

**Regular meeting** of the Town of Chester Town Board was held on **December 8, 2015** at 7:00 pm at the Town Municipal Center, 6307 State Route 9, Chestertown, NY.

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

To correct Resolution #158 in the November 10, 2015 Minutes:

**RESOLUTION #168: DISSOLVE FORMER BEAUTIFICATION COMMITTEE:**

Introduced by Mr. Monroe, seconded by Mr. Packer, dissolve any current or former beautification committee in existence.

AYE 5 NO 0

**Pellet Silo Bids.**

Town Clerk read the Notice to Bidders, after which, the single bid received was opened. The bid was from Adirondack Developers & Builders in the amount of \$32,240.65. The Board asked the Town Engineer, Tom Suozzo of Cedarwood Engineering if he would look it over before the Board made a decision.

**Open bids for sale and delivery of fuel oil, diesel fuel and kerosene.**

A single bid was received from Buckman's Fuel Co. Buckman's no longer has access to the Albany Tank Wagon Price, so their bids are now based on the prices faxed to them on a daily basis by their suppliers. For Fuel oil, Kerosene and Diesel, they will use a markup of \$0.22 per gallon over supplier pricing. Fuel oil for the Town Hall will be marked up at \$0.18 per gallon.

**RESOLUTION #169: ACCEPT BID PRICES FROM BUCKMAN'S FUEL CO.**

Introduced by Mr. Packer, seconded by Mrs. Wells, accept bid prices from Buckman's Fuel Co. for fuel oil, kerosene and diesel with a \$0.22 increase over supplier pricing, and fuel oil for the Town Municipal Center at \$0.18 over supplier pricing.

AYE 5 NO 0

**Open bids for weekly Senior Citizen transportation.**

One bid was received from Warren-Hamilton Counties Community Action Agency. The bid amount was for an annual cost of \$11,440.00 for the 2016 Calendar year or \$220 per trip.

**RESOLUTION #170: ACCEPT BID FOR SENIOR BUS TRANSPORTATION FROM COMMUNITY ACTION.**

Introduced by Mrs. Wells, seconded by Mr. Durkish, accept bid for senior bus transportation for 2016 from Warren-Hamilton Counties Community Action Agency in the amount of \$220 per trip, or \$11,440 for 52 trips.

AYE 5 NO 0

**Public hearing on contracts with NW Chamber of Commerce, NW Emergency Squad, N.C. Fire District, Chestertown Fire District and Riverside Volunteer Fire Co.**

Public hearing opened at 7:15 pm on contracts with North Warren Chamber of Commerce for \$14,000, North Warren Emergency Squad for \$75,000, North Creek Fire District at \$30,000, Chestertown Fire District at \$5,000 and Riverside Volunteer Fire Co; Inc. at \$7,000 for 2016. There were no comments from the public, and the public hearing was closed at 7:17 pm.

**RESOLUTION #171: APPROVE CONTRACTS WITH NW CHAMBER OF COMMERCE, NW EMERGENCY SQUAD, NORTH CREEK FIRE DISTRICT, CHESTERTOWN FIRE DISTRICT AND RIVERSIDE VOLUNTEER FIRE CO; INC.FOR 2016.**

Introduced by Mr. Packer, seconded by Mrs. Wells, approve contracts with North Warren Chamber for \$14,000, North Warren Emergency Squad for \$75,000, North Creek Fire District at \$30,000, Chestertown Fire District at \$5,000, and Riverside Volunteer Fire Co; Inc. for \$7,000 for 2016.

AYE 5 NO 0

**Assemblyman Dan Stec.**

Assemblyman Stec was in attendance to address the Board. He stated that his District is 40 towns plus the City of Glens Falls. He continued that he had been a Town supervisor for many years, and felt that a good place to get a good snapshot of what was going on was to attend Town Board meetings. He took the opportunity to extend his thanks to Supervisor Monroe for his service to the County, and on a broader scale, and maybe not as visible to the residents in Chester, but Fred is one of the icons of Adirondack Local Government, not only for his long tenure and for his local government involvement, but for his work on the Adirondack Review Board. Further, Mr. Stec

continued, his is one of the name's that gets dropped frequently in Albany, on the second floor of the Governor's Office when there is an Adirondack issue, along with George Cannon, a name that is also well recognized. He ended with some levity, and stated that for those that think he, Dan, is doing a good job, they can thank Fred. And for those who don't think he is doing a good job, they can blame Fred.

**Privilege of the floor.**

**Ava Ashendorf** spoke regarding the benefits from medical marijuana that she was able to get while she was in Arizona visiting her daughter. She explained her various ailments, which cause her considerable pain, and stated that the use of the medical marijuana helped her considerably. She is hoping that New York State will expand its use for ailments other than the limited uses that are allowed now. She offered her service as a spokesperson.

**Ed Griesmer**, on behalf of the Loon Lake Park Association, wanted to express appreciation to Mr. Monroe for his work and support of their efforts in dealing with the lake issues for many years. In addition, he and **Jane Smith** were here representing the Adirondack Lakes Association, a new organization that has received a warm welcome throughout the Adirondacks thanks to Fred's efforts in promoting them. Mrs. Smith added a special thank you to him for his support of the East Schroon Lake Association (ESLA). Mr. Griesmer continued that he and the Board had met earlier, and had decided that he should now devote his time to being Lake Constable and Life Guard, and also wing man during the winter. (Laughter and applause as Mr. Monroe stated that he will then be busier in retirement than when he was working).

**Al Muench** spoke regarding a specific employee and mentioned that as President of the Library Board of Trustees, he was concerned that there has been no heat in the Library. No one was aware of that situation, but Jason will look into it.

**Chris Walsh** explained that he was the owner of the State Police barracks. He explained that in the barracks, he has the State Police, BCI, Sheriff Department, and all of their tactical forces. He continued that he doesn't want anyone not to be able to live their dream, but it was brought to his attention by the Division Commander that someone was proposing to have a Laser tag venture on the adjoining property. The Division Commander did not feel that it was a good situation with children having guns next to a building housing law enforcement with guns. Mr.

Monroe stated that he believed the proposal was before the Planning Board, and that would be the venue to address. Mr. Walsh agreed to take that step.

**Jason Monroe** thanked the Town Clerk for her service over the years, and he thanked the Supervisor for watching over this Town as he has the family, and he stated that he would miss both of us.

**Mary Jane Dower** copied his sentiments, and thanked Mr. Monroe for always supporting the projects that were brought to him for approval.

Supervisor Monroe recused himself and left the room in order to proceed with the Yates well/septic variance.

Before the Yates project was heard, a request was made by Mrs. DuRose for a resolution.

**RESOLUTION #172: AUTHORIZE TOWN BOARD PURCHASE A PLAQUE FOR SUPERVISOR MONROE'S 24 YEARS OF SERVICE.**

Introduced by Mrs. DuRose, seconded by Mrs. Wells, authorize Town Board purchase a plaque honoring Supervisor Monroe's 24 years of service.

AYE 4 NO 0

**Yates septic system/well separation distance variance.**

With Mr. Monroe recused and out of the room, Mr. Packer took the Chair as Deputy Supervisor, and announced a continuation of the public hearing for the Yates project at 7:35 pm.

Mr. John MacMillen was representing the Yates family who were not present at the hearing. Mr. MacMillen reiterated his reference to the Monroe variance for a septic improvement to an existing wastewater system. Mr. MacMillen can't understand why the project is still going on and has not been resolved. He believes that the Monroe septic/well separation variance that was just granted is the same as the project that the Yates' are proposing. Attorney Schachner advised the Board that variances granted by them in the past, acting as the Local Board of Health, were not germane to the project on the table being discussed tonight. Mr. MacMillen said that at the past meeting, everyone had all these ideas about what should be done, and he asked: "what is it that we can do?" Discussion ensued about the area designated across the road for the Yates' well. Mr. MacMillen stated that they would have to dig up the road, dig the line through the existing leach field, drive track equipment

through it, etc. He said they could actually draw water from the lake and added that you could throw in a hundred engineers, and they will all uphold Health Department guidelines.

Mr. Packer stated that the Engineers for the Town were present to explain their report. Kathy Suozzo, Engineer, stated that they had been engaged to review the variance request application, and compare to the NYS Dept. of Health guidelines for separation distances. She added that because there is a seepage pit, the separation distance between a seepage pit and a potable water well is 150'. If it were a leach field, it would be 100'. They looked at separation distances, the current survey that provided information on where everything is located, and also looked at the 1983 original design of improvements to septic systems that were proposed for that installation. It was their understanding, according to that 1983 maps, that this house, along with the one next to it, were to be combined into a raised bed leaching bed, which apparently was never put in. The existing seepage pit has therefore remained and is still in use. There are some raised bed mound systems at other camps in the general area. The issue of a potable water well within the separation distance of a seepage pit is in consideration of the health and safety of the residents of that facility. It is not compliant with the regulations, although other variances have been given within the town and in other towns, but the question remains, if you grant a variance, how do you propose to protect the residents of that facility? There are options out there, such as disinfection on the potable water supply, and some wells have had chlorination put in. The problem becomes, if a variance is approved and granted, what guarantee do we have, if this property were to change hands, that this protective equipment stays active and operational? It is all about protection of public health. Mrs. DuRose asked Mr. MacMillen if he knew how old the existing septic system was. He has no idea, but stated that it is already non-compliant, in that it is shared by two separate camps, and is closer than 100' from the lake. These guidelines were not in place years ago from the Health Department, and people just put stuff in. There could be 55 gallon drums in the ground, no more than 20' from the lake, and it is difficult to tell what is out there. Discussion continued. Mr. Packer stated that there is an area designated for the applicant to drill a well. Mr. MacMillen disputed the running of water lines and moving equipment over an existing neighboring mound system, and Mr. Packer stated that they could use applicants own driveway, and then cut under the road. It would allow for the 100' separation. More discussion ensued, and Mrs. Suozzo stated that the soil, which is a clay-loam overlays

a gravel deposit. She fears that the new well could also pull from that gravel layer. Mr. Ron Gill stated that the well would be in bedrock, and they could add more casing, and grout it, which would make it safer. Conversation continued.

**RESOLUTION #173: CLOSE PUBLIC HEARING ON YATES SEPTIC SYSTEM/WELL SEPARATION DISTANCE VARIANCE.**

Introduced by Mrs. DuRose, seconded by Mrs. Wells, close public hearing on Yates septic system/well separation distance variance at 8:25 pm.

AYE 4 NO 0

Discussion: Applicant representative was asked whether he wanted the board to take any action. He wishes to table the application and talk with the client and he will notify the Board where they want to go with it. Mr. Tom Suozzo cautioned the Board that any repercussions would come back to the entity approving the project in the event that a problem ever developed. He stated that the applicant could also hire an engineer to design another plan with legal distance, or stamp the plans for what is now being proposed.

**Silo bid.**

Engineers from Cedarwood had looked over the bid for the silo project and recommended that it be rejected, due to the contractor bidding on a lump sum basis, and there was no itemization of the job. Additionally, the proposed slab would be 12" too thin. He also included the auger in the bid, which is going to be included under another contractor. Mr. Suozzo added that in house work will be getting done in the interim, and recommends the bid be advertised again.

**RESOLUTION #174: REJECT SILO BID FROM ADIRONDACK DEVELOPERS AND READVERTISE BID.**

Introduced by Mrs. Wells, seconded by Mrs. DuRose, reject bid submitted from Adirondack Developers and authorize Clerk re-advertise bid to be opened at the regular January meeting.

AYE 5 NO 0

**Old business:**

**Status on Biomass project.**

Consultant Rick Handley was in attendance to update the Board on the project. He explained that the area under where the silo will be constructed will be stabilized. They are working to get the breeching cut in order to segregate the old oil fired boiler from the chimney so it can be removed, and also remove the old equipment so the new boiler can come in. The top will be removed from the old coal storage bin so that the new boiler can be dropped down in. There have been some discussions on the positioning of the steam accumulator, and whether it should be of vertical or horizontal design. When the water level goes up and down in a vertical tank, you have the same surface of water, whereas, when the water level goes up and down in a horizontal tank, the surface area of the water changes. That has something to do with the amount of steam that can flash in the tank. That will be left up to the experts. The design that they have will go either way. The specs for the installation contractor are completed, but they are waiting for a scope of the work to be done, so they can be very specific. They are waiting for information on a new boiler feed water pump, on how it is to be installed. The manufacturer, for whatever reason, has not provided that information. Mr. Handley recommends the bids be advertised in January to be opened in February. They would like to get the new system up and running this heating season, possibly in March. Bids for pellet supply should be done on a yearly basis, and will be sent out following installation of all equipment.

**New ski tow.**

Mr. Monroe stated that the new ski tow should be delivered within two weeks. It will be delivered to the Highway garage, and payment is expected on delivery.

**RESOLUTION #175: AUTHORIZE PAYMENT ON DELIVERY FOR SKI TOW.**

Introduced by Mrs. Wells, seconded by Mr. Durkish, authorize payment for ski tow, on delivery, in the amount of \$37,500.

AYE 5 NO 0

**Chester Challenge.**

Mr. Monroe stated that the Chester Challenge has been getting some great publicity. There was an article in the blogs in the Albany Times Union, and another in the Post Star.

**New business:**

Audit committee just reviewed the books and records of the Bookkeeper, Court Clerk and Town Clerk and submitted their report.

**RESOLUTION #176: ACCEPT AUDIT COMMITTEE REPORT.**

Introduced by Mr. Packer, seconded by Mr. Durkish, accept the report submitted by the audit committee for the books and records of the Bookkeeper, Court Clerk, and the Town Clerk.

AYE 5 NO 0

**Committee reports.**

Mrs. Wells stated that Mr. Patrick Powers had asked again about traffic stops at the intersection in Pottersville, and it was noted that DOT has denied any changes there at least two different times. Highway Superintendent Monroe stated that he had met with them regarding the moving of the water lines in Pottersville for the bridge project. Supervisor Monroe stated that he had received an agreement that he is supposed to sign, and one of the provisions is if we accept their moving of the water lines on the bridge, that we have to comply with all their rules and regulations, codes and standards, etc., including to remove any and all of our facilities from the highway, should the Commissioner of Transportation order it. Mr. Monroe countered that we serve people with water on the other side of the bridge, and would not want the Commissioner of Transportation to shut it off. Mrs. Wells will send Mr. Powers an email and suggest he get a petition to send to DOT.

Mrs. DuRose mentioned that we have an employee at the Highway who is listed as a Laborer, but he also operates equipment. Mr. Monroe stated that his duties need to be documented, and then a decision made about changing his grade classification, if it is warranted.

**Timber Harvest contract.**

We had contracted with Finch Paper to do a timber evaluation, and it has been done, and bid out by Finch.

The bids were submitted by:

Prentiss & Carlisle for \$44,213.

Durgin & Crowell for \$43,960.

The Board opted to go with the lower bid, (a difference of \$253), because they use local people.

**RESOLUTION #177: ACCEPT BID FROM DURGIN & CROWEL FOR TIMBER HARVESTING.**

Introduced by Mr. Packer, seconded by Mrs. DuRose, accept bid from Durgin & Crowel for the timber harvest project, at \$43,960.

ROLL CALL:

- Steve Durkish ~ YES
- Edna Wells ~ YES
- Mike Packer ~ YES
- Fred Monroe ~ NO
- Karen DuRose ~ YES

Work is to begin in about two weeks and should be completed before mud season.

**Payment to National Grid.**

Supervisor Monroe stated that National Grid is seeking payment for the new electric service at Dynamite Hill for the handle tow, ski lift building, lighting and for the snow maker.

**RESOLUTION #178: AUTHORIZE PAYMENT TO NATIONAL GRID FOR NEW ELECTRIC SERVICE TO DYNAMITE HILL AND SIGN THEIR AGREEMENT.**

Introduced by Mr. Packer, seconded by Mrs. Wells authorize payment of \$6,979.42 to National Grid for new electric service to Dynamite Hill, and sign their agreement.

AYE 5 NO 0

**Re-appoint ZBA member.**

**RESOLUTION #179: RE-APPOINT ARNOLD JENSEN TO ZONING BOARD OF APPEALS.**

Introduced by Mr. Monroe, seconded by Mr. Packer, re-appoint Arnold Jensen to the Zoning Board of Appeals, term to expire 12-31-2020.

AYE 5 NO 0

**RESOLUTION #180: RE-APPOINT TOM LUCIANO TO THE SCHROON LAKE PARK COMMISSION.**

Introduced by Mrs. Wells, seconded by Mrs. DuRose, re-appoint Tom Luciano to the Schroon Lake Park Commission. Term is for three years, to expire 12-31-2018.

AYE 5 NO 0

**RESOLUTION #181: AUTHORIZE SUPERVISOR MONROE SIGN THE CONTRACT WITH GORE MOUNTAIN.**

Introduced by Mrs. Wells, seconded by Mr. Packer, authorize Supervisor Monroe sign the contract with Gore Mountain for the winter ski program.

AYE 5 NO 0

**RESOLUTION #182: AUTHORIZE ZONING CLERK PAID FOR 8 DAYS VACATION IN LIEU OF TIME OFF.**

Introduced by Mrs. Wells, seconded by Mr. Durkish, authorize Zoning Clerk Jeremy Little be paid for remaining 8 vacation days in lieu of time off, due to covering the office while Walt Tennyson is recuperating from surgery.

AYE 5 NO 0

**RESOLUTION #183: APPROVE UTILITY WORK AGREEMENT WITH STATE DOT TO MOVE WATER LINES IN POTTERSVILLE FOR BRIDGE REPLACEMENT OVER TROUT BROOK, AUTHORIZING SUPERVISOR SIGN AGREEMENT, AND AGREE TO MAINTAIN FACILITIES.**

Introduced by Mr. Packer, seconded by Mr. Durkish, approve utility work agreement with State DOT to move water lines in Pottersville for bridge replacement over Trout Brook, authorizing Supervisor sign agreement, and agree to maintain facilities.

AYE 5 NO 0

**RESOLUTION #184: AUTHORIZE CLERK ADVERTISE FOR SUBSTITUTE CUSTODIAN.**

Introduced by Mrs. Wells, seconded by Mrs. DuRose, authorize Clerk advertise for substitute custodian to fill in for Paul Parks.

AYE 5 NO 0

**Auditorium floor.**

The carpet has been removed from the auditorium floor. The Board will need to think about what they want to do with it, whether to have carpet installed, or leave it as a gym finish.

**Appoint Deputy Zoning Administrator.**

Discussion on appointing Jeremy Little as Deputy Zoning Administrator to be able to act in Mr. Tennyson's absence. Mr. Monroe will check with Civil Service.

**Terms of CSEA contract.**

Supervisor Monroe stated that there is a new contract with the CSEA Bargaining Unit. However there is one provision that the Board did not agree upon. In the last contract, there was a provision to reimburse the difference in co-pays from CDPHP to those of the original contract under which MVP was the Insurance carrier. Under the new contract, this should not be a provision and needs to be discussed.

**Zoning Board of Appeals Secretarial duties.**

Duties of the Secretary for the Zoning Board of Appeals are: to attend meetings, take Minutes, and type and distribute Minutes. Other duties, such as compilation of applications, etc., to be continued by the Zoning Office.

**Capital Reserve Fund.**

The Capital Reserve Fund to be established for the compactor at the landfill was never authorized by Resolution. It was recommended that after the 1<sup>st</sup> of the year, the budget be amended to create a Capital Reserve Fund, and \$20,000 be transferred into it.

**RESOLUTION #185: DELETE \$20,000 FROM THE DECEMBER 8, 2015 ABSTRACT DESIGNATED FOR THE TOWN OF CHESTER CAPITAL RESERVE FUND.**

Introduced by Mrs. DuRose, seconded by Mrs. Wells, delete line item Voucher #532 in the amount of \$20,000 from the December 8, 2015 abstract, which had been designated for the Town of Chester Capital Reserve Fund for the landfill compactor.

AYE 5 NO 0

**RESOLUTION #186: AUTHORIZE CRAIG LEGGETT AND MINDY CONWAY ATTEND TRAINING IN ALBANY FOR NEWLY ELECTED OFFICIALS, PAY NYS ASSOCIATION OF TOWNS DUES, RESERVE BUS REGISTRATION AND APPOINT A DELEGATE TO VOTE AT THE ASSOCIATION OF TOWNS CONFERENCE IN FEBRUARY.**

Introduced by Mrs. Wells, seconded by Mrs. DuRose, authorize Craig Leggett and Mindy Conway attend training in Albany for newly elected officials, and pay NYS Association of Towns dues, reserve bus registrations and appoint a delegate to vote at the Association of Towns conference in February. All necessary expenses for same to be a lawful claim against the Town of Chester.

AYE 5 NO 0

**RESOLUTION #187: AUTHORIZE PAYMENT OF ABSTRACTS AND CLAIMS PAID PRIOR TO AUDIT, MINUS THE DELETION MADE IN RESOLUTION #185 FOR \$20,000.**

Introduced by Mrs. DuRose, seconded by Mr. Monroe, authorize payment of abstracts and claims paid prior to audit, minus the deletion made in Resolution #185 for \$20,000:

General Fund	\$141,196.74	(522-566)
Highway Fund	\$111,641.40	(306-338)
Chester Water	\$ 3,090.10	( 60-66 )
Pottersville Water	\$ 1,921.43	( 56-61 )
Library	\$ 7,050.98	( 77-81 )
Loon Lake Park Dist.	\$ 53.45	( 30-30 )
Schroon Lake Pk. Dist.	\$ 26,199.43	( 23-25 )

AYE 5 NO 0

**Landfill hours.**

John West explained that Deb has to leave work before 4:00 pm to go to her other job, leaving one attendant alone at the landfill. It was decided to close the landfill an hour earlier on Monday, Thursday and Friday. Saturday and Sunday hours will remain the same.

**RESOLUTION #188: AUTHORIZE CHANGING LANDFILL CLOSURE HOURS ON MONDAY, THURSDAY AND FRIDAY TO 3:45 PM.**

Introduced by Mrs. DuRose, seconded by Mrs. Wells, authorize landfill closing hours to be at 3:45 pm on Monday, Thursday and Friday. Saturday and Sunday hours will remain at 4:45 pm.

AYE 5 NO 0

Discussion on locking of all doors except the North door and the Library street entrance door when Library is open, but otherwise all other doors kept locked unless there is an event in the building. All due to vandalism in the building.

**RESOLUTION #189: SET DATE FOR REORGANIZATION MEETING FOR JANUARY 4<sup>TH</sup>, 2016 AT 7:00 PM, AND REGULAR MEETING FOR JANUARY 12, 2016.**

Introduced by Mrs. Wells, seconded by Mr. Packer, set date for re-organizational meeting for January 4<sup>th</sup>, 2016 at 7:00 pm, and regular meeting for January 12, 2016.

AYE 5 NO 0

On a motion by Mr. Monroe, seconded by Mr. Packer, meeting adjourned at 9:30 pm.

Respectfully submitted,

---

Town Clerk