

Regular meeting of the Town Board of the Town of Chester was held **July 10, 2012** at 7:00 pm in the Town Municipal Center, Chestertown, NY.

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

Public Hearings.

Public hearing opened at 7:07 pm to review amendments to Local Law #1 of 2010 pertaining to Animal Control and Dog Licensing. Discussion took place regarding the proposed amendments suggested by Elizabeth Holmes from Ags. & Markets pertaining to Section 5-D for conditions, qualifications, and/or requirements for position of ACO, and Section 11 pertaining to impoundment of dogs. The fee for the first impoundment would be \$20.00, and second and subsequent impoundments would be \$50.00. Additional fees could be imposed by the Court.

Discussion took place regarding cats, but cats are considered free roaming, and not under the jurisdiction of the Animal Control Officer. Every County has to hire someone to handle cat incidents, and George Schuster is our County officer. Public hearing closed at 7:13 pm.

RESOLUTION #123: APPROVE AMENDMENTS TO LOCAL LAW NO. 1 OF 2010 PERTAINING TO ANIMAL CONTROL AND DOG LICENSING.

Introduced by Mr. Durkish, seconded by Mrs. Wells, approve amendments to Animal Control and Dog Licensing Local Law No. 1 of 2010, and approve sending to Attorney General.

AYE 5 NO 0

Discussion on dog adoption policy. To date, 4 dogs have been taken to no kill shelters, and each has been adopted by a family. Florence would like a policy in place for an instance where the owner does not claim the dog, or she is contacted by someone other than the dogs owner, who is interested in adopting the animal. Further discussion ensued, and Mr. Monroe stated that he and Florence and Atty. Cathy Radner should sit down and discuss this matter to get a policy in place for procedure and present it to the board next month.

Public hearing on Senior exemption to match Warren County, opened at 7:15 pm. Tabled until Attorney Schachner arrives.

RESOLUTION #124: ACCEPT MINUTES OF THE JUNE 12TH MEETING.

Introduced by Mrs. DuRose, seconded by Mr. Durkish, accept Minutes of the June 12th meeting, as presented.

AYE 5 NO 0

Privilege of the floor.

Florence Converse brought up the matter of doing a dog enumeration, and she provided the board with some examples. One was a postcard with return postage on it, which would be costly, or a letter that we could copy, but would require stuffing of envelopes, addressing, etc.

The third option is going door to door which would be especially costly, and probably not a good option. Florence would like to coordinate the enumeration with the September rabies clinic in Pottersville. If a mailing takes place, anyone not responding would be visited by Florence as a follow up. The board felt that mailing the postcards would be easier in the long run. Harry Bollback explained that there is a program through the Post Office whereby you can send bulk mailings to every mail recipient at a reduced price. Florence added that an ad would also be placed in the Adirondack Journal and the North Creek News Enterprise, letting people know that the enumeration would be taking place.

RESOLUTION #125: APPROVE USE OF POST CARD MAILERS FOR DOG ENUMERATION.

Introduced by Mr. Monroe, seconded by Mrs. Wells, approve use of Post Card mailers for dog enumeration.

AYE 5 NO 0

Public Hearing.

Public hearing opened at 7:35 pm for the Consolidated Funding application through the Community Development Block Grant. Wayne LaMothe from Warren County Planning was in attendance to discuss the project. Board clerk read the Notice of Public Hearing.

The County will be submitting an application for a grant for the Town of Chester for the Pottersville Water District. They will be taking the information and recommendation from the report issued by Cedarwood Engineering with regard to concerns in the water district, for a grant in the amount of \$397,000. This is a competitive process, and they may only be able to fund 1/3 of the applications that they receive. They had to determine that the water district was an eligible entity under the Federal requirements, and a survey of the district was done. Basically 72% of the population meets the income threshold for the grant, and the requirement was that it had to be greater than 51% in order to be eligible.

The grants available now will cover economic development and public infrastructure. The initial report that Cedarwood had done talked about redevelopment of Well #1, and money will be designated for that if it is decided to do that. Basically, they will address the fact that there is not enough capacity if the well goes down. Also it will address installation of meters, extension of the water service, and elevation of all water equipment out of the existing recessed control pit in the well house that needs to be raised up above the flood zone. There will be no displacement of anyone from their homes for this project to go forward. No further comment, public hearing closed at 7:40 pm.

RESOLUTION #126: AUTHORIZE WARREN COUNTY TO PROVIDE GRANT SERVICES TO THE TOWN OF CHESTER.

Introduced by Mr. Monroe, seconded by Mr. Packer,

WHEREAS, funds are available from the NY Consolidated Funding Process (CFA) to provide for community improvements, such as housing, economic development and community facilities under the Community Development Block Grant (CDBG) program, but the program is complex and often too difficult for small units of government to manage, and

WHEREAS, the regulations for the CDBG program allow counties to apply for "funds on behalf of" other local governments if requested by the local government, and

WHEREAS, the County Planning Office has experience in preparing CDBG applications and in the administration of the programs, and

WHEREAS it is in the best interests of the Town of Chester to have the County apply on its behalf for CDBG funds,

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Chester does hereby authorize the Warren County Planning Department to apply for CFA grant funds on behalf of the Town of Chester, and

BE IT FURTHER RESOLVED that the Town Supervisor is hereby authorized to sign all necessary application documentation, and

BE IT FURTHER RESOLVED that the Town Supervisor is authorized to sign all documentation necessary to execute an Agreement with the County for Administration of said grant funds, and

BE IT FURTHER RESOLVED that the County Planning Department is hereby authorized to perform other necessary requirements in order to apply for CDBG funds, and

BE IT FURTHER RESOLVED that should the grant be awarded, the County will provide CFA grant administration and program delivery services to the Town of Chester in an amount to be identified in the grant application.

AYE 5 NO 0

Privilege of the floor.

Harry Bollback read a letter for all the Veteran's, expressing their appreciation for all the workers, the work done, and all the support given by the Town Board and all the residents of the Town of Chester for the Veteran's Memorial.

Loon Lake Park District. Mr. Monroe stated that he had attended a meeting on Sunday with the Loon Lake Park District, and he stated that he had received some good information on Milfoil, and invasive

species. He added that the Park District was doing an incredible amount of volunteerism in addition to the work being done by Lycott Engineering.

Old Business:

Award Streetlight Contract. Mr. Monroe had asked Mike Packer to look over the bid that had been received. He had also talked with Mike Glebus (retired electrician) about it. Since we had only received one bid, the board needs to decide whether to accept it, or to re-bid it. They are still waiting to view the LED's which would save 2/3 of the electricity. High pressure sodium fixtures would require more wiring. Apparently the only LED lights to view are in Chicago. Since the approval of the bid was contingent on viewing the LED lights, the board may buy a couple of LED lights, both warm (yellow) and bright, and view those. Resolution #111 from June meeting still stands. Further discussion on outlets and banner arms.

Mealsite Floor. Jason stated that he had only gotten one estimate. Pat at Living Floors feels that the entire sub floor needs to be replaced, so he would not submit a new estimate. Four Star Flooring had formerly submitted a price of \$6,409.83. A new estimate was submitted by Four Star in the amount of \$4,942.30 for a reduced area at the site, covering the kitchen, bath, and walk through area. This is about 2/3 of the room, and it will satisfy Dept. of Health. Tiles will be removed, and linoleum will be put over the sub floor.

RESOLUTION 127: ACCEPT ESTIMATE FROM FOUR STAR FLOORING FOR MEAL SITE FLOOR COVERING.

Introduced by Mrs. Wells, seconded by Mr. Packer, accept estimate from Four Star Flooring in the amount of \$4,942.30 for replacement of Meal Site Floor.

AYE 5 NO 0

Solar Project. Both the Health Center and the Municipal building have been hooked up and are waiting for the meter from National Grid. Mr. Monroe had received a letter from APA, and the reply was that the project was non-jurisdictional, as long as we did not involve any wetlands. The existing array is about 100 feet from the wetlands. There is no topography that slopes toward the wetland, and it is all field that we have been mowing, therefore, the project will not infringe on any wetlands. We will now work on reducing the demand which will further lower the cost. Jason mentioned that weather stripping is needed, and some of the panels need replacing on the highway building garage doors. It was mentioned that the Health Center lights in the parking lot are on 24/7.

Automatic door opener for Library doors. To be discussed later.

DEC inspection. Jason mentioned that highway had had an inspection, and the officer had some issues with their waste oil tank that is

buried, and the fuel tank that is buried; the kerosene tank that has no containment, and the above ground tank for the Diesel needs to be sandblasted and repainted. Everything was fine on inspection last year. Nothing has changed, and this year there seem to be big problems. C.T. Male will be coming to meet with Jason to see what can be done.

New Business:

Reappointment of George Hilton.

RESOLUTION #128: REAPPOINT GEORGE HILTON TO PLANNING BOARD.

Introduced by Mrs. DuRose, seconded by Mr. Packer, reappoint George Hilton to Planning Board for another term.

AYE 5 NO 0

Pine Street. Bonding will allow up to \$45,000, subject to permissive referendum for the demolition of the collapsed building on Pine Street.

RESOLUTION #129: AUTHORIZING THE ISSUANCE OF UP TO \$45,000 SERIAL BONDS OF THE TOWN OF CHESTER TO PAY THE COST OF BUILDING DEMOLITION; AND AUTHORIZING THE ISSUANCE OF UP TO \$45,000 BOND ANTICIPATION NOTES OF THE TOWN OF CHESTER FOR THE SAME PURPOSE.

Introduced by Mr. Monroe, seconded by Mrs. Wells,
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 Bond Resolution are to be issued is demolition of a building which is no longer of any use or value or has become dangerous or detrimental to human life, health or safety, and related preliminary and incidental costs (the "Project"), and this specific object or purpose is hereby authorized at a maximum estimated cost of \$45,000.

Section 2. The plan for financing of such maximum estimated cost of the Project is the issuance of up to \$45,000 serial bonds and/or bond anticipation notes of said Town, hereby authorized to be issued pursuant to the New York Local Finance Law. Pursuant to Local Finance Law Section 107.00(d)(9), a down payment from current funds is not required.

Section 3. It is hereby determined that the period of probable usefulness of the specific object or purpose is ten (10) years, pursuant to Section 11[a][12-a] 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 4. 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 property of the Town a tax sufficient to pay the principal of and interest on such obligations as they become due and payable.

Section 5. For the purpose of paying a portion of the cost of the Project, there are hereby authorized to be issued serial bonds of the Town up to a maximum amount of \$45,000, the maximum maturity of which shall not exceed the 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. Such bonds may be in the form of a Statutory Installment Bond pursuant to Local Finance Law Section 62.10.

Section 6. 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 \$45,000 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 7. 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 8. 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 9. Subject to the terms and conditions of this Resolution and of the Local Finance Law, and pursuant to the provisions of Section 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 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 Clerk 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 10. 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 11. The Chief Fiscal Officer shall prepare the bonds and/or notes and sell them in accordance with the provisions of the Local Finance Law, 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 for the repayment of such Bonds if he believes it is in the best interests of the Town.

Section 12. If issued, the notes may be in bearer form and may contain a power to convert to registered form, and shall bear interest at the determined rate.

Section 13. 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 14. 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 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 15. Miller, Mannix, Schachner & Hafner, LLC, Glens Falls, New York, is hereby designated bond counsel.

Section 16. 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 17. 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 18. This Resolution shall be published in full, or a summary of this Resolution shall be published, in the *Glens Falls 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 19. The validity of these serial bonds and bond anticipation notes may be contested only if:

(1) These obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(2) The provisions of law which should be complied with at the date of publication of this Resolution or a summary thereof 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

(3) Such obligations are authorized in violation of the provisions of the State Constitution.

Section 20. The question of the adoption of this Resolution was duly put to a vote which resulted as follows:

AYES 5 NAYS 0

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.

Mr. Monroe mentioned that having this resolution in place does not

obligate us to do this. He had also spoken with Jerry Delaney who serves with him on the Review Board, and who also works up at Dannemora, who told him that there are also Prison crews up there who are certified in asbestos removal. The owner of the building is bankrupt, and the building is the only asset. Discussion on the possible in-ground tanks still in place. Ownership of the equipment inside the building is still not clear. State Brownfield's Grant might help with the cleanup of the tanks, which allows us to act as owners without actually being owners, not saddling us with any liability.

Pay Fireworks Invoice. Fireworks Invoice had been listed on the abstract for payment.

Workplace Violence Policy. Public Employees Safety and Health Bureau (PESH) has done an inspection, and we are required to have training for prevention of violence in the workplace. A policy was adopted at the June 12, 2012 meeting (Resolution #109). The Town needs an employee representative/trainer, and Mr. Monroe recommended Jamie Dunkley.

PESH will send someone up to then train the trainer.

RESOLUTION #130: APPOINT JAMIE DUNKLEY AS EMPLOYEE TRAINER/ REPRESENTATIVE FOR PESH.

Introduced by Mr. Monroe, seconded by Mrs. DuRose, appoint Jamie Dunkley as Trainer/Representative for PESH with regard to dealing with violence in the workplace.

AYE 5 NO 0

RESOLUTION #131: AUTHORIZE JEREMY LITTLE TO ATTEND COURT CLERK SCHOOL IN POTSDAM.

Introduced by Mr. Packer, seconded by Mr. Durkish, authorize Jeremy Little to attend Court Clerk School in Potsdam July 23-25th. All necessary expenses for same to be a lawful claim against the Town of Chester.

AYE 5 NO 0

House color regulations. No action taken at this time.

Biomass heating. Rick Handley is an independent consultant with regard to biomass heating. His rate is \$100.00 per hour, and the board recommends we go forward with pursuing this option in the interest of saving money on fuel costs for the town.

RESOLUTION #132: AUTHORIZE GOING FORWARD WITH RICK HANDLEY FOR PROPOSAL ON BIOMASS HEATING.

Introduced by Mr. Durkish, seconded by Mrs. Wells, go forward with consultant Rick Handley for a proposal on biomass heating for the town.

AYE 5 NO 0

Pam Morin had requested the Town place permanent benches at the site of the new Veteran's Memorial for the public. Discussion regarding placement, and suggestion by Mr. Durkish to first consult with the Veteran's.

Reimbursement of difference in co-pays for Doctor visits.

Discussion on reimbursement for co-pays for Doctor visits for non-bargaining employees to be consistent with the Union contract, as amended.

RESOLUTION #133: AUTHORIZE REIMBURSEMENT OF DIFFERENCE IN CO-PAYS FOR NON BARGAINING EMPLOYEES CONSISTENT WITH AMENDED UNION CONTRACT.

Introduced by Mr. Monroe, seconded by Mrs. Wells, authorize reimbursement of difference in co-pays to non-bargaining employees consistent with Union contract.

AYE 5 NO 0

RESOLUTION #134: AUTHORIZE LETTER OF THANKS FOR DONATION OF LABOR AND EQUIPMENT SERVICES.

Introduced by Mr. Monroe, seconded by Mrs. Wells,

WHEREAS, the Town of Chester authorized the construction of the Veteran's Memorial, and Behan Planning developed the landscape plan for the lawn area in front of the Town Hall, and

WHEREAS, Northwoods Concrete Co. and Norman Guidi donated their labor, equipment and services to the construction of the Veteran's Memorial, saving money for the taxpayers of the Town of Chester, the Veteran's of Foreign Wars and the American Legion,

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Chester expresses their sincere appreciation for the generous donation of materials and services by Northwoods Concrete Co. and Norman Guidi.

AYE 5 NO 0

No smoking signs. Discussion on "no smoking" policy at the beach. It was suggested that signs be posted "Thank you for not smoking."

RESOLUTION #135: AUTHORIZE PAYMENT OF ABSTRACTS AND CLAIMS PAID PRIOR TO AUDIT.

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

General Fund	\$45,904.93	(293-350)
Highway Fund	\$72,432.53	(144-174)
C'Town Water	\$ 177.98	(27-29)
P'Ville Water	\$ 137.98	(35-36)

Library	\$ 1,791.85	(25-29)
Loon Lake Park Dist.	\$ 818.00	(3-3)
Schroon Lake Park Dist.	\$ 7,000.00	(2-2)
	AYE 5	NO 0

On a motion by Mr. Monroe, seconded by Mr. Durkish, Board went into executive session at 9:12 pm on a matter of litigation relating to the former ACO.

On a motion by Mr. Monroe, seconded by Mr. Durkish, Board out of executive session at 9:15 pm. No action taken.

On a motion by Mrs. DuRose, seconded by Mr. Monroe, meeting adjourned at 9:20 pm.

Respectfully submitted,

Town Clerk