

Regular meeting of the Town of Chester Town Board was held on **April 8, 2014**, at the Town Municipal Center, 6307 State Route 9, Chestertown, NY.

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

RESOLUTION #47: ACCEPT MINUTES OF MARCH MEETING.

Introduced by Mrs. DuRose, seconded by Mrs. Wells, accept Minutes of the March 11th meeting, as presented.

AYE 5 NO 0

Public Hearing. Public hearing on access to newly acquired Forest Preserve at the end of Campground Road.

Clerk read the notice for the public hearing regarding public access to the Ice Meadows parcel that lies between the Hudson River and Friends Lake Road. This parcel was recently acquired by the State of New York. Maps were distributed, and Supervisor Monroe explained that the best access to the property would probably be at the end of the Campground Road. The State plans to do a unit management plan, and they are looking for the Town's input. Mr. Monroe thinks perhaps it could be tried for a trial period to determine exactly how much traffic would actually occur on the road. The State would do a draft plan which they would present to the APA, who would then determine whether it was consistent with the State Master Plan. Originally, the land was purchased with money from the Environmental Protection Fund, and there was a law passed that allowed the town to veto the purchase of State land in the town using that money. The town did veto it initially, just to have some leverage with them, and we had hearings at that time, ultimately approving the purchase, but with the condition that the public parking access to the Hudson River tract not be the East Hudson River Campground Road to avoid potential conflicts with property owners along that road. DEC came back to us to see if that was still our position, which was the determining factor in holding another public hearing.

Mr. Paul Little explained that the occupants along the road are normally a seasonal influx, and the population would not be present until summer, along with the Epworth League.

RESOLUTION #48: AJDOURN PUBLIC HEARING UNTIL JULY MEETING, NOTIFY RESIDENTS, AND ASK DEC TO ATTEND.

Introduced by Mr. Monroe, seconded by Mrs. Wells, adjourn the public hearing until the July 8th meeting, have Mr. Little supply town with a list of residents to notify, and ask DEC to attend.

AYE 5 NO 0

Bid opening.

Clerk read the notice to bidders for sand bids:

"The Town of Chester, Warren County, NY seeks bids for abrasive road aggregate (sand or equivalent) meeting State specifications for highways.

All bids must provide two options: (1) Screened by the bidder and (2) screened by the Town in the successful bidder's pit.

All bids shall be expressed in cubic yards.

All bids shall remain open for Town consideration and possible acceptance for a period of 150 days.

Bidders must include proof of current and valid mining permit with their bid, and Operator or Facility must be certified by MSHA.

Bidders must submit a Non-Collusive bidding certificate which may be obtained from the Town Clerk. Bids will be received by the Town Clerk, Chestertown, NY on or before April 8, 2014 until 7:00 pm, at which time they will be opened and read publicly at the Town Hall, Chestertown, NY. All envelopes must be marked "SAND BID".

The Town is not committed to any minimum purchase and reserves the right to reject any or all bids."

Bids as follows:

- 1) Berness Bolton Exc. Co., Inc. ~ \$4.00 per yard
- 2) W. J. Bokus Industries, Inc. ~ \$4.05 per yard
- 3) Adirondack Portable Custom Crushing ~ \$4.00 per yard screened
\$3.00 per yd. screened by Town

Mr. Monroe wanted to wait for Mark Schachner to arrive before making any decision.

Privilege of the floor.

Linda Muench presented two different proposals to the Board for replacement signs for both Chestertown and Pottersville.

Creative Design from Kingsbury submitted her proposal for \$4,765.32 per sign, with no posts, and no installation.

Garnet Signs proposed \$2,725 each sign, posts included, but no installation. Lettering would be carved, and mountains and trees and water would also be raised. There were two designs proposed, and the Board opted for proposal "B" which most resembled the signs made by Forrest Jones. The committee

from the Business Alliance preferred the first sign which contained mountains and trees and lakes, while the second sign, sign "B", contains the National Christmas tree from 1964. The Alliance wanted the first one which represented the entire area, and was a little more modern.

RESOLUTION #49: ACCEPT PROPOSAL "B" FOR NEW SIGNS TO BE CREATED BY GARNET SIGNS.

Introduced by Mr. Durkish, seconded by Mrs. Wells, accept proposal "B" for new signs for the entrance to Chestertown and Pottersville, offered by Garnet Signs for \$2,725 per sign.

Roll Call Vote

Mr. Durkish ~ Yes

Mrs. Wells ~ Yes

Mr. Packer ~ Yes

Mr. Monroe ~ Yes

Mrs. DuRose ~ Yes

Mrs. DuRose requested that the Historical Society be able to keep one of the old signs for the museum.

Old Business.

Pellet boiler, we are still waiting for the engineered drawings. Tom Suozzo visited Saranac Lake and looked at their storage silo, and has submitted preliminary drawings. Saranac suggested sight glass in the silo so that the usage could be monitored since pellets had to be ordered so far ahead. Another concern was carbon monoxide, which NYSERDA is concerned about as far as inside storage goes. Mr. Suozzo recommends storing pellets outside. They will be here to survey on Thursday to get a few more measurements for their final design for the storage and flexible auger.

Loon Lake Dam Engineer. Mr. Monroe has heard from Rick White, engineer recommended by Mr. Suozzo, and he will be up on Friday. Ed Griesmer and John West will meet with him at 9:00 am at the dam.

Sand Pit Offer. Tom Suozzo, Engineer, looked at the sand quality and quantity. He had looked at Jim Hutchins original report which had estimated quantities, life of mine, etc. Mr. Suozzo feels that there may be 170,000 usable yards. Based on 10,000 yards per year, would give the life of the mine 17 years of use. He estimates that 90% of the product could be used for skid control on the roads. They had done three borings, and in the

center boring, they hit ledge at 30 feet. Most of the product is good sand. There is an existing DEC permit, and the mine has had an inspection prior to transfer of the property.

Mr. Monroe addressed Mr. Schachner and asked when transfer could be accomplished. Mr. Schachner thought it could be accomplished within 60 days.

The bond would cost us, based on 3% interest, \$15,000 for 20 years, or \$20,700 for 15 years. At 4%, \$18,000 or \$21,300. Jason estimated cost of hauling from each pit, and Bernie Bolton provided the Board with a list of associated costs of owning a gravel pit. Extensive discussion ensued, with issues such as cost of stripping over burden, labor and machine time, cost of cutting trees, brush and stumps, loss of tax base per year on pit, cost of MSHA training for the men, waste removal from the screen, and cost of reclamation being addressed, after which Mr. Monroe expressed concern over a reclamation plan. It was decided to crunch some numbers and have continued discussion of this issue.

In the interim, it was decided to adopt the Bond Resolution, which is subject to permissive referendum, so that it would be in place if purchase of the pit is accomplished before it is time to screen the sand.

RESOLUTION NO.: 50

INTRODUCED BY: Mr. Monroe

SECONDED BY: Mr. Packer

DATED: April 8, 2014

RESOLUTION AUTHORIZING THE PURCHASE OF REAL PROPERTY AND THE ISSUANCE OF UP TO \$275,000 IN SERIAL BONDS OF THE TOWN OF CHESTER TO PAY THE COST OF PURCHASING THE REAL PROPERTY TO BE USED AS A SAND AND GRAVEL MINING SOURCE; AND AUTHORIZING THE ISSUANCE OF UP TO \$275,000 IN BOND ANTICIPATION NOTES OF THE TOWN CHESTER FOR THE SAME PURPOSE

WHEREAS, the Town Board has determined that it is in the best interests of the Town to purchase real property that is currently used as a sand and gravel mine to mine sand and gravel for Town purposes; and

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 to pay the cost of purchasing real property to be used as a sand and gravel mine and to be used for any other municipal purposes as the Town Board may determine, 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 Seventy-five Thousand and 00/100 Dollars (\$275,000.00).

Section 2. The Town Board hereby determines that it is in the public interest to acquire real property located at State Route 9 and Fox Lane in the Towns of Chester and Warrensburg, County of Warren, State of New York, and known as Tax Map Parcels #137.-1-33.1 and #137.18-1-13 (the "Property"), to be used for sand and gravel mining and any other municipal purposes as the Town Board may determine. The Town Board hereby authorizes the Project and authorizes the Town Supervisor to execute a purchase contract for the Property in a form acceptable to the Town Supervisor and Town Counsel and to take all actions he deems necessary to effectuate such purchase contract. The purchase price shall be \$275,000.00.

Section 3. The plan for the financing of such maximum estimated cost is issuance of up to \$275,000 in serial bonds and/or bond anticipation notes of said Town, hereby authorized to be issued pursuant to the Local Finance Law. 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. 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 4. 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 5. It is hereby determined that the period of probable usefulness of the specific object or purpose is thirty (30) years, pursuant to Section 11.00(a)(21) 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 6. 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. This Bond Resolution is subject to permissive referendum pursuant to Local Finance Law Section 35.00.

Section 7. 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 \$275,000 the maximum maturity of which shall not exceed the thirty (30) 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 8. 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 \$275,000 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 9. 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 10. 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 11. 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 12. 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 13. The Chief Fiscal Officer shall prepare the bonds and/or notes and sell them at public or private sale and 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 14. If issued, the bonds and/or notes shall be in registered form, and shall bear interest at the determined rate.

Section 15. 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 16. 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 17. 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 18. 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 19. Miller, Mannix, Schachner & Hafner, LLC, Glens Falls, New York, is hereby designated bond counsel.

Section 20. 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 21. 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 22. This Resolution shall take effect immediately.

Section 23. 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 N/A

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.

Compost Seminar. John West had attended the seminar on April 4th at DEC in Warrensburg. Their biggest issue seemed to be getting food waste out of the waste streams. A lot of the information was still in the planning stages.

BOAR member. The only application received was from Christine Hayes, who is currently serving as the Assessor for the Town of Horicon. She certainly has all of the qualifications needed, and marked her application that it was subject to approval by the NYS Assessor's Association, in the event that they foresee a conflict.

RESOLUTION #51: APPOINT CHRISTINE HAYES TO BOAR.

Introduced by Mr. Monroe, seconded by Mrs. DuRose, appoint Christine Hayes to BOAR.

AYE 5 NO 0

HHHN Sidewalks. Discussion of repair or replacement of portions of the sidewalks at the Health Center. It was decided that we need a good guestimate of the cost with written specs so that we can put it out to bid to repair the places that need it. Once the estimate is in place, the Town will be asking Town of Horicon to contribute toward the repairs.

New Business.

Committee reports. Mrs. Wells said she had attended a Library meeting, and all was going well with them. We are still looking for a water safety instructor to give swim lessons.

2014 paving schedule. Highway Superintendent Jason Monroe presented the proposed schedule, having prioritized the roads in town that needed the most attention. \$200,000 has been budgeted for 2014. The breakdown is as follows:

LaFlure Hgts./Raymond Lane ~ Double chip seal 1,180 lf	= \$10,850.85
Rock Avenue ~ Pave Type 3 binder 600 lf	= \$11,976.00
Darrowsville Road ~ Pave Type 6 top 3,000 lf	= \$44,165.00
Fawn Ridge Road ~ Pave Type 3 binder 600 lf	= \$14,876.00
Igerna Road ~ Reclamation	= \$17,553.00
Igerna Road ~ Double chip seal 2 miles	= \$67,430.04
Roller Rental ~ 1 Month rental	= \$ 3,500.00
Culvert pipe replacement ~ 20 lengths estimate	= <u>\$ 5,000.00</u>
Proposed Total	= \$175,350.89
Surplus from budgeted	= \$24,649.11

Mr. Monroe stated that no equipment will be needed for 2015, so he is hoping to be able to do more road maintenance.

RESOLUTION #52: APPROVE 2014 PAVING SCHEDULE.

Introduced by Mr. Monroe, seconded by Mr. Packer, approve 2014 paving schedule, as proposed.

AYE 5 NO 0

Quote for 2-Way radio telemetry to water tanks. Failsafe systems in the pump houses have become corroded, telephone lines get dug up, etc. Mr. Packer had investigated the situation, and endorses a

telemetry system as the only way to go, as it would keep the tanks full automatically, which is important in case of a fire. Basically a license would be purchased on a radio band that no one else would share. Discussion over specs for bidding, etc. Mr. Monroe suggested we request specs for the equipment. We would need supplier to be available for service within a certain time.

Trees at Loon Lake Beach. John West stated that at one time a discussion had taken place with regard to a pavilion at the beach. He said if that was still a "go", there are about 6 pine trees that surround the bath house which have dead tops, and have become a safety issue and should be removed. We need to make sure we can meet the APA setbacks.

RESOLUTION #53: AUTHORIZE SUPERVISOR SIGN CONTRACT WITH OFFICE FOR THE AGING.

Introduced by Mr. Packer, seconded by Mrs. Wells, authorize Supervisor sign contract with Office for the Aging.

AYE 5 NO 0

RESOLUTION #54: RE-APPOINT AL MUENCH TO PLANNING BOARD.

Introduced by Mr. Packer, seconded by Mrs. Wells, re-appoint Al Muench to Planning Board for another 7 year term, expiring in 2021.

AYE 5 NO 0

Loon Lake Boat Inspection Program and Warren County Funding.

Warren County Finance Committee approved the County giving \$41,666 to the Town of Chester for the milfoil program. Ed Griesmer and Mr. Monroe explored the program for this year, and decided to have Lycott do another 2 weeks on the lake with the scuba divers, and use some of the money for the inspection program. The goal with the Renovate was to get the cost of milfoil control from \$85,000 per year down to about \$30,000, and we may be able to do that if we spend more diver time this year. It costs about \$8,700 per week. Prevailing wage rate was discussed again. Mr. Monroe stated that they had met with EZ Marine and Storage and Loon Lake Marina. We have received both the green and red seals which will be put on the boats from the bow ring to the trailer, and they are imprinted with Loon Lake on them. They would like to have permission to green tag the boats that have been in storage so that they are lake ready. Lake George will recognize our seals, and we, as well, will recognize Lake George's. Mr. Monroe thought we might be able to buy a used pad, or we would have to rent one again for the season. Clerk will find a monthly price for rental.

Stratford on Hudson Play "Art", May 16, 17, 23, 24, & 25.

Mr. Monroe wanted to announce that Stratford on Hudson would be having a play entitled "Art" performed on the above dates.

Church Parking Lots. Jason Monroe was approached by way of a letter from the 7th Day Adventist Church on Bird Pond Road, requesting that the Town plow their parking lot. Supervisor Monroe stated that they would need a contract with the Town, and it would have to have some public benefit, such as offering public parking, which there really is no need for on Bird Pond Road.

Trench box. Jason Monroe stated that according to OSHA, any time a man was in a ditch of 5 ft. or more, we would need a trench box for his protection. They usually come in 2 ft. sections and are built to depth of the ditch. OSHA fines could be very hefty if we do not comply. Jason will get two quotes.

RESOLUTION #55: APPROVE ABSTRACTS AND CLAIMS PAID PRIOR TO AUDIT.

Introduced by Mrs. Wells, seconded by Mr. Packer, approve payment of abstracts and claims paid prior to audit.

General Fund	\$109,059.76	(110-161)
Highway Fund	\$ 25,264.72	(69-90)
C'town Water	\$ 1,851.49	(10-15)
P'Ville Water	\$ 162.06	(10-12)
Library	\$ 2,318.35	(7-15)
Loon Lake Park Dist.	\$ 754.76	(1-1)

AYE 5 NO 0

On a motion by Mr. Monroe, seconded by Mr. Packer, board went into executive session at 9:05 pm to discuss a specific threatened lawsuit.

On a motion by Mr. Monroe, seconded by Mrs. Wells, Board out of executive session at 9:25 pm.

On a motion by Mr. Monroe, seconded by Mr. Packer, meeting adjourned at 9:25 pm.

Respectfully submitted,

Town Clerk

