

Regular meeting of the Town Board of the Town of Chester was held **August 10, 2010** at 7:30 pm in the Town of Chester Municipal Center Chestertown, NY.

Roll Call: Fred Monroe, Edna Wells, Karen DuRose, Mike Packer and Steve Durkish. Mark Schachner - Attorney for Town.

PUBLIC HEARING FOR A LOCAL LAW AMENDING CHESTER ZONING LAW RELATING TO MOORINGS AND SWIM FLOATS. Friends Lake would be excluded; definition of "mooring" revised; Section 7.03(C) entitled "Moorings and Swim Floats" amended (1.a. Friends Lake 50' from shore line and b. extend from shore line changed from 50' to 75' and except where opposite shoreline is 300' changed to 600').

Clerk read notice of public hearing. Supervisor Monroe opened public hearing at 7:30pm.

Comments from the floor:

Arnold Jensen commented on how the request for a change in the zoning law came about. Loon Lake Park District Association had concerns over the distance that moorings and swim floats were from the shore line.

Town Board requested that Mr. Jensen, constable on Loon Lake, measure the distance of the floats and moorings - results: 52 floating objects have been measured (some are swim floats and others are just balls in the lake). 3 are in compliance with the 50'; 22 are 80'; 13 are between 80' and 90'; 4 between 90' and 100'; and 10 in excess of 100', one being beyond measurement capability. Jim McDermott - inquired as to who would enforce the new law and if permits are required for floats. Permits have been issued for docks, but probably not floats.

Discussion on also adding constable as an enforcing officer along with the zoning officer.

Friends Lake resident - questioned the distance of the mooring, rope and vessel - as to what is the distance. Also had concerns if this was totally understood by the Friends Lake Association. He will contact president of Friends Lake Association. Supervisor Monroe stated that Friends Lake people had attended prior meeting and that they had submitted a resolution not to be included.

Discussion on variances due to the depth of the lake and floats in various places.

State law regulation is 100" from shore. Town of Chester local zoning is 50'.

Supervisor Monroe closed public hearing at 8:00 pm. No action taken.

RESOLUTION #86: ACCEPT MINUTES OF THE JULY TOWN BOARD MEETINGS.

Introduced by Mrs. DuRose, 2nd by Mrs. Wells to accept minutes of the July Town Board meetings. AYE 5 NO 0

Privilege of the Floor:

Ann (?) from the Town of Chester Library board request the Town Board consider replacing the "Blue Town Municipal sign" (made by Forest

Jones) with a sign that would be able to display events and meetings. Town Board suggest that she try to get some prices and bring any information back to the Town Board. Board will consider to put some funds in the budget for 2011.

Suggestion to change sign at Loon Lake beach to read Town of Chester Loon Lake Beach.

Old Business:

Smart Growth Grant - Community Housing Plan - report be Tracey Clothier of the LA Group

Supervisor Monroe gave background information - Town had applied for Smart Growth Grant about 2 ½ years ago, awarded grant March of 2008, but no contract had been signed by the state. Tracey Clothier gave a review of what has been done (handouts). Map illustrations were shown as to where possible housing could be done in both hamlets and what is the real need. Suggestion - mobile home park.

Public meeting will be held August 31, 2010 at 7:00pm.

RESOLUTION #87: ADVERTISE PUBLIC INFORMATION MEETING ON COMMUNITY HOUSING PLAN.

Introduced by Mrs.Wells, 2nd by Mr.Packer to advertise for a public information meeting on August 31, 2010 at 7:00pm, in regards Community Housing Plan for the Town of Chester, presented by LA Group.

AYE 5 NO 0

Letter re: Flood program. DEC offer of training - Supervisor Monroe stated that the letter (July 12,2010) sent in regards to the flood program has caused confusion, not only with the residents who received the letter, but in the Zoning office. Supervisor Monroe had a conversation with Rob Streeter (?) from DEC. Mr.Streeter suggested that DEC would be willing to provide training to the zoning office. Mr.Streeter has the capability with the GIS system to determine flood elevation, etc. (part of property may be in flood zone but home or other structures may not be in flood zone). Supervisor Monroe thought that the zoning office has been saying that if any part of the property is in the flood zone, then a surveyor would need to do a flood elevation certificate. Which this would be an unnecessary burden if the determination could be made by looking at the GIS system.

Loon Lake milfoil work - hand harvesting is continuing and matts have been placed. Main report will be given at end of season. Supervisor Monroe has been receiving reports from Mr.King.

Survey - Chestertown Main St Enhancement - Supervisor Monroe said that there is no way to pay for mailing a survey unless the board appropriates money and if the committee isn't satisfied with the survey that was prepared, there is no need to appropriate money now. Mary Jane Dower gave Supervisor Monroe a copy of what the committee felt should be on the survey for questions. The committee felt that in reviewing the survey that had been prepared by Mr.Behan this wasn't

what was requested. Mrs. Dower said that Town of Chester is not a resort area anymore but 2nd homes.

Mrs. Dower reported that she has spoken with owners of the Rising House and they plan to start painting the exterior of the building and do some clean up.

New Business:

VFW and American Legion proposal for a veterans memorial on the front lawn of the municipal center - The VFW and Legion would do fundraisers to purchase a Veteran's memorial, approximate cost could be \$35,000 to \$50,000. The organizations are not requesting money from the town, just space on the front lawn. Veteran's names would be on memorial (going back as far as they can perhaps War of 1812). Town Board would need to approve the plan.

RESOLUTION #88: APPROVE CONCEPT FOR A VETERAN'S MEMORIAL.

Introduced by Mr. Packer, 2nd by Mrs. Wells to approve the VFW and American Legion concept for a Veteran's memorial and placement being on the front lawn of the municipal center if the Town Board approves of the design.

AYE 5 NO 0

RESOLUTION #89: APPROVE WATER RENT WARRANTS FOR 2010.

Introduced by Mr. Wells, 2nd by Mr. Durkish to approve water warrant for Districts I and II:

Chester town District \$50,391.04 Pottersville District \$26,989.77.

AYE 5 NO 0

Town clerk request that water rules and regulations be updated. Copies were given to the board and Mr. Schachner.

Decision regarding 2012 assessment update - Memo received from Paul Maniacek, Assessor. Town Board in favor of "keeping up with the assessment revalue program" and appropriate money in the 2011 and 2012 budget, state aid reimbursement would not be until 2013.

City of Glens Falls HUD Grant - Town participation - water main extension report and transportation plan. Supervisor Monroe explained how the City of Glens Falls HUD Grant and town participation came about. City of Glens Falls is focusing on transportation mainly. Warren County will meet on August 20th and will probably pay the \$2500 application fee, which will benefit all the towns, in the county, that will be participating. Supervisor Monroe has spoken with Pat Tatich, Director Warren County Planning, and she suggested that the Adirondack Glens Falls Transportation council is interested in doing a plan to try and improve transportation to out lining towns (from Glens Falls), as part of this grant. Supervisor Monroe also stated that maybe the Town of Chester could use the grant to have an engineer's report done on the water main extension (Peckham Industrial site). There is a 20% match, but Supervisor Monroe said it would be a way of

getting the engineer's report done for 20% instead of paying the full 100% cost.

RESOLUTION #90: TOWN OF CHESTER REQUEST TO BE INCLUDED IN THE HUD GRANT APPLICATION.

Introduced by Mrs.Wells, 2nd by Mr.Durkish that the Town of Chester be included in the HUD Grant application for the water main extension (Town of Chester) and the transportation plan.

AYE 5 NO 0

Meeting with FEMA and SEMO re: March flooding damage. Hidden Lake, Fish Hollow and Lane Road. As the result of this meeting the Town will be receiving approximately \$10,000 from FEMA to help off set the cost of repairs that had to be done as the result of flood damage in March. Supervisor Monroe and Highway Superintendent Gary Clark have met with FEMA and SEMO and paper work is being submitted.

Audit exit conference re: 2007, 2008, 2009 tax collections - No findings, No corrective action required.

Schroon Lake proposed noise and speed regulation - no discussion.

Timber Lodge Estates - Considine Litigation - Executive session.

Collective bargaining negotiations. Set date for Town Board meeting with bargaining unit. Date set for meeting with the bargaining unit will be August 31, 2010 - Tuesday at 8:00 pm.

Supervisor Monroe stated that the lease has been signed with Dr.Gerber, for rental space. Councilperson Packer inquired about county nurses having space in the town municipal center, Supervisor Monroe will check.

John West, Parks and Recs. - additional work and parts for mower are needed. John had quote from Falls Farm & Garden Equip in the amount of \$1107.92. Discussion on parts replacement, approximately \$1700 in parts and labor have been put in to the mower already - question was asked if there was any warranty on parts. Councilperson Packer suggested that the town mechanic could probably replace a set of rings. Mower is a 2007 and has 840 hours.

RESOLUTION #91: AUTHORIZE WORK TO BE DONE ON RIDING LAWN MOWER.

Introduced by Mrs.DuRose, 2nd by Mr.Packer authorizing that work be done on the 2007 riding lawn mower, replace drive motors (Falls Farm and Garden Equip) and have the rings replaced this winter.

AYE 5 NO 0

Town Board questions:

1. Councilperson Packer has been reviewing time sheets and stressed that lunch time be taken.

2. "life guard" chair - request from lifeguard and parent request. Councilperson DuRose inquired about how it came about and should have been brought to the town board. John said storage space was needed.
3. Councilperson Packer would like to have better fencing around the damn area, to prevent people from climbing on it.
4. Trees in Chester Rural cemetery. Some blue spruce are dying and need to be removed. Board request John to get a quote for removal.

Motion by Mrs.DuRose, 2nd by Mr.Packer the Town Board went into a Attorney/Client privilege information session, then Mr.Monroe and Mr.Durkish recuse themselves from the Executive Session at 9:20pm, meeting was turned over to Deputy Supervisor Packer to discuss Timber Lodge Estates-Considine litigation and rental of space in the town hall to family member. Motion by Mrs.Wells 2nd by Mrs.DuRose Town Board resumed regular session at 9:40pm. No action taken.

RESOLUTION #92: AUTHORIZING SETTLEMENT OF PENDING LITIGATION COMMENCED BY THE TOWN AGAINST RICHARD CONSIDINE AND LINCOLN LOGS, LTD.

Introduced by Mrs.Wells, and 2nd by Mrs.DuRose:

WHEREAS, Lincoln Logs, Ltd. is the prior owner of a certain subdivision known as Timber Lodges Estates located in the Town of Chester; and

WHEREAS, in or around 1980, Lincoln Logs, Ltd. applied to the Chester Planning Board seeking subdivision approval; and

WHEREAS, the Planning Board issued subdivision approval on November 2, 1980, conditioned upon the roads contained within the subdivision being built to Town standards and offered to the Town for dedication; and

WHEREAS, Evergreen Lane is one such road; and

WHEREAS, Evergreen Lane is not constructed to Town standards and has not been offered to the Town for dedication; and

WHEREAS, Richard Considine is the successor in interest to Lincoln Logs, Ltd.; and

WHEREAS, the Town Board sought to compel compliance with subdivision conditions intended to ensure safe and reliable access to all properties within Timber Lodges Estates Subdivision; and

WHEREAS, by Resolution 117 of 2007, the Chester Town Board duly authorized and directed commencement of a Supreme Court action to compel such compliance; and

WHEREAS, by Summons and Complaint filed in the Warren County Clerk's Office on March 25, 2008, the Town commenced action against Richard Considine and Lincoln Logs, Ltd. to compel compliance with the conditions of subdivision approval; and

WHEREAS, following commencement of the action, the parties have had opportunity to discuss access concerns; and

WHEREAS, Richard Considine has proposed settlement terms that would resolve the pending litigation; and

WHEREAS, the Town Board has reviewed the terms of settlement and find the terms to be consistent with the health, safety and general welfare of the community, and

WHEREAS, in accordance with the proposed terms of settlement, Richard Considine applied to the Planning Board for modification of subdivision approval; and

WHEREAS, On May 17, 2010, the Chester Planning Board Resolved to strike that subdivision condition that required Evergreen Lane to be constructed to Town standards and offered to the Town for dedication; and

WHEREAS, as a condition of modifying subdivision approval, Richard Considine has submitted a revised subdivision plat which has been accepted by the Planning Board and filed in the Office of the Warren County Clerk; and

WHEREAS, the revised subdivision plat makes clear that Evergreen Lane is not a Town Road.

NOW, THEREFORE, BE IT

RESOLVED, that the Chester Town Board hereby authorizes the settlement of the pending litigation titled *Town of Chester v. Richard Considine and Lincoln Logs, Ltd.* bearing Index Number 50528 upon the terms and conditions contained in the Stipulation and Settlement Agreement presented by Town Counsel; and be it further

RESOLVED, that the Town Board authorizes and directs the Deputy Town Supervisor to execute the necessary settlement documents provided they are presented in a form acceptable to Town Counsel; and be it further

RESOLVED, that the Town Board authorizes and directs Town Counsel to execute any subsequent documents required to formally discontinue the pending action.

Duly adopted this 10th day of August, 2010 by the following vote:

AYES - Michael Packer, Edna Wells and Karen DuRose.

ABSTAIN - Frederick Monroe and Steven Durkish.

RESOLUTION #93: APPROVE RENTAL OF SPACE TO NAJER REALTY.

Introduced by Mrs.Wells, 2nd by Mrs.DuRose approve renting of "small office" room #203 to Najer Realty for \$250 per month, beginning September 2010 through 2011. No cleaning service will be provided.

Roll Call: Michael Packer - AYE Edna Wells - AYE
Karen DuRose -AYE Steve Durkish - AYE ABSTAIN - Frederick Monroe

Discussion on other rooms that may be available.

RESOLUTION #94: AUTHORIZE PAYMENT OF ABSTRACT AND CLAIMS PAID PRIOR TO AUDIT.

Introduced by Mrs.Wells, 2nd by Mrs.DuRose authorizing payment of

abstract:

General Fund	\$ 39,425.24	(322-374)
Highway Fund	\$ 30,392.17	(154-176)
Chestertown water	\$ 860.71	(38-46)
Pottersville Water	\$ 715.73	(36-43)
Library	\$ 1,796.76	(35-41)
Loon Lk pk dist	\$ 630.00	(1)
	AYE 5	NO 0

RESOLUTION #95: DATE CHANGE FOR TOWN BOARD MEETING IN SEPTEMBER.

Introduced by Mr.Monroe, 2nd by Mr.Packer to change the date for the September town board meeting from Tuesday, the 9th, to **Thursday September 16th**. Reason for change is that September 14th is Primary Day.

AYE 5 NO 0

Motion by Mr.Monroe meeting was adjourned AT 10.00 PM.

Town Clerk