

**Regular meeting** of the Town Board of the Town of Chester was held **July 11, 2006** at 7:30pm in the Town Municipal Center, Chestertown, NY. Roll Call: Fred Monroe, Mike Packer, Frank Shaw, Edna Wells and Karen DuRose. Mark Schachner - Attorney for the Town.

**RESOLUTION #116: ACCEPT MINUTES OF JUNE MEETING.**

Introduced by Mr. Shaw, 2<sup>nd</sup> by Mrs. DuRose to accept minutes of the June 13<sup>th</sup> Town Board meeting. AYE 5 NO 0

**Privilege of the Floor:**

Janet Nieradka inquired about the fountain in Pottersville park as to why it is not working. Fountain was repaired but needs to be redone. Town Board will check with Parks department.

**Old Business:**

**Lifeguards** - Town has three lifeguards and one relief. Nichole Carlozzi will need to sign the contract agreement, so that she can be reimbursed for the lifeguard course.

**RESOLUTION #117: AUTHORIZE REIMBURSEMENT TO NICHOLE CARLOZZI FOR LIFEGUARD CERTIFICATION.**

Introduced by Mr. Shaw, 2<sup>nd</sup> by Mrs. Wells authorizing reimbursement to Nichole Carlozzi, in the amount of \$150 for life guard certification. Nichole will need to sign the lifeguard agreement. AYE 5 NO 0

**Milfoil survey - Contract** - Supervisor Monroe gave a brief summary on the milfoil funding (state grant - \$10,000 and Town of Chester share would be \$20,000 - this is for a three year period). Supervisor Monroe, Marv Cole, and Steve LaMere have surveyed Loon Lake for milfoil. Warren County planning has produced a map of the area (Supervisor Monroe has map). Divers will be hand pulling milfoil. Approximately 10 to 15 lbs of milfoil have been found in the area of the boat launch and beach. 20 - 25 sites have been identified, with some sites having only a few plants in them. Volunteers can pull in water depth over 2 meters (according to APA).

**Radar speed signs** - Discussion on what type of unit - mobile, stationery, size of unit, hard wired or battery operated and cost (\$5000 has been budgeted). Supervisor Monroe will obtain pricing information from various companies.

**New Business:**

**RESOLUTION #118: RESOLUTION TO ELIMINATE THE COLLECTION OF \$2.00 FEE FOR DELINQUENT TAX NOTICE MAILING.**

Introduced by Mr. Shaw, 2<sup>nd</sup> by Mrs. DuRose:  
WHEREAS, pursuant to Section 987 of the Real Property Tax Law, Town Tax Collectors and Receivers are required on or after the thirty-first day following the expiration of the period during which taxes

may be paid without penalty, to mail a notice to each owner of real property upon which taxes remain unpaid on the tax roll to which his or her warrant relates, and

WHEREAS, the Chester Town Board has adopted a resolution providing for the expense of mailing such notice an additional fee of \$2.00 to be charged against each parcel, and

WHEREAS, this additional fee of \$2.00 has become more of a nuisance to the Tax Collectors and Receivers and also an additional unnecessary burden to the taxpayers, and

WHEREAS, the amount collected in \$2.00 fees does not impact the Town Budget.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Chester does hereby authorize the Town Tax Collector to continue to mail said delinquent notice as pursuant to Section 987 of the Real Property Tax Law, but to eliminate the additional fee of \$2.00.

AYE 5 NO 0

**RESOLUTION #119: ACCEPT SUPPLEMENTAL DISTRIBUTION OF OCCUPANCY TAX FUNDS.**

Introduced by Mr. Shaw, 2<sup>nd</sup> by Mrs. Wells to accept the supplemental distribution of Occupancy Tax Funds as set forth in Schedule "A" from Warren County Local Tourism Promotion and Convention Development Agreement. Amount for Town of Chester \$3,925.11 (2005).

AYE 5 NO 0

**Warren County Board of Elections proposal to reduce polling locations-**

Town Board objects to the reducing of the polling locations. Board of Elections have notified the towns that polling places would be consolidated. Voters have received notification in regards to when Primary and Election Day are and where they will need to go to vote. District 2 voters, who have in the past, voted in Pottersville, will now have to come to the Town of Chester Municipal Center to vote.

**RESOLUTION #120: THE TOWN BOARD OF THE TOWN OF CHESTER IS OPPOSED TO CONSOLIDATING OF POLLING LOCATIONS.**

Introduced by Mr. Shaw, 2<sup>nd</sup> by Mrs. Wells:

WHEREAS, the Warren County Board of Elections has determined that all three voting districts in the Town of Chester will now be required to vote in the Town of Chester Municipal Center, and

WHEREAS, the Town Board of the Town of Chester feels that having one polling location will cause a hardship on many voters in District 2,

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Chester request that Warren County Board of Elections reconsider and maintain two polling sites in the Town of Chester. One in the Town of Chester Municipal Center in Chestertown and the other in Pottersville at the Pottersville Fire House.

AYE 5 NO 0

**Report on Scaroon Manor Grand Opening on July 7, 2006** - Scaroon Manor is now open. Discussion if there will a charge for use, at this time there is no charge. Beach area is not opened yet. Next step would be to obtain funds for development of camp sites.

**Starbuckville Dam Grand Opening scheduled for July 27, 2006.**

Dedication will be at 11:30 am on July 27<sup>th</sup> at the Dam.

**Applications for assessor clerk position** - Executive session

**CSEA Mediation** - Executive session

**Village Estates water hook-up** - Water Superintendent Jason Monroe inquired as to how the Town Board would like for him to handle the water hook-up for Village Estates and cost involved. The new owners of Village Estates are in the process of doing renovations and revamping the water supply line. They request for the Town to do the hook-up from Panther Mtn. Drive. Jason stated that this is not a normal hook-up. It will be tapping of the main with a 2" service connection. Rate for regular water hook-up is \$500. Councilperson Shaw asked if cost of materials for 2" hookup minus regular price for hookup plus labor cost would then be a reasonable figure and be acceptable to the water department.

Village Estates will pay for all materials and they also plan individual meters for each trailer in the park. Town will provide the 19 meters.

Jason estimates cost to be \$1,800 for just materials to do connection. Supervisor Monroe stated that Village Estates would pay for all materials in advance and pay the Town \$250 for labor cost.

**RESOLUTION #121: AUTHORIZE WATER HOOK-UP FOR VILLAGE ESTATES.**

Introduced by Mr. Shaw, 2<sup>nd</sup> by Mrs. Wells authorize water hook-up for Village Estates, District 1, Main Street, Chestertown. Village Estates will pay in advance for all materials required for hook-up and an additional fee of \$250. AYE 5 NO 0

Councilperson DuRose has received a complaint on the portable restrooms at Loon Lake Beach. Supervisor Monroe will request company to provide service more often.

**Blythewood Island Association** - provided the Town Board with a letter (July 10, 2006) requesting help from the Town Board in regards to an on going problem with cats on the island. Copy of letter is on file in Town Clerk's office.

The association has contacted the owner of the cats and has not been successful in resolving the problems (soiling on beach, in cabins, destruction of inside of camp and interior of boat, etc). Owner said she has 4 cats.

Supervisor Monroe turned meeting over to Deputy Supervisor Packer. Stating that he is a resident on Blythewood Island and his wife and

father have signed the petition.

Petition will be turned over to Mark Schachner, Attorney for the Town. Discussion on what action should be taken - Warren County Health Department, contact Dr.Ruggi - Town's public health officer and review of the Town's local law #1 of 1995 (To control and regulate the activities of dogs and other animals).

Resident stated that town's animal control officer was contacted twice and no one came.

Mr.Schachner recommends sending letter to owner of cats (some or all of cats) and letter should indicate that any cats she does not own are subject to being picked up by animal control officer and to be dealt with in accordance to state law.

**RESOLUTION #122: REQUEST DR.RUGGI TO INVESTIGATE PROBLEMS WITH CATS ON BLYTHEWOOD ISLAND.**

Introduced by Mr.Shaw, 2<sup>nd</sup> by Mrs.Wells requesting Dr.Ruggi to investigate the problems with cats (privately owned or stray) that exists on Blythewood Island and also contact Warren County Public Health to assist.

Roll Call: Fred Monroe - Abstain    Mike Packer - AYE  
Frank Shaw - AYE    Edna Wells - AYE    Karen DuRose - AYE

**RESOLUTION #123: AUTHORIZE ATTORNEY FOR THE TOWN TO DRAFT LETTER TO OWNER OF CATS.**

Introduced by Mr.Shaw, 2<sup>nd</sup> by Mrs.DuRose authorizing Mark Schachner, Attorney for the Town of Chester, to draft letter to Mrs.Thomas in regards to nuisance cats on Blythewood Island, and the health issues such cats are creating to those residents on the Island.

Roll Call: Fred Monroe - Abstain    Mike Packer - AYE  
Frank Shaw - AYE    Edna Wells - AYE    Karen DuRose - AYE

**RESOLUTION #124: AUTHORIZE ATTORNEY FOR THE TOWN TO AMEND LOCAL LAW #1 OF 1995 TO INCLUDE OTHER ANIMALS.**

Introduced by Mr.Shaw, 2<sup>nd</sup> by Mrs.Well authorizing Mr.Schachner, Attorney for the Town, to draft an amendment to Local Law #1 of 1995 to include other domestic animals and to include cats.

AYE 5    NO 0

**RESOLUTION #125: SCHEDULE PUBLIC HEARING FOR AMENDMENT TO LOCAL LAW OF 1995.**

Introduced by Mr.Shaw, 2<sup>nd</sup> by Mr.Packer to set date of August 8, 2006 at 7:30pm for public hearing on the amendment to Local Law #1 of 1995 to include cats and other animals.

AYE 5    NO 0

Deputy Supervisor Packer turned meeting back over to Supervisor Monroe

**Old Business - continued:**

**Tom & Sandy Lewis request for zoning ordinance amendment of road frontage requirement - Copy of Mr. And Mrs.Lewis' letter, dated June**

7, 2006 is on file in Town Clerk's office. Supervisor Monroe stated that the changes that were made in the town's zoning ordinance are more restrictive than APA.

Road frontage:	<u>APA</u>	<u>Town of Chester</u>
Hamlet	50'	75'
Moderate intensity	100'	200'
Low intensity	125'	200'
Rural use	150'	200'

Comments were heard from Mr. Lewis in regards to amending the road frontage requirements in the Moderate Intensity zone back to 100'.

Other letters on file that are opposed to amending the Town's ordinance for decreasing the road frontage: Mr. and Mrs. Eusebion, Mr. Fred Vetter, Mr. Lawrence Fein, Mr. and Mrs. Tom Fennegan, and a petition with 28 signatures from homeowners that are part of the Friends Lake Property Owners Association.

Supervisor Monroe stated that at the time the "new" zoning ordinance was being done, the Town Board felt that "there would probably be some unattended consequences" and if things were found the Town Board would remain open to change. He went on to say that the Town Board would not be able to take any action tonight.

The Board could request the town attorney to draft an amendment to the zoning ordinance. A public hearing would be held on the proposed amendment and referred to APA for approval.

**RESOLUTION #126: SET DATE FOR PUBLIC HEARING TO CONSIDER REQUEST FOR AMENDMENT TO ZONING ORDINANCE ON ROAD FRONTAGE REQUIREMENT.**

Introduced by Mr. Monroe, 2<sup>nd</sup> by Mrs. Wells to set date, of August 24, 2006 at 7:00pm for Public Hearing to consider Mr. Lewis' request to amend the zoning ordinance on road frontage requirement in Moderate Intensity zone from 200' to 100'.

Roll Call: Fred Monroe - AYE Mike Packer - NO Frank Shaw - NO  
Edna Wells - AYE Karen DuRose - AYE

**Zoning administrator's request for zoning ordinance amendment re: boundary line adjustments** - New zoning ordinance does not address boundary line adjustments. Discussion on having a limited amount of land that can be subject to a boundary line adjustment.

**Motion by** Mr. Monroe, 2<sup>nd</sup> by Mr. Packer to schedule a public hearing for an amendment to the zoning ordinance for boundary line adjustment. Propose that boundary line adjustment would be subject to planning board review, but not treated as a subdivision. AYE 5 NO 0

**Friends Lake Property Owners Assoc. request for zoning ordinance amendment re: mining** - Petition in support of zoning change was presented to the Town Board by the Friends Lake Property Owners Association. Petition is on file in the town's clerk office.

Propose to prohibit mining (a/k/a mineral extraction) within the Friends Lake Watershed, in amounts requiring a DEC permit under the Mined Land Reclamation Law.

Mr.Schachner, attorney for the Town, inquired if the association had a meeting and if minutes were available of such meeting. Mrs.VanLeuven has minutes and will make them available. He also asked for clarification on what was being proposed. Is the petition seeking to prohibit just mineral extraction as defined by the Mined Land Reclamation Law? Mrs.VanLeuven agreed that it was an accurate interpretation.

Mr.Schachner stated that the petition does not constitute a proposed amendment to the zoning law. Based on the map of May 2002 a new zoning district could be created and called Friends Lake Watershed Zoning District or there is a zoning/planning technique called overlay district. The map would define a geographical area (called an overlay) in which certain zoning restrictions would apply, that wouldn't apply elsewhere.

Discussion on creating an overlay map. Mr.Schachner also commented that this would be a map amendment and a zoning amendment and would need APA approval.

Wilson Mathias, Peckham Materials attorney, expressed concerns over making sure that all parties know where the overlay lines are on a map.

**Peckham Materials request for Planning Board waivers** - application is pending before the Planning board (July 17<sup>th</sup> meeting).

**Request to amend zoning ordinance to include provisions regarding accumulations of junk** - Mr.Tennyson stated that the new ordinance does not include junk and request that the prior zoning ordinance for "junk" be added to the present zoning ordinance.

**RESOLUTION #127: SET DATE FOR PUBLIC HEARINGS ON ZONING ORDINANCE AMENDMENTS.**

Introduced by Mr.Monroe, 2<sup>nd</sup> by Mrs.Wells to set date of August 24, 2006 at 7:00 pm for public hearings on the following proposed amendments to the zoning ordinance: boundary line adjustment; prohibit mineral extraction within the Friends Lake Watershed; and include provisions regarding accumulation of junk from the prior zoning ordinance.

AYE 5 NO 0

**RESOLUTION #128: SET DATE FOR SEPTEMBER TOWN BOARD MEETING.**

Introduced by Mr.Monroe, 2<sup>nd</sup> by Mr.Shaw to set date of Wednesday, September 13, 2006 at 7:30pm for the regular town board meeting.

AYE 5 NO 0

**RESOLUTION #129: APPROVE REQUEST OF CHRIST CHURCH IN POTTERSVILLE TO COLLECT BOTTLES FROM TRANSFER STATION.**

Introduced by Mr.Shaw, 2<sup>nd</sup> by Mr.Packer approving request of Christ Episcopal Church, in Pottersville, to collect refundable

bottles and cans from transfer station. Period of time would be until Labor Day, 2006. AYE 5 NO 0

**Motion by Mr.Monroe, 2<sup>nd</sup>** Mr.Shaw Town Board went into Executive session at 9:35pm to review applications for assessor clerk, CSEA mediation and easement/right of way conflict in hamlet. Motion by Mr.Shaw, 2<sup>nd</sup> Mrs.Wells Town Board resumed Regular session at 10:15pm. No action taken in Executive session.

**RESOLUTION #130: AUTHORIZE SUPERVISOR TO CONTACT CAROL BLEICKHARDT IN REGARDS TO HER RETURNING TO THE POSITION OF ASSESSOR CLERK.**

Introduced by Mr.Shaw, 2<sup>nd</sup> by Mrs.Wells authorizing Supervisor Monroe to contact Carol Bleickhardt in regards to her returning to the position of assessor clerk. Should Mrs.Bleickhardt choose not to return the Town Board authorizes hiring Christine Hayes to fill the position. Pay rate as advertised. AYE 5 NO 0

**RESOLUTION #131: AUTHORIZE PAYMENT OF ABSTRACT.**

Introduced by Mrs.Wells, 2<sup>nd</sup> by Mr.Packer authorizing payment of abstract:

General Fund	\$ 26,653.53	(302-340)
Highway Fund	\$ 87,352.02	(124-144)
Chestertown water	\$ 1,249.98	( 31- 33)
Pottersville Water	\$ 328.00	( 22- 23)
Library	\$ 1,582.78	( 33- 38)
Loon Lake Park Dist	\$ 423.72	( 3 )

AYE 5 NO 0

**Motion** by Mr.Monroe meeting was adjourned at 10:20 pm.

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Town Clerk