

Regular meeting of the Town Board of the Town of Chester was held February 14, 2012 at 7:30 pm in the Town Municipal Center, Chestertown, NY.

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

Public Hearing for Ellis Wastewater Variance. Applicant was represented by Tom Jarrett, Engineer, and Attorney John Silvestri. Mr. Silvestri explained that this parcel had been approved as a building lot back in 1960. It is located in a Moderate Intensity Land Use Area, and is 3.9 acres in size. Proposal is for construction of a 3 bedroom dwelling with related on site well and wastewater facilities. There are issues with regard to setback from well, slope and replacement area.

Mr. Jarrett stated that they had been working with town consultant, engineer Al Matrose, and he now feels that the design plan will not need a variance, and would like the board to declare the parcel a buildable lot. Mr. Matrose felt that the structure should be limited to 2 bedrooms. The property is located on Chester Shores View and is vacant at this time. Mr. Jarrett believes that all slope and setback issues have been met, locating the septic to the rear of the proposed building, on land that is flat.

One of the disputed issues, the slope of the property, requires 35 ft. from the drop off, whereas the plans show it at 10 ft. Mr. Jarrett explained that those requirements were applicable only on a 25% slope, and the actual slope is calculated at 23%, therefore that standard is not needed. Mr. Matrose's issue was with regard to the 50% reserve area, where none is shown on the plans. Mr. Jarrett stated that they could show a proposed 2 bedroom dwelling with a reserve area, but they wanted to plan for a 3 bedroom with no reserve area. Secondly, Mr. Matrose continued, perc tests had been done, but only one was located near the proposed leach field, whereas two were required. The second one was located 75 feet away. The third issue Mr. Matrose discussed was the proposed well on the Ellis property being down gradient from the leach field, and in the path to the well, should the system fail. This would require a 200 foot separation. Mr. Jarrett explained that a swale or berm is being proposed to divert any wastewater from the well in the event of any failure, and to eliminate the need for a variance. They will also institute 50 feet of grouted casing for the well, which would then be considered a deep well.

Mr. Matrose felt that the application was still incomplete, that the drawings were correct, but the wording was off. Discussion on the area of a failed system being rehabbed and reused, although the requirements still call for a replacement area. Mr. Silvestri stated that a restrictive covenant could be added to any deed requiring a maximum of a 3 bedroom dwelling. Mr. Jarrett stated that the soils,

with a 2 minute perc, are consistent for buildable soil.

Following discussion, it was determined that a revised engineering report would be needed, and the public hearing should be continued. Mr. Monroe recused himself, since his wife has been considered a broker for the sale of the property. Discussion ended at 8:30 pm.

RESOLUTION #22: CONTINUATION OF PUBLIC HEARING FOR ELLIS WASTEWATER VARIANCE.

Introduced by Mrs. Wells, seconded by Mrs. DuRose, the public hearing on the Ellis wastewater variance to be continued at the March meeting.

AYE 4 NO 0

Change date of March meeting. Mr. Schachner stated that he would not be able to attend the regularly scheduled meeting on the second Tuesday in March, so meeting date has been changed to March 12th, on a motion introduced by Mrs. Wells, seconded by Mrs. DuRose, and carried 5/0.

RESOLUTION #23: Introduced by Mrs. DuRose, seconded by Mrs. Wells, the Minutes of Jan. 3rd re-organizational meeting, and the Jan. 10th regular meeting, with changes, were accepted, as presented.

AYE 5 NO 0

Privilege of the floor:

Ron Robert read a letter that he had written to the board regarding an alleged incident with the ACO on January 9th.

Becky Otruba spoke regarding a puppy that she was trying to adopt that had been found and fostered by the ACO. Mr. Monroe told her that the matter would be discussed during executive session.

Linda Muench outlined her plan to establish a "Seventeen Candles Birthday Club" which would provide children under the age of 18, of families being served by the Food Pantry, with a birthday gift. The project will be similar to the Rotary's "Christmas with Santa" program. Initially, Mrs. Muench will be funding the project, do the shopping and wrapping of gifts, delivering them to the food panty to be passed on to the parents when they visit the pantry. To make the project a success, Mrs. Muench will be requesting financial support from the Chestertown Rotary club and other local organizations. The Helper's Fund, sponsors of the Food Pantry, have no problem with this proposal.

RESOLUTION #24: APPROVE SEVENTEEN CANDLES BIRTHDAY CLUB.

Introduced by Mr. Monroe, seconded by Mr. Durkish, approval was given for Mrs. Muench to establish the "Seventeen Candles Birthday Club", as presented.

AYE 5 NO 0

Pam Morin of Warren County Planning Dept. explained that she would be the point person for the Summerfest and Pugs programs this year, working with the Chamber. She stated that Don Butler of the Tri-Lakes Business Alliance would be sponsoring the Rum Runner weekend, which they would like to hold the weekend following the National Car Show in Lake George, with a lot of the clubs planning to stay in the area for this event. The Heritage corridor is also integrating the Nature Trail and bicycling. A Warren County bicycling and safety map is being developed, and Chamber is working on getting us on the map. She told the board that Joe Slattery and the Boy Scouts had decorated the lit trees at the train depot for the "Light up the Tracks" program. She also informed the board that the State of NY has unclaimed money out there to be found, by going on line under www.osc.state.ny.us/ouf and putting in one's name. She said to be creative, using a maiden name, or a middle initial, company name, etc., and that the site was secure in the event that a search was successful and a Social Security number was requested. Several Warren County people were mentioned that had been successful in their searches.

Old business:

Solar project. Supervisor Monroe thought that the Town Hall project would be finished in April. There has been a revised proposal for Dynamite Hill to put the panels on pole mounts rather than having them located at ground level. The panels will be located to the left of the Chamber building facing Route 8, and the angles can be changed for maximum sun exposure, based on the season. The company will be paying for the design of a sign to be put in the arc in front of the panels in order to advertise their business.

Municipal Center Sign. We have received another modified version of the proposed sign. Increasing the size of the sign to 50 square feet would increase the height of the sign to 11' 8". Mr. Monroe feels that the height at the bottom of the sign can be reduced from 2' 8" to just 18" above ground level and keeping the area clear of snow in the winter time should prevent any problems with the line of vision.

RESOLUTION #25: APPROVE DESIGN OF SIGN FOR MUNICIPAL CENTER.

Introduced by Mrs. DuRose, seconded by Mr. Durkish, approve new proposed design of sign for the Municipal Center for size, wording and lowering bottom of sign to 18" above ground instead of 2' 8".

AYE 5 NO 0

Milfoil contracts for 2012 for Schroon Lake & Loon Lake: Bill McGhie was in attendance from Schroon Lake Association, explained that there was a proposal from Steve LaMere for \$172,000.00 with no description of what would be done, just a budget,. Five applications had been sent out for qualifications, and they received 3 responses. They are waiting for proposals from Lycott, AIM and AE Commercial Diving. Mr. Monroe stated that he and the board are in support of the Schroon

Lake steering committee. He stated that he would like to meet with the other Supervisor's of both Horicon and Schroon Lake and agreed to send a letter to the Town of Schroon in support of Dave Wicks' professionalism and knowledge.

New business:

Appoint new Planning Board member. Al Muench has agreed to be a member of the Planning Board.

RESOLUTION #26: APPROVE APPOINTMENT OF AL MUENCH TO PLANNING BOARD.

Introduced by Mr. Packer, seconded by Mrs. Wells, approve appointment of Al Muench to the Planning Board to fill the seat vacated by Ken Raisner.

AYE 5 NO 0

Advertise Spring Weight Limits on town Roads.

RESOLUTION #27: AUTHORIZE CLERK TO ADVERTISE NOTICE OF SPRING WEIGHT LIMITS.

Introduced by Mrs. Wells, seconded by Mr. Durkish, authorize clerk to advertise for posting of highway weight limits, effective March 15th.

AYE 5 NO 0

Veteran's Memorial Plan: Mr. Monroe met with the Veteran's who are looking for approval to begin construction of the proposed memorial. They submitted cost estimates on materials, which would cost the Veterans' \$66,744.00 with about 439 hours of labor. Vet's would pay to move the flag pole and do all the electrical. The town's part would be doing the 25' x 35' pad for the performance space, along with the two walkways. The plan calls for concrete, but Mr. Monroe thinks stone dust would be better on the walkway, and a more permeable surface for the performance area than concrete. John Behan had some comments, #1, to reduce the width of the arch from 12' to 10' so that it does not take up so much room, and to also reduce the radius, which will bring it in even more. Moving it closer to the building to leave more open space would also allow for other activities to have space to use on the lawn. The cost to the town will be less than \$5,000.00 if the Highway crew can do the work for our part. Veterans' have already raised the money they need, and are looking for an approval of the concept. Mrs. Dower reminded the board of the trees that were donated, and Mr. Monroe stated that he has asked them to preserve the trees. They also plan to move the memorial closer to the building, but board does not want it to block the windows.

Basically the Veterans will be doing everything in relation to the monument, the concrete on the ramp in front of the building, all the electrical work, moving of the flagpole, lighting of the flagpole, electricity to the pad in the front, and they have asked the town to bring in top soil for plantings in the green area. Hopefully the

highway crew can do most of the prep work, and the cost estimate to the town will go down using stone dust instead of concrete on the two walkways. Veterans are looking for a grand opening the Saturday after July 4th.

Request to use lawn of Municipal Center for Farmer's Market.

A subcommittee of the Tri-Lakes Business Alliance proposes a Chestertown Farmer's Market (CFM) for the summer months, and has requested use of the front lawn of the Municipal Center to conduct it. The CFM will carry liability insurance offered by the NY Farmers Market Federation. Each vendor will carry liability insurance and list the CFM as an additional insured. All products will be local, no alcohol will be allowed, and booths will be constructed and taken down each day, as will the signs. Proposed startup date is June 20, 2012 from 10:00 am until 1:00 pm, to end October 10, 2012. Requesting use of parking lot and the bathrooms. CFM looking for some money from the bed tax funds to cover cost of insurance, advertising and signs. They are requesting \$2,500.00. North Creek Farmers Market was able to reduce any funding by 25% each year, to become self sufficient. Board would like to see reduction of funding each year by 1/3.

RESOLUTION #28: APPROVE USE OF MUNICIPAL CENTER FRONT LAWN FOR FARMER'S MARKET, RULES & REGULATIONS, REQUIRE INSURANCE, AND FUNDING OF \$2,500.00 FOR THE FIRST YEAR, WITH REDUCTION OF FUNDING BY 1/3 FOR FOLLOWING 3 YEARS.

Introduced by Mrs. Wells, seconded by Mrs. DuRose, approve the use of the front of the Municipal Center for a Farmer's Market from June 20th until October 10th, approve Rules and Regulations, require insurance naming Town as additional insured, and fund \$2,500.00 for the first year, to be reduced by 1/3 for the next 3 years.

AYE 5 NO 0

Biomass feasibility. Mr. Monroe has talked with the Northern Forest Center in New Hampshire and has received information on biomass and wood pellets. He provided information on a cost analysis of fuel oil vs. wood chips or pellets, showing an annual savings of between \$20,000.00 to \$36,000.00 based on product used. Using chips would result in higher maintenance costs, the fuel is not uniform, cost of system is higher, and someone needs to be dedicated to watch operation of the boiler. Pellets would have higher fuel costs, but a lower system cost, be fully automated and there would be less maintenance. The Wild Center in Tupper Lake has one, and they appear to be happy with it. Mrs. DuRose suggested contacting NYSERDA about incentives for going green. Mr. Monroe will continue to pursue the matter, and try to get some proposals.

Gresen Septic variance request. Zachary Monroe from Cedarwood Engineering was in attendance to represent applicants, Bruce and Sharon Gresen. Property is located at 155 Marina Road, tax map parcel #86.9-1-25, a Moderate Intensity Land Use Area, approximately 0.39+/-

acres in size. There is a proposed separation distance from neighbor's existing well to the proposed septic field of 73', whereas 100' is required. This would result in a 27' variance. The second separation issue is the distance between the mean high water level of Loon Lake and the proposed bed, which requires 100', but has a proposed distance of 61', resulting in a 39' variance. There is an existing 880 sq. ft. dwelling on the property which will remain until such time as a new house is built, and a cabin, which will stay to be utilized as a workshop. An aerobic system is proposed, and the existing well on the property will be abandoned, with a new one being added. Applicant also offered to drill a new well for the neighbor, but the neighbor declined.

RESOLUTION #29: SCHEDULE PUBLIC HEARING FOR GRESEN SEPTIC VARIANCE.

Introduced by Mr. Monroe, seconded by Mrs. Wells, schedule a public hearing for Monday, March 12th at 7:45 p.m. Plans will be referred to town consultant/engineer Al Matrose.

AYE 5 NO 0

Proposed CSEA agreement. Discussion on changing hours of Highway workers 6:00 am to 2:30 pm instead of from 7:00 am to 3:30 pm for winter hours, and 4 ten hour days, 6:00 am to 4:30 pm, Monday through Thursday for summer hours. Subject to ratification by the CSEA membership and approval of the Town Board. Also, regarding the Health Insurance shared savings program, if four or more employees choose the buy-out for a calendar year, each employee will be reimbursed \$2500.00 for that calendar year. (Board already passed a resolution regarding the latter). Highway Superintendent Jason Monroe was not able to be in attendance, so further discussion will be tabled until the March meeting.

Brief discussion on "off premises" signs which had been requested by the Business Alliance. Atty. Schachner stated that they are prohibited under our Zoning Local Law which states in Sect. 7.04 D-1 for prohibited signs: "Outdoor Advertising Signs -Such signs, including billboards, poster panels, signs painted on a building and any other signs advertising products or services not offered for sale or not available on the premises where such sign is displayed or situated."

Meeting with the Business Alliance. Asked that we request Senator Little's support for Gore Mt. signs to be located Exits 25 & 26 of the Northway. Also have had a request for speed limit change, suggesting a 45 mph limit on Route 8 from the Northway to the Route 9 intersection, and to move the 40 mph sign on Route 9 to south of Peckham's. That has to be initiated by a board resolution, then it has to go through the County Engineers, and then the State Engineers. Mr. Monroe stated that they usually say no, but we can request it. Originally we had asked for 30 mph to the Health Center, but were told no, but they compromised and gave us 40 from the Health Center to

here, and then 30 through the town. Otherwise, one could do 55 mph right up to the Grand Union. Mrs. Mary Jane Dower stated that if that is not successful, would Mr. Monroe talk to Peckham about their trucks, because they get them up to full speed, and they can't slow down. He agreed to talk with Peter Simoneau about it.

RESOLUTION #30: REQUEST SPEED LIMITS OF 45 MPH ON ROUTE 8 FROM N'WAY TO ROUTE 9 INTERSECTION, AND MOVE 40 MPH SPEED ZONE SOUTH ON ROUTE 9 TO PECKHAM'S.

Introduced by Mrs. DuRose, seconded by Mr. Durkish, request change in speed limits of 45 mph on Route 8 from the Northway to the Route 9 intersection, and move 40 mph speed zone south on Route 9 to Peckham's.

AYE 5 NO 0

Girl Scout's request for bottles. A letter was received from Girl Scout Troop 3299 requesting they be able to collect bottles from the landfill beginning March 10th until April 10th to help raise money for the girls to go to Washington D.C. to celebrate 100 years of Girl Scouts.

RESOLUTION #31: APPROVE GIRL SCOUTS COLLECTION OF BOTTLES.

Introduced by Mr. Packer, seconded by Mrs. Wells, allow Girl Scout Troop 3299 collect bottles for deposit from Landfill from March 10th until April 10th.

AYE 5 NO 0

Request from Highway Superintendent for equipment. Mr. Monroe stated that Jason had requested a Laptop computer for the Highway Garage, along with a printer and Internet service. He also was looking for high visibility coats for the men, at a cost of \$60.00 each for 12 men.

RESOLUTION #32: APPROVE PURCHASE OF COMPUTER EQUIPMENT, INTERNET SERVICE AND HIGH VISIBILITY COATS FOR HIGHWAY DEPT.

Introduced by Mrs. Wells, seconded by Mr. Durkish, approve purchase of a Laptop computer, printer, and Internet Service at the Highway Garage, and approve purchase of 12 high visibility coats for 12 men at \$60.00 each.

AYE 5 NO 0

Meal Site. Meal site had a health inspection, and it was found that the floor is wearing. They are looking for one piece linoleum, and quotes will be gotten for the cost.

Meal site operations cut by the County. County wanted to cut the employees to one, and move the food preparation to Countryside for distribution to the Seniors. Now they have revised their plan to keep the meal site, but have the food prepared at Countryside. Mr. Monroe has been advocating, along with Ron Conover from Bolton, to leave the

operation basically as it is. Mr. Monroe will work on a plan to keep the meal site here.

Water Regs. Mr. Monroe mentioned that Jason would like to update the water regulations, which Jason is working on with Cedarwood engineers. They feel we are way low on water connection fees, and they have other proposals and ideas.

Saratoga & North Creek Rail lines. The County has negotiated a deal to work with the Saratoga & North Creek Rail lines. They seem to have been pretty successful with the Polar Express, but the ski train is not doing so well, as they have not been able to sell tickets in NY city on Amtrack for a connection in Saratoga, which, when they get, they should do well with the ski train. Mr. Monroe has been advocating with the APA to open the rail line from North River to Tahawus. Saratoga & No. Creek applied to Federal Rails to approve that, as they have large piles of tailings that they can market at such time that the line reopens. The EDC, the governor has appointed supports reestablishing that line and the Remsen to Lake Placid Rail. Other environmental groups are opposing it, and Mr. Monroe would like a Resolution in support of reopening the Saratoga - No. Creek Rail line, as it would be a benefit to have it running along our western boundary, and will be very attractive in the event gas prices continue to rise, as they have been. Once the rails are torn up, we will never get them back.

RESOLUTION #33: SUPPORT REOPENING OF SARATOGA - NORTH CREEK RAIL LINE TO RESTORE TRACK FROM NORTH CREEK TO TAHAWUS FOR ENVIRONMENTAL AND ECONOMIC IMPACT.

Introduced by Mr. Monroe, seconded by Mrs. Wells to support reopening of the Saratoga - North Creek Rail line to restore track from North Creek to Tahawus for environmental and economic impact.

AYE 5 NO 0

RESOLUTION #34: AUTHORIZE PAYMENT OF ABSTRACTS, BUDGET TRANSFERS AND ACCOUNTING REQUIREMENTS AND APPROVE CLAIMS PAID PRIOR TO AUDIT.

Introduced by Mrs. Wells, seconded by Mr. Durkish, authorizing payment of abstract, budget transfers and accounting requirements and approve claims paid prior to audit.

General Fund	\$165,046.87	(26-78)
Highway Fund	\$ 72,456.70	(3-29)
Chtwn Water	\$ 3,096.45	(1-5)
P'Ville Water	\$ 1,801.48	(1-5)
Library	\$ 2,729.65	(1-7)
<u>December 2011</u>		
General Fund	\$ 8,503.43	(629-638)
Highway	\$ 1,421.53	(246)
Chtwn Water	\$ 517.64	(67-68)
P'Ville Water	\$ 497.64	(70-71)

Loon Lake Pk. Dist

\$ 3,090.00 (8)

ROLL CALL VOTE:

Steve AYE Edna AYE

Mike AYE Fred AYE

Karen AYE, only abstain from voucher #59, NW Bicentennial Comm.

Lifeguards. Mrs. Wells asked about advertising for Lifeguards. There is a girl interested in life guarding, but cannot afford to pay for Certification. If town would pay for it (between \$200.-\$300.), she would pay it back by reduction of her pay to \$9.00 an hour instead of \$10.00.

RESOLUTION #35: ADVERTISE FOR LIFE GUARDS, PAY FOR CERTIFICATION FOR NICOLE FISH, TO BE PAID BACK @ RATE OF \$1.00 PER HOUR.

Introduced by Mr. Monroe, seconded by Mr. Durkish to advertise for lifeguards, and town pay for certification cost for Nicole Fish, to be repaid at the rate of \$1.00 per hour.

AYE 5 NO 0

Motion introduced by Mr. Monroe, seconded by Mr. Durkish, board went into executive session at 10:15 pm to discuss terms of employment of a particular individual.

Motion introduced by Mr. Durkish, seconded by Mr. Packer, come out of executive session at 11:05 pm. No action taken.

Motion by Mr. Monroe, seconded by Mr. Packer, meeting adjourned at 11:06 pm.

Respectfully submitted,

Town Clerk