

Regular meeting of the Town Board of the Town of Chester was held **January 8, 2008** at 7:30 pm in the Town of Chester Municipal Center, Chestertown, NY.

Roll Call: Frederick Monroe, Michael Packer, Stephen Durkish, Edna Wells and Karen DuRose. Mark Schachner - attorney for the Town.

Public hearings:

- 1. Layton Septic Variance application.**
- 2. Use of ATV's on Igera and Perry roads.**

Supervisor Monroe opened the public hearing on Layton septic variance application. Property location is 55 Clarkson Rd 86.19-1-62. Tom Hutchins, Engineer for the Layton's, explained the variance request:

1. Proposed Layton absorption field to northerly drilled well: 20' of relief from 100' required setback
2. Proposed Layton absorption field to southerly dug well: 27' of relief from 150' required setback
3. Proposed Layton absorption field to southerly property line 3.2' of relief from 10' required setback.

The system that Mr.Hutchins is recommending is an Eljen-In-Drain wastewater system to replace the existing cesspool and a small grey water system.

Letters received from Beth Cole and Mr.and Mrs.Eivion Williams were in favor of the variance request.

Opposing the variance was the West family, adjoining landowners. They stated that they have a shallow well (approximately 15' deep) and felt that there could be contamination.

Mr.Schachner reviewed Section 5.060 page 21 of the Wastewater Treatment Local Law (effective date 6/2005). Findings that have to be determined by the Town Board acting as Board of Health.

Town Board request Mr.Hutchins prepare another plan, based on a four bedroom instead of five bedroom plan, this would reduce the variance some.

Councilperson Durkish request that the West family be given information on the Eljen system.

Mr.Layton asked if he offered to fund half of the cost for the West family to drill a well, up to \$2,500 would that satisfy the West family. Their comment was "no".

Public hearing will remain open and be continued on Feb.12 at 7:00pm.

Supervisor Monroe opened **Public hearing regarding use of ATV's on Igera and Perry Roads at 8:10 pm.**

Request was received for the operation of ATV's to be used on the shoulder of the roads to access trails, that cannot be reached.

Mr.Schachner explained "that the town has the authority to open a portion of town road to ATV access if use of the road is necessary to provide access to an area or trail and the area or trail is adjacent

to the town road."

Public comment was in favor of such. Mr. DuRose stated that adjoining landowners have consented for use of their property, with the exception of one landowner.

Supervisor Monroe closed the public hearing.

RESOLUTION #3: AUTHORIZE ATTORNEY FOR THE TOWN TO DRAFT LOCAL LAW FOR ATV AND SET DATE FOR PUBLIC HEARING.

Introduced by Mrs. Wells, 2nd by Mr. Packer authorize for attorney, Mr. Schachner, to draft local law for use of town roads, Igerna Road and Perry Road, at specified points, for use of ATVs to access trails adjacent to town roads. Public hearing will be held February 12, 2008 at 7:30 pm and SEQR will be reviewed at that time.

Roll call: Frederick Monroe - AYE Michael Packer - AYE
Edna Wells - AYE Stephen Durkish - AYE Karen DuRose - abstain

Generator Bids:

Jason Monroe - water superintendent - reported that the wiring for both pump houses has been completed for emergency back up generator. Bids were sent to nine companies.

Only one bid was received and that was faxed. Faxed bid was received from N.E. Harris Associates, Inc., 7 Lombard St., Schenectady, NY.

Town Board rejected bid and will re-advertise for bids.

Bid was reviewed by Councilperson Packer.

RESOLUTION #4: REJECT GENERATOR BID AND RE-BID GENERATOR.

Introduced by Mr. Packer, 2nd by Mrs. DuRose to reject the bid received for generator. Bid was faxed. Authorize to re advertise for bids and set date of February 12 at 7:30pm for bid opening.

AYE 5 NO 0

RESOLUTION #5: APPROVE MINUTES OF TOWN BOARD MEETINGS.

Introduced by Mr. Packer, 2nd by Mrs. Wells to approve the minutes of the December 11th Town Board meeting and the January 3, 2008 reorganization meeting.

AYE 5 NO 0

Privilege of the Floor:

Mr. Miragliotta inquired as to the status on his former complaint of the "operation of a junkyard" on Schroon River Rd. Mr. Miragliotta has had his well tested and sent copies of the report to various agencies and to the town. He stated that the state health department "got back to him and the problem seemed to be R & R's problem".

Supervisor Monroe commented that the report he saw didn't seem to indicate anything over the limit. Mr. Miragliotta stated that it is not over the limit, but is starting to pollute his well, he also stated that he is still using his well. He went onto say that cars are still being crushed on sight. Supervisor Monroe explained that Mr. Eastman was served a "notice of violation" for failure to apply for a permit to operate a junkyard. It was Mr. Monroe's understanding that a permit has been applied for. Question had come up if Mr. Eastman could have a

junk yard in that location at all and the zoning ordinance states that if it pre-existed the zoning ordinance than it can be continued. Proof was submitted that it was a pre-existing use (letters).

Mr.Tennyson stated that APA and DEC have both reviewed the sight and a date has been set, stating when the violations and corrections have to be taken care of.

Supervisor Monroe asked if Mr.Tennyson has "made a finding that it is valid pre-existing non-confirming use". Mr.Tennyson replied "yes". Supervisor Monroe explained that there has "been a finding, that it is a valid pre-existing, non conforming use and that any person that doesn't agree with that can appeal it."

Mr.Miragliotta asked how "can he be crushing cars, then?"

Supervisor Monroe explained that it was two separate items:

1. A finding has been made
2. Permit application is still being reviewed.

Mr.Miragliotta again asked "how can he be crushing cars", Supervisor Monroe said that Mr.Eastman is claiming to be a pre-existing use and has applied for the permit, and that the zoning administrator has allowed him to go forward, maintain the status, until he (zoning administrator) determines whether or not to issue the permit for the junk yard.

Mr.Schachner asked Mr.Tennyson what the status of the permit application was. Mr.Tennyson stated that Mr.Eastman has letters of documentation that it was a junkyard (in the 40's ?), and that Mr.Eastman is going to compile with whatever APA and DEC have requested. Mr.Schachner inquired as to what the status of the application is that has been submitted to the town. Mr.Tennyson said the only thing that he has issued Mr.Eastman is a permit to construct a concrete slab, which can not be done until APA approval is given. Site Plan Review is not required.

Mr.Miragliotta questioned the zone, he thought it was in a residential zone. Mr.Tennyson said that it was in R1 rural use, but because of its "grandfathered" doesn't require SPR. Supervisor Monroe instructed Mr.Tennyson to give copies to Mr.Miragliotta of his determination and then Mr.Miragliotta can appeal it.

Supervisor Monroe did say that it wasn't a town board matter.

Old Business:

Request to approve Rivers Edge water and sewer transportations:

Mr.Schachner stated that the applicant has submitted the requested information that will enable the Town Board to consent to the formation of the Water - Works Corporation. Information is still needed on the Sewer - Works Corporation.

Mr.Schachner stated that under the Sewer Works Corp the town is suppose to hire an engineer to review the sewage corporation plans. The applicant will pay for this. Mr.Simon, attorney for applicant, suggest hiring engineer, Tom LaBombard, Keeseville, NY. Mr.Schachner stated this was acceptable to be done.

Mr.Schachner stated the 3 things needed to be done:

1. Town needs to engage an engineer to review the plans and

report back to the Town Board.

2. request post of performance bond or financial security for the sewage transportation works

3. guarantee from applicant that they will maintain and operate the system for five (5) years.

RESOLUTION #6: APPROVE WATER WORKS CORPORATION FOR RIVER'S EDGE TOWNHOMES.

Introduced by Mr.Packer, 2nd by Mrs.Wells to approve Water Works Corporation under the provisions of the Transportation Corporations Law, for the purpose of supplying the development to be known as the River's Edge Townhouses HOA, Inc., located on River Road in the Town of Chester, with a water system.

AYE 5 NO 0

RESOLUTION #7: AUTHORIZE SUPERVISOR TO RETAIN THOMAS J LABOMBARD, P.E., FOR ENGINEER'S REPORT, ESTIMATE OF COST OF CONSTRUCTION AND OPERATION MAINTENANCE OF THE SEWAGE SYSTEM AT RIVER'S EDGE TOWNHOUSES.

Introduced by Mr.Packer, 2nd by Mrs.Wells authorize Supervisor Monroe to retain Thomas LaBombard, Engineer, or alternate, to prepare for review by the Town Board an engineer's report, estimate of cost of construction and operation maintenance of the sewage system at River's Edge Townhouses, located on River Road in the Town of Chester.

AYE 5 NO 0

Smart Growth Grant applications:

Affordable Housing

Solid Waste and Recycling Planning

Partnership for Economic Development

Warren County for Broadband Services - Town of Chester is not part of this application that was submitted.

Supervisor Monroe reported that applications have been submitted and awards to be announced in March at Saranac Lake.

Status of research of ownership of Darrowsville Church - files to be located and reviewed by Mr.Schachner and museum president Mary Jane Dower. Mrs.Dower will also provide any information she has on the ownership of the building (copy of deed).

Mrs.Dower reported that Paula Dennis has been active in securing the Darrowsville Church for protection from winter weather and will be active in applying for grants for restoration.

Some discussion on doing a "quick claim deed" and would the Historical Society be interested in taking title. Mrs.Dower replied "yes".

New Business:

Steve LaMere milfoil program report - Mr.LaMere presented to the Town Board the Loon Lake Invasive Species Management Program 2007 annual report. He explained the report and described various areas that have been harvested and new sites that have been found. One area, that is in the middle of the lake, was found late in the season. Mr.LaMere

went on to say that area is old, probably a minimum of a decade, and he suspects that is where the milfoil was started.

A map is included in the report showing locations of milfoil, being referred to as zones.

As the result of the new areas that have been found, it may be necessary to hire divers to help with harvesting.

A three year permit has been received for the harvesting.

Discussion on developing a plan for 2008 and work on a grant application (which would be for 2009), and do a more advance survey of the lake. Mr.LaMere will work on proposals.

RESOLUTION #8: AUTHORIZE STEVE LAMERE, ADIRONDACK ECOLOGISTS, TO APPLY FOR GRANT AND DEVELOP A PLAN FOR 2008.

Introduced by Mrs.Wells, 2nd by Mr.Packer authorizing Steve LaMere, Adirondack Ecologist, LLC, Crown Point, NY 12928, to apply for a grant and develop a plan estimate for harvesting of milfoil for 2008. AYE 5 NO 0

RESOLUTION #9: AUTHORIZE SUPERVISOR TO SIGN SNOW AND ICE CONTRACT WITH THE COUNTY FOR 2008.

Introduced by Mr.Packer, 2nd by Mrs.DuRose authorizing Supervisor to sign contract with Warren County for snow and ice removal for the fiscal year 2008. Included in contract is sweeping of roads and mowing. Total miles 32.87. AYE 5 NO 0

Set date of July 12, 2008 for annual fireworks display for the Town.

Report of audit committee regarding audit of Town Books - Mrs.Wells and Mrs.DuRose have completed their audits, with good comments for all departments. Audit committee is considering doing a split audit - part in the month of June or July and balance at the end of the year.

Resolution to approve modifications of CSEA contract regarding insurance for Medicare eligible retirees - Supervisor Monroe reported that most of the CSEA retirees (medicare eligible) were in favor of the Blue Shield Medicare Advantage Traditional Blue PPO 799 plan that was being offered. This plan shows a savings to the Town, and by doing so one half of the savings is being offered to the retiree in the form of a Health Care Reimbursement Account. Agreement states that "the amounts paid by the Town into the HCRA, would not lapse at the end of the year, if not used, but would continue to accumulate until used or the retiree or retiree's spouse passes away or the retiree and or spouse opts out of the Medicare Advantage Plan."

RESOLUTION #10: APPROVE MODIFICATION TO CSEA CONTRACT FOR RETIREES.

Introduced by Mrs.DuRose, 2nd by Mrs.Wells approve modification to CSEA Contract for retirees health insurance. Article X /Pension and Insurance. Section 2: Hospitalization Insurance will be attached to the present CSEA Contract. AYE 5 NO 0

Authorize request for proposals for landfill well monitoring. DEC requires this to be done. Requirements will be needed from DEC. At this time it should be done quarterly.

RESOLUTION #11: AUTHORIZE SUPERVISOR AND ATTORNEY TO DRAFT A JOINT PROPOSAL WITH ADJOINING TOWNS FOR LANDFILL WELL MONITORING AS REQUESTED FROM DEC.

Introduced by Mrs.Wells, 2nd Mr.Packer authorizing Supervisor Monroe and Mr.Schachner to draft a joint proposal, with adjoining towns, for landfill well monitoring as required by DEC.

AYE 5 NO 0

Word of Life assessment litigation settlement - Mr.Schachner commented that figures are being circulated.

Loon Lake Beach - Supervisor Monroe reported that he has received the plans from Jim Hutchins, Engineer, for a septic system at the beach area. Councilperson Durkish will meet with Jason Monroe in regards to the changing rooms/bathrooms for the beach area. **Tabled**

RESOLUTION #12: AUTHORIZE PAYMENT OF ABSTRACT.

Introduced by Mrs.Wells, 2nd by Mrs.DuRose authorizing payment of abstract and approve claims paid prior to audit:

General fund	\$29,703.69	(606-649)
Highway fund	21,015.05	(241-258)
Chtwn water	106.47	(81- 82)
P'ville water	63.50	(87)
Library	1,541.52	(50- 52)

General Fund 2008	\$25,594.22	(1- 16)
Library 2008	\$ 1,823.59	(1- 2)

AYE 5 NO 0

Supervisor Monroe handed out a committee list. **Tabled**

Motion by Mrs.DuRose, 2nd by Mrs.Wells Town Board went into Executive Session at 9:45pm to discuss contract/possible litigation on the purchase of 2007 Sterling LT9500 highway truck. Motion by Mr.Packer 2nd by Mrs.Wells Town Board resumed regular session at 10:05. No action taken.

RESOLUTION #13: AUTHORIZE PAYMENT TO TRACEY EQUIPMENT FOR THE 2007 STERLING LT9500 TRUCK (PLOW ON WING), PURSUANT TO THE COUNTY CONTRACT INCLUDING A DEDUCTION FOR LATE DELIVER AND DEDUCTION ON ARROWHEAD STATEMENT.

Introduced by Mrs.DuRose, 2nd by Mrs.Wells authorizing payment to Tracey Road Equipment, Inc., 6803 Manlius Center Rd, East Syracuse, NY 13057, pursuant to the Warren County contract, including the deduction for late deliver and deduction on Arrowhead Equipment Inc., statement of \$800 for parts and labor for a ¾ pintle plate.

AYE 5

NO 0

Motion by Mr.Durkish meeting was adjourned at 10:15 pm.

Town Clerk _____