

Regular meeting of the Town Board of the Town of Chester was held July 14, 2009 at 7:30 pm in the Town of Chester Municipal Center, Chestertown, NY.

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

RESOLUTION #86: ACCEPT MINUTES OF TOWN BOARD MEETING.

Introduced by Mrs. DuRose, 2nd by Mr. Packer to accept the minutes of the June Town Board meeting. AYE 5 NO 0

Privilege of the floor:

Gene Montena - inquired about the boil water order that was put into effect last week. Supervisor Monroe explained the problem and that the State Health Department required such. Water superintendent, Jason Monroe, had notified radio stations and TV. Supervisor Monroe stated that should this happen again the Town can contact the Sheriff's department and a "reverse 911 call" can be done to contact the residents who are effected.

Nicole Howe - presented a sign petitioned to the Board requesting lowering the speed limit on Agard Rd, Agard Rd Ext., and Middle Agard Rd from 30 mph to 20 mph and/or consider some type of a speed bump, have the sheriff department patrol more and request for the portable speed sign. Mrs. Howe stated that the sheriff department has been contacted about the "speeders".

RESOLUTION #87: REQUEST FOR REDUCE SPEED LIMIT ON AGARD ROAD, AGARD ROAD EXT., AND MIDDLE AGARD RD.

Introduced by Mr. Durkish, 2nd by Mrs. Wells requesting NYS to reduce speed on Agard Road, Agard Road Ext., and Middle Agard Road from 30 mph to 20 mph in the hamlet of Pottersville. Petition was submitted and is on file in Town Clerk's office.

AYE 5 NO 0

Rob Dubay 40 Pottersville-Omstedville Rd addressed the Town Board in regards to the ditch line by his drive way. He stated that this has been an on going problem since the county raised the road. For the past three years water is running down and flooding his basement. He has tried to fix the problem with a retaining wall. Mr. Dubay has contacted Warren County DPW and they are suppose to send someone to look at the problem. Supervisor Monroe will talk with Bill Lamy, Warren County DPW Superintendent. Mr. Dubay gave pictures to Supervisor Monroe.

Harold Ellsworth - inquired as to the status of Etan Road.

Supervisor Monroe stated that Attorney Schachner had sent a letter (dated July 2, 2009) to Mr. and Mrs. Perryman and that for the last few days the barricade has been removed. Letter was received from Mr. and Mrs. Perryman dated July 7, 2009.

Old Business:

Revision of timber cutting regulation in Zoning Ordinance -

Comments from the floor were received from Lauren Perea, Marty Cooper, and Zoning administrator Walt Tennyson.

Letter submitted to the town board from planning and zoning office (dated July 7, 2009 copy of letter attached to minutes).

Supervisor Monroe asked that Mr. Tennyson state his position on the timber cutting regulations.

Mr. Tennyson said there was issues of timber being harvested in the hamlet. Under hamlet chart regulations (page 23) it is not listed.

Mr. Tennyson interrupts this to mean that "if it is not listed, it requires a variance, but according to page 21, Section 4.02 Use Regulations A. Allowed uses. "A use shall be allowed by right in a district if it is listed in the schedules of regulations as an allowed use for the district, or is a forestry use, ". Mr. Tennyson asked the Town Board which one he is suppose to go by.

Supervisor Monroe felt there was inconsistence in hamlet, but in moderate intensity forestry use is listed under "subject to site plan review", which is what Walt felt it should be (site plan review in both hamlet and moderate intensity).

Was felt that there is also an issue as to how to define forestry use. (page 9 Forestry use - any management, including timber harvesting, of a forest, woodland or plantation and related research and educational activities, including the construction, alteration or maintenance of wood roads, skidways, landings, fences and forest drainage systems.)

A better definition is needed for forestry use. Suggestions on acreage or the number of trees to be included. The present definition of timber harvesting (page 17) is the cutting of trees over six inches in diameter measured at 4 ½ feet above the ground.

Marty Cooper stated that he is against the hamlet restriction and that there is very few parcels in the hamlet of Chestertown.

Request is to amend the zoning ordinance (this would require public hearings) and to regulate forestry use, include timber harvesting in both hamlet and moderate intensity, with a definition to include acreage with some sort of percentage.

Loren Perea commented that site plan review could be very expensive for timber harvesting. What kind of plan is needed. He commented that he does do selective cuttings.

Mr. Schachner stated that an ongoing operation is usually renewable.

Concerns on erosion and water quality around the lakes.

Supervisor Monroe asked the Board on their feelings for:

Any regulations at all on moderate intensity and hamlet.

Felt there should be some control, concerns over cost.

RESOLUTION #88: AUTHORIZE ATTORNEY FOR THE TOWN TO DRAFT DEFINITION

FOR TIMBER HARVESTING.

Introduced by Mr. Monroe, 2nd by Mrs. Wells authorizing attorney, Mr. Schachner to draft a definition of timber harvesting and to include acreage, percentage and some description for a plan. Timber harvesting would be jurisdictional subject to site plan review in hamlet and moderate intensity and remove the exemption in Section 4.02 (page 21).

AYE 5 NO 0

Further discussion on the cutting of trees, logging done properly, responsibility for obtaining a permit and also erosion problems. Supervisor Monroe will provide the draft copy to Marty Cooper and Lauren Perea.

(Public hearings will be needed and the Adirondack Park Agency will also need to approve any changes)

Theriot Avenue - Supervisor Monroe has consulted with Jeff Tennyson, engineer for Warren County. Suggestions for Theriot Avenue: STOP signs, sidewalks, oneway traffic, improve look of barrier, and something similar to a speed bump (raised payments), and radar speed signs. Board determined that at this time to keep the barrier on Theriot Ave and to do upgrades on Pine Street. Councilperson DuRose felt that the engineer should also review Pine Street. Councilperson Packer suggested to start a Capital Reserve fund and eventually be able to upgrade both Theriot and Pine street. Supervisor Monroe will ask Jeff Tennyson to come back and look at Pine Street.

RESOLUTION #89: TO KEEP THERIOT AVE AS A DEAD END STREET AND TO DO UPGRADES TO PINE STREET.

Introduced by Mrs. Wells, 2nd by Mr. Durkish to continue to have Theriot Avenue remain a dead end street, with the barrier at the cul-de-sac and also to authorize that upgrades be done on Pine Street.

AYE 5 NO

Proposal to submit application for Waterfront/Main Street

Revitalization - approx \$60,000 - Supervisor Monroe gave a brief review from the June town board meeting. A proposal was received from Melissa McManus in the amount of \$5,000 to apply for the Waterfront Revitalization Program Grant. If the grant was received it would include money for further grants. Discussion on Warren County planning help.

Mary Jane Dower again stated that there should be input from the local people.

Various plans that have been done (2003 and 2006) should be reviewed by the group for changes and/or updates. Warren County planning would help with this at no charge to the Town. This will

probably not be completed by the deadline date for the grant, which is in September.

Discussion on how the hamlet of Chestertown looks - many vacant buildings and the condition of the buildings.

Supervisor Monroe has been contacted by the president of Rotary and inquired about doing a project that improve the looks of the town - painting store fronts, etc. This would require permission of the property owners.

RESOLUTION #90: TOWN BOARD AUTHORIZES AND ENCOURAGES ROTARY TO TAKE NECESSARY STEPS TO IMPROVE THE APPEARANCE OF THE TOWN OF CHESTER.

Introduced by Mrs.Wells, 2nd by Mrs.DuRose approving of Rotary's plan to improve the appearance of the Town of Chester, this would include both hamlets Chestertown and Pottersville.

AYE 5 NO 0

New Business:

RESOLUTION #91: APPROVE REQUEST FOR COURT CLERK TO ATTEND ANNUAL TRAINING PROGRAM.

Introduced by Mr.Packer 2nd by Mrs.DuRose approving request for court clerk to attend annual training program in Potsdam, July 26th - 29th , 2009.

All necessary expenses for same to be a lawful claim against the Town of Chester.

AYE 5 NO 0

RESOLUTION #92: AUTHORIZE SALE OF OLD HIGHWAY EQUIPMENT.

Introduced by Mrs.DuRose, 2nd by Mrs.Wells authorizing that the following equipment be advertised and bids be opened at the next meeting:

1992 L 900 Ford single axle 10' box/sander
1990 L 900 single axle water truck
Ferri 6' flail mower

AYE 5 NO 0

Authorize NYSERDA enery audit - \$400 - Buildings to include town hall, health center, and highway garage. Approximate cost for audit \$400.

RESOLUTION #93: AUTHORIZE SUPERVISOR TO CONTACT NYSERDA FOR ENERGY AUDIT.

Introduced by Mr.Monroe, 2nd by Mrs.DuRose authorize Supervisor to contact New York State Energy Research and Development Authority to conduct an energy audit at the town hall, health center and the highway garage.

AYE 5 NO 0

Court Security Assessment received and filed with Town Clerk - recommendations were made, but cost is a factor, but not feasible for small town court.

need to be attached to Chamber web site or a link.
Supervisor Monroe suggested that perhaps Warren County tourism can be of help.

North Warren Emergency Squad - Supervisor Monroe reported that the audit report should be given to the town soon and he has heard concerns over the operation of the squad. Concerns again over paid members being on the Emergency Squad board. Supervisor Bentley (Town of Horicon) and Supervisor Monroe agree that paid members should not be on the board.

Town Board decided that for the 2010 contract a clause will be added stating that paid members are not to be on their board. The Town Board also felt that this is a reasonable condition as the Town of Chester also provides funds for their budget. Councilperson Wells inquired if Town of Horicon would do the same.

RESOLUTION #96: NOTICE TO THE NORTH WARREN EMERGENCY SQUAD IN REGARDS TO INCLUDING A PROVISION IN THE 2010 CONTRACT.

Introduced by Mr.Monroe, 2nd by Mr.Packer authorize an "on notice" to the North Warren Emergency Squad that in the 2010 contract a provision will be included that paid members of the squad are not to be on the board of directors.

AYE 5 NO 0

RESOLUTION #97: REQUEST THAT BOOKKEEPER'S OFFICE BE MADE PRESENTABLE TO THE PUBLIC.

Introduced by Mr.Packer, 2nd by Mr.Monroe requesting that the bookkeeper's office be made presentable to the public.

AYE 5 NO 0

Mr.Packer suggested that maybe motion lights be used at the new bathhouse. He noticed that the lights were on late in the evening.

RESOLUTION #98: AUTHORIZE PAYMENT OF ABSTRACT AND APPROVE CLAIMS PAID PRIOR TO AUDIT.

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

General fund	\$34,810.49	(260-322)
Highway fund	\$27,970.77	(120-139)
Chtwn water	\$ 1,078.20	(46- 52)
P'ville water	\$ 3,117.76	(30- 36)
Library	\$ 1,164.17	(26- 28)

AYE 5 NO 0

Motion by Mr.Monroe meeting was adjourned at 9:25pm.

Town Clerk