Boat Wash Station.** The Boat Wash Station will remain open through Columbus Day. John West will check with the Fire Co. to see if they can store the Boat Wash Station, otherwise Steve Smith from Rocky Ridge Boat Storage in Brant Lake offered to store it for \$200 for the winter.

AYE 5 NO 0

**RESOLUTION #161: APPROVE ROCKY RIDGE BOAT STORAGE STORE BOAT WASH STATION IF FIRE COMPANY CAN'T.**

Introduced by Mrs. Wells, seconded by Mr. Durkish, authorize Rocky Ridge Boat Storage store Boat Wash Station for the winter for \$200 if the Fire Company can't.

AYE 5 NO 0

On a motion by Mr. Monroe, seconded by Mrs. DuRose, Board went into executive session at 8:30 PM to discuss contracting qualifications of possible engineers, labor negotiations with CSEA on Health Insurance, and a possible Zoning enforcement issue.

AYE 5 NO 0

On a motion by Mr. Monroe, seconded by Mr. Packer, Board out of executive session at 8:33 PM. Discussion of which type of boiler to pursue, hot water or steam system. Rick Handley stated that from a cost standpoint, it would be better to use steam than hot water. Discussed removing equipment that is not being used.

On a motion by Mrs. Wells, seconded by Mr. Packer, Board back into executive session at 9:05 PM to discuss Health Insurance and a possible Zoning action.

On a motion by Mr. Monroe, seconded by Mrs. Wells, Board out of executive session at 9:40 PM. No action taken.

On a motion by Mr. Monroe, seconded by Mrs. Wells, meeting adjourned at 9:42 PM.

Respectfully submitted,

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Town Clerk