

**Regular meeting** of the Town Board of the Town of Chester was held June 9, 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 #78: ACCEPT MINUTES OF TOWN BOARD MEETING.**

Introduced by Mrs. Wells, 2<sup>nd</sup> by Mrs. DuRose to accept the minutes of the May 12<sup>th</sup> Town Board meeting. AYE 5 NO 0

**Privilege of the floor:**

**John Panos** - in the matter of the Local Law #3 of 2006 - regulating Junk and Junkyards. Mr. Panos stated that he objects to this local law being moved into the Zoning Law. Reason for objection is that if "junk" could be in the interest of the APA, then in the future APA may decide not to allow the junk portion of the zoning law to be amended to lessen the restrictions. Went on to say that this would take away the ability of the residents to choose their own law, without risk of losing authority to the APA. Also that since goals should be to maximize local government control of zoning law, then zoning law should be reduced to the least amount of restriction that APA will approve and leave everything else a local law so that the Town Board can make amendments without the APA.

Town Board and attorney felt that the comments were interesting.

**Arnold Jensen** - inquired about the shirt and hat for him for this summer on Loon Lake. He will try one of the stores at Exit 18. Bill to be submitted to town for payment.

**Old Business:**

**Revision of timber cutting regulation in Zoning Ordinance -**

Councilperson Packer asked that this be tabled again because Marty Copper was not able to attend this meeting. **TABLED to July meeting.**

**Motion by** Mr. Packer, 2<sup>nd</sup> by Mr. Monroe to table discussion on timber cutting regulation until July town board meeting. Carried.

**Lifeguards** - Mrs. Wells presented the swimming lesson schedule and work schedule.

**Motion by** Mr. Monroe, 2<sup>nd</sup> by Mr. Packer to approve the schedules as presented by Mrs. Wells. Carried.

**Peper & Salerno Schroon River flooding problem** - Letter received from Warren Cty Soil and Water, dated June 5, 2009, signed by Jim Lieberum, CPESC, stating the property is believed to be in APA jurisdictional wetland and that an APA wetlands disturbance permit would be required, which would include a site plan to be developed at a cost to either the landowner or the town (would need to be signed and sealed by a NYS surveyor or architect). Also APA may require creation of a new wetland area equal to or up twice the size of the filled wetland.

Supervisor Monroe reminded the board that a resolution had been passed last year (theory was that building of the Starbuckville Dam may have caused flooding problem and if problem could be solved relatively inexpensive town would try to do that), but did not realize how in depth APA's requirements would be and what the expense would be.

**RESOLUTION #79: TOWN BOARD IS NOT WILLING TO DO WHAT IS RECOMMEND IN THE LETTER FROM WARREN COUNTY SOIL AND WATER IN RESPECT TO PROPERTY ON SCHROON RIVER.**

Introduced by Mr.Monroe, 2<sup>nd</sup> by Mr.Durkish to convey to property owners, Shirley Salerno and Karen Pepper, that due to the expense that will be involved, the Town Board is not willing to go ahead with the repairs that were stated in the letter from Warren County Soil and Water (dated June 5, 2009). AYE 5 NO 0

**Public hearing: Theriot Ave dead end.** More letters and comments were received from both "sides". Hap and Joan Reed in favor of keeping barrier, Loretta Smith and Andrew Carpenter stated increase in traffic on Pine Street, not only with vehicles but students walking. Supervisor Monroe has asked DPW engineers to see if they have any kind of a traffic solution that they could recommend to the town board. Councilperson DuRose agreed with Mr.Monroe but she would also like input from highway superintendent on both of the roads (Pine St and Theriot Ave) in regards to safety issues.

**TABLED until information is received from engineers.**

**New Business:**

**RESOLUTION #80: APPROVE REQUEST OF COURT TO ATTEND SEMINAR AT WARREN COUNTY ON JUNE 18.**

Introduced by Mr.Packer 2<sup>nd</sup> by Mrs.Wells approving request from Judge McDermott for the court office to attend seminar at Warren County on June 18. There is no cost for attendance.

AYE 5 NO 0

**Etan Road** - Harold Ellsworth reported to the Town Board that there is a sign back up obstructing part of the road again. **Table to Executive session.**

**Warren County Planning request for funding for GIS** - letter received from Warren Cty Planning asking for the Town of Chester to consider financial assistance for the retention of town GIS Services. Cost to town would be \$1250 for the remainder of 2009 and \$2500 for 2010. Explanation of services provided were stated in the letter.

**RESOLUTION #81: AUTHORIZE TOWN OF CHESTER TO ASSIST WITH GIS SERVICES.**

Introduced by Mrs.Wells, 2<sup>nd</sup> by Mr.Durkish approving request of Warren County Planning and Community Development for Town of Chester financial assistance for the GIS program. Cost \$1,250 for 2009 and \$2,500 for 2010. AYE 5 NO 0

**Verizon proposal for cell site in Pottersville** - Letter received IVI Telecom Services, Inc. (behalf of Verizon Wireless) asking if the Town of Chester would like to be a consulting party. A map showing a possible location for a cell tower in Pottersville. Location would be off Route 9, north of the hamlet.

**RESOLUTION #82: THE TOWN OF CHESTER WOULD LIKE TO BE A CONSULTING PARTY IN REGARDS TO CELL TOWER SITE.**

Introduced by Mr.Packer, 2<sup>nd</sup> by Mrs.Wells authorizing Supervisor Monroe to contact IVI Due Diligence Services, Inc., 106 Corporate Park Drive, White Plains, NY 10604 and inform them that the Town of Chester is interested in being a Consulting Party in respect with historic architectural and archaeological resources.

AYE 5 NO 0

**Proposal to submit application for Waterfront/Main Street**

**Revitalization - approx. \$60,000** - Supervisor Monroe had attended a meeting in "how to carry out main street revitalization plans" in March. Town of Chester has plans for both hamlets and has had committees work on these.

Many grants are available, but there are three components - the plan, citizens advisory committee and a professional to assist with grant applications and also help to "move things along".

Melissa McManus, LLC - Community Development Consultant - was the presenter.

Discussion on applying for Waterfront Revitalization program grant. Usually the town has Warren County planning's staff help with grants, but do to budget cuts on the county level, this may not be possible. Supervisor Monroe asked Mary Jane Dower - Chestertown Revitalization - for her input. She stated that the work that was done before was not possible for the area and she felt that it was a waste of money. She felt that local people should be involved, as to they know what they want the hamlet to be like and what would work. Help is needed.

Supervisor Monroe will check with Warren County planning for help with the grant. Other options is hire professional services, do an RFP or do nothing. Supervisor Monroe feels there are grants that the town could qualify for, but help is needed in applying.

Mrs.Wells asked as to what the cost would be. Cost to develop would be between \$3,000 and \$5,000.

Councilperson DuRose asked if occupancy tax money could be used.

Councilperson Packer asked as to what would the grant apply for/ goal behind it. Supervisor Monroe said it was to further enhance main street plans and "tying it in with the waterfront grant".

**Court staffing** - Supervisor Monroe requested a revenue report. Judge McDermott gave a nine year revenue report. Chester Court is either the 2<sup>nd</sup> or 3<sup>rd</sup> busiest court in the county.

Judge McDermott felt that a full time and part time clerk are needed

in the court office based on the work load.

Councilperson DuRose asked what the judge meant by part time, would that fluctuate weekly??? He said "no, now when Mrs.Griffen goes on vacation, court is closed." In regards to Pat, she is part time in court also and hours vary weekly, depending on her other duties.

Mr.McDermott has asked Supervisor Monroe if there was other work that Pat could do in the supervisor's office. Supervisor can use help with filing, he does his own typing etc.

Between the two part time, full time court clerk and the judge, much has been accomplished.

Councilperson DuRose stated that Sally was already hired - temporary part time, so now is it that the Judge would like this to be permanent part time??

Supervisor Monroe said that Sally has concerns over the temporary part time position.

Staffing will be continued as it is now and not cut Pat, as this is part of her full time position. Judge McDermott does not want to do anything that would jeopardize Pat's position from full time to part time. Supervisor Monroe felt that with all that Pat does she gets plenty of hours. Supervisor Monroe will talk with Pat. Supervisor Monroe did say that it was good to have a back-up, like Sally, because when Karen was ill, people from court administration were brought in to help out.

Councilperson Wells asked if Sally should be left temporary part time or make it permanent part time?? Supervisor Monroe asked Judge what his thought was. Judge stated that it was up to them. Councilperson Durkish commented that things are working the way they are now, there is enough people there to cover hours.

Supervisor Monroe stated that the intent was that Karen would be returning on a full time base and he did not feel that 2 full time people are needed.

Court staffing will remain as is for now.

**RESOLUTION #83: A RESOLUTION OF SUPPORT FOR THE WARREN COUNTY FISH HATCHERY.**

Introduced by Mr.Packer, 2<sup>nd</sup> by Mr.Durkish:

WHEREAS, Warren County Fish Hatchery, operated by Warren County and established by the State of New York in 1914, is a source of significant revenue to the County of Warren through people fishing, eating in local restaurants, staying at local lodging facilities and buying bait and equipment through the multiple towns within the County, and

WHEREAS, the Fish Hatchery is one of the best learning tools that can be provided to schools teaching them about the operation of the hatcheries, significance of stocking the various waterways and benefits to nature and has had numerous site visits by schools and educational institutions, and

WHEREAS, the Warren County Fish Hatchery provides stock to all local streams, rivers, ponds and lakes for all municipalities

throughout Warren Country, keeping our local waters from the growth of negative organism and creation of polluted sites through out the county, with Warren County Soil and Water Conservation holding an "Environthon" event each year at the Warrensburg Fish Hatchery which teaches school students throughout the county about environmental issues, and

WHEREAS, another major use of the Warren County Fish Hatchery facilities is for sports activities, company, organization and family events which take place annually.

NOW, THEREFORE, BE IT RESOLVED, the Town Board of the Town of Chester urges Warren County Board of Supervisors to continue to fund operations to the Warren County Fish Hatchery, and,

BE IT FURTHER RESOLVED copies of this resolution be sent to Warren County Board of Supervisors, Senator Elizabeth Little and Assembly Member Teresa Sayward.

AYE 5 NO 0

**RESOLUTION #84: AUTHORIZE PAYMENT OF ABSTRACT AND ACCEPT BUDGET AMENDMENTS.**

Introduced by Mrs.Wells, 2<sup>nd</sup> by Mrs.DuRose authorizing payment of abstract, approve claims paid prior to audit, and accept budget amendments to the 2009 budget:

General fund	\$38,753.55	(207-258)
Highway fund	\$193,892.32	( 99-119)
Chtwn water	\$ 7,028.36	( 40- 45)
P'ville water	\$ 6,915.90	( 27- 29)
Library	\$ 1,612.59	( 19- 25)

Amendments to 2009 Budget

Amend appropriations:

A1110.12 court - JCAP grant - contr expend	+ 7,020
A1990.4 contingent account	<-3,000>
A6410.41 Tourism promotion	<-8,500>
A6410.44 LLK beach restroom from occ tax	+5,000>
A6410.494 summerfest - occ tax- per res.	+3,500
A8020.4 planning - LA Grou0	+3,000

**TOTAL 7,020**

**A599 appropriate from fund balance 7,020**

Chestertown Water District:

CW8310.4 contr expend	+ 325
CW9060.8 health ins.	<-325>

Pottersville Water District:

PW8310.4 contr expend	+ 100
PW9060.8 health ins.	<-100>

Motion by Mr.Monroe, 2<sup>nd</sup> by Mrs.Wells Town Board went into Executive session at 8:55pm to review employment history of a town employee and Etan Road potential litigation.

Motion by Mr.Monroe, 2<sup>nd</sup> by Mrs.Wells Town Board resumed regular session at 9:20pm. No action taken.

AYE 5 NO 0

**RESOLUTION #85: AUTHORIZE ATTORNEY TO SEND LETTER TO MR.PERRYMAN IN REGARDS TO ETAN ROAD.**

Introduced by Mr.Durkish, 2<sup>nd</sup> by Mrs.DuRose authorizing attorney, Mark Schachner, to send letter to Mr. Art Perryman requesting that the obstruction be removed from Etan Road or the Town Board will pursue litigation.

AYE 5 NO 0

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

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Town Clerk