

**Regular meeting** of the Town Board of the Town of Chester was held **March 10, 2009** at 7:00 pm in the Town of Chester Municipal Center, Chestertown, NY.

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

**Bids on 1994 Chevy 1 ton:** three bids received. Mike Peet \$400; Ricky Monroe \$750; and Dave Bradway \$751.

**RESOLUTION #32: ACCEPT BID FROM DAVID BRADWAY FOR 1994 CHEVROLET ONE TON.**

Introduced by Mrs.Wells 2<sup>nd</sup> by Mrs.DuRose to accept bid from David Bradway, 7330 St.Rt 9, Chestertown, NY in the amount of \$751 for 1994 Chevrolet one ton truck. Sold as is. AYE 4 NO 0

**RESOLUTION #33: ACCEPT MINUTES OF TOWN BOARD MEETING.**

Introduced by Mrs.Wells, 2<sup>nd</sup> by Mr.Durkish to accept the minutes of the February 10<sup>th</sup> Town Board meeting. AYE 4 NO 0

**Public hearings:** Notice of Public hearing on the proposed amendments to the Town of Chester Zoning Local Law.

1. Create boundary line provision
2. Provide for regulation of junk
3. Create an overlay district for the Friends Lake watershed
4. Create a provision to allow accessory apartments
5. Allow timber harvesting in hamlet district, subject to site plan review

Supervisor Monroe gave a review of amendments and explained that the Town of Chester has an Adirondack Park Agency approved plan (which means that the Town takes jurisdiction over certain "things", that would otherwise need APA approval, but it also means that any zoning amendments proposed by the Town need APA approval before it can be adopted by the Town, if it is related to APA base for jurisdiction.) All of the amendments, with the exception of the Timber Harvesting, have been reviewed by APA staff and been approved. Full APA agency still has to take action.

Purpose of public hearing is to receive input - if anything needs to be changed or revised.

Supervisor Monroe also stated that #4 "Create a provision to allow accessory apartments" is now a concern of APA and further discussion will be done with APA agency.

**Public Hearing opened at 7:15 pm.**

1. **Create boundary line provision - no comments from the floor -** to change a non-conforming parcel to conforming, simplified process, but not to create any new lots or non conforming lots.
3. **Create an overlay district for the Friends Lake watershed -**  
**No comments from the floor.**
5. **Allow timber harvesting in hamlet district, subject to site plan review: current local law prohibits timber harvesting in**

hamlet and site plan review is required in modern intensity, this is felt to be too restrictive and a draft local law has been prepared which would allow timber harvesting in hamlet zones subject to site plan review - **comments from the floor:**

Written comments received: consider a right to harvest timber local law - which would be a different change to zoning ordinance; a petition, with approximately 25 signatures requesting an adoption similar to what Town of Warrensburg has for a local law - which says it is a right to timber harvest if done under timber harvesting guidelines from New York State DEC. Consider having a licensed timber cruiser/forester, concerns over an additional cost involved.

Walt Frulla inquired if this would include cutting firewood. Definition of timber harvesting to be reviewed. Discussion on definition of forestry use.

John Panos suggested that the word "commercial" be included.

**2. Provide for regulation of junk** - Supervisor Monroe explained that a separate local law was adopted in 2006, with language from the proposed zoning ordinance.

Letters received from Albert Muench and John and Jim Panos. Mr. Muench inquired on DEC junkyard requirements and Town of Chester local law. Mr. Schachner commented that DEC regulates large scale junkyards.

Discussion on fines and violations that are in the local law being constitutional.

Jim and John Panos request that the Local Law #3 of 2006 be abolished. Town Board will review the fines and violations, and should it be included in the zoning ordinance.

**4. Create a provision to allow accessory apartments** - to allow separate living space within the existing family dwelling, on same lot. APA request changes to what has been proposed. **No comments from the public.**

**Public hearing closed at 8:00 pm.**

**Privilege of the floor:**

**Nicole Howe** request permission to hold a bake sale on March 31 at the Town Municipal center. Benefit of the Youth Program. Town Board approved.

**Old business:**

**Cable TV franchise meeting** - recent meeting was held with Time Warner in regards to franchise renewal. At one time 35 houses per mile were required, this was changed to 15 in the last franchise renewal. Time Warner is now requesting that 20 houses per mile for new agreement. Town is still under old agreement and is presently looking at areas where there is 15 houses per mile to do extensions.

Public access TV through North Warren School - representative from school district is putting together a list of equipment for Time Warner to provide, with cost being added to cable subscribers bill. Town of Horicon has already negotiated their franchise agreement and no provision was provided for such equipment. Supervisor Monroe and

Supervisor Bentley have agreed that the cost of equipment should be shared. Supervisor Bentley will take this back to Town of Horicon town board for approval.

**All Phase Electric settlement** - is on March 10<sup>th</sup> abstract to be paid in the amount - #67 All Phase Electric \$31,655.94.

**New Business:**

**Resolution to Request Restore New York Funding - Balsam House Project**

Wayne LaMothe, Warren County Planning, explained that \$150 million is available under the Restore New York Funding. He handed out the guidelines. An intent to apply has been submitted, no obligation. Applications are due on May 4<sup>th</sup> and Wayne would assist the Town in preparing the application. Application fee is \$250.

The project being considered for funding is the Balsam House.

Mr.LaMothe and Supervisor Monroe have been over to the Balsam House and seen renovations that have been done. Approximately the owners have already invested \$3 million in to the project, the building is 58,000 square feet, full basement, infloor heating, propose 2 pools, 3 serving areas with total of 173 setting, about 37 rooms with walk out balcony, beach area, and the land area is about 17 acres.

Partnership consist of Frank Ellis and Joe Brand (?). Estimate that another \$3 million is needed to complete project. Mr.LaMothe also stated that 3 phase power is not available in that area. This is being looked into with National Grid. Cost would be about \$187,000.

Business plan would create 38 year round jobs.

Supervisor Monroe suggest including some conditions on the employment, this is mainly why the Town Board is in support of the project because of the jobs that it will create.

**RESOLUTION #34: AUTHORIZING SUBMISSION OF GRANT APPLICATION TO THE EMPIRE STATE DEVELOPMENT CORPORATION FOR FUNDING UNDER THE RESTORE NY PROGRAM.**

Introduced by Mrs.Wells 2<sup>nd</sup> by Mrs.DuRose:

WHEREAS, the Empire State Development Corporation (ESDC) has released a Request for Funding Proposals under the RESTORE NY program, and;

WHEREAS, The Town of Chester wishes to participate in the grant application process for rehabilitation of the Balsam House resort, and;

WHEREAS, the proposed project is consistent with the Town of Chester's comprehensive land use plan and hamlet enhancement plans, and;

WHEREAS, the proposed financing is appropriate for the specific project, and;

WHEREAS, the project facilitates effective and efficient use of existing and future public resources so as to promote both economic development and preservation of community resources; and;

WHEREAS, the project develops and enhances infrastructure and/or other facilities in a manner that will attract, create and sustain

employment opportunities, now, therefore, be it

RESOLVED, that the Supervisor of the Town of Chester be and hereby is authorized and directed to submit an application ESDC under the RESTORE NY program for \$1,000,000 to facilitate improvements and rehabilitation of the Balsam House, and be it further

RESOLVED, the Supervisor of the Town of Chester is authorized to execute any document necessary to submit **\$250 application fee** and accept funding to/from ESDC for RESTORE NY funding, and be it further

RESOLVED, The Town of Chester will hold the required Public Hearing on **April 14<sup>th</sup>, 2009 at 7:30 pm** and the Town will publish the Property Assessment List in a manner consistent with the rules and regulations published by ESDC.

AYE 4 NO 0

Discussion on a new Federal Economic Stimulus Bill, also referred to as "American Recovery and Reinvestment". Supervisor Monroe stated that a prior project that had been submitted and did not receive funding was the Chestertown Water line extension (to the Peckham Industrial Park). This project would fall into the guidelines of economic development projects.

Senator Little recommends that an application can be submitted through an on-line process and letters to her, the Governor, etc.

Mr.LaMothe said that the Town can submit an "expression of interest" and this would just be a "place holder". He felt that the State is looking for projects, so as to not lose the money that has been provided by the Federal government. He went on to say that plans would be required.

**RESOLUTION #35: AUTHORIZE SUPERVISOR TO SUBMIT EXPRESSION OF INTEREST TO U.S. AMERICAN RECOVERY AND REINVESTMENT ACT FOR THE EXTENSION OF THE CHESTERTOWN WATER LINE.**

Introduced by Mr.Monroe, 2<sup>nd</sup> by Mrs.Wells authorizing Supervisor to submit on-line to the American Recovery and Reinvestment Act an "expression of interest" for funding in regards to the extension of the Chestertown Water line on Route 9 to the Peckham Industrial Park.

AYE 4 NO 0

**RESOLUTION #36: AUTHORIZE SUPERVISOR TO SUBMIT EXPRESSION OF INTEREST TO U.S. AMERICAN RECOVERY AND REINVESTMENT ACT FOR THE BALSAM HOUSE PROJECT.**

Introduced by Mr.Monroe, 2<sup>nd</sup> by Mrs.DuRose authorizing Supervisor to submit on-line to the American Recovery and Reinvestment Act as "expression of interest" for funding in regards to the rehabilitation of the Balsam House.

AYE 4 NO 0

**Resolution in support of interconnect between Gore Mountain and North Creek Ski Bowl Park** - request from Supervisor Goodspeed of the Town of Johnsbury.

**RESOLUTION #37: IN SUPPORT OF INTERCONNECT BETWEEN GORE MOUNTAIN AND**

**NORTH CREEK SKI BOWL PARK.**

Introduced by Mrs.DuRose 2<sup>nd</sup> by Mrs.Wells:

WHEREAS, Gore Mountain Ski Center operated by the Olympic Regional Development Authority is an economic strength of unparalleled proportion for multiple towns and counties in upstate New York, and

WHEREAS, after many years of planning including engineering and legal work Gore has proposed to pursue and interconnect between Gore Mountain as it presently exists and the North Creek Ski Bowl at the edge of the hamlet of North Creek, and

WHEREAS, in pursuit of this interconnection the Olympic Regional Development Authority has purchased a triple chair lift to install at said Ski Bowl Park which will permit a skiable connection in both directions between Gore Mountain and the North Creek Ski Bowl permitting skiers and tourists more substantial access to the hamlet of North Creek, and

WHEREAS, such changes including the interconnect and other recent developments will help to render Gore Mountain amongst the five largest vertical ski experiences East of the Mississippi river, and

WHEREAS, the New York State Comptroller has estimated the interconnect lift alone will result in 74,000 additional skiers visiting Gore Mountain annually with an influx of 1.8 million dollars in revenues to the ORDA/Gore budget, and

WHEREAS, the New York State Comptroller estimates that the interconnect will generate 7.4 million dollars to the local economy,

NOW, THEREFORE, BE IT RESOLVED the Town Board of the Town of Chester urges the Olympic Regional Development Authority to fund operations of the interconnect at its earliest possible convenience and aggressively pursue installation of the lift and trail system necessary to fulfill the interconnect.

AYE 4 NO 0

**RESOLUTION #38: ADVERTISE FOR SAND BIDS.**

Introduced by Mrs.Wells, 2<sup>nd</sup> by Mr.Durkish authorize clerk to advertise for sand bids. Bid opening will be April 14<sup>th</sup> at 7:30pm.

AYE 4 NO 0

Councilperson Wells recommends we advertise for lifeguards. She has had contact with some. Training will be paid for by the Town if they are not certified and that they agree to work as a lifeguard in the Town of Chester for the 2009 summer season.

**RESOLUTION #39; ADVERTISE FOR LIFEGUARDS.**

Introduced by Mr.Monroe 2<sup>nd</sup> by Mrs.Wells authorizing clerk to advertise for life guards for the 2009 summer. AYE 4 NO 0

**RESOLUTION #40: DESIGNATE POLLING PLACES IN THE TOWN OF CHESTER.**

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

WHEREAS, pursuant to Article 4-104 of the New York State Election law,

the Town Board of the Town of Chester must submit to the Warren County Board of Elections a listing of the polling places in the Town of Chester in each Election District in which Elections may be held.

**Therefore, be it**

**RESOLVED** that the following locations be and hereby are designated as the respective polling places in the District as enumerated:

District 1 , 2 & 3 - Town Hall in Chestertown

and that such locations is accessible to the physically handicapped voter, pursuant to Article 4-104-a of the Election law (unless otherwise noted) and be it further

**RESOLVED** that a copy of this resolution be forwarded to the Warren County Board of Elections.

AYE 4 NO 0

**RESOLUTION #41: INCREASE FEES FOR VARIANCE APPLICATIONS.**

Introduced Mrs.Wells by 2<sup>nd</sup> Mr.Durkish authorizing the increase in fees for variance applications from \$75 to \$100. AYE 4 NO 0

**Mannuci - Town of Chester deed exchange** - Mr.Schachner reported that appropriate deeds have been provided by Mannuci's attorney. The conveying of town property is subject to Permissive Referendum. Mr.Schachner will notice for publication.

**RESOLUTION #42: APPROVING EXCHANGE OF PROPERTY WITH JOSEPH AND CATHERINE MUNNUCI AND CONVEYANCE FROM THE TOWN TO THE MUNNUCI IS SUBJECT TO PERMISSIVE REFERENDUM.**

Introduced by Mr.Monroe, 2<sup>nd</sup> by Mrs.DuRose approve exchange of property with Joseph and Catherine Munnuci and conveyance from the Town to the Munnuci's is subject to a permissive referendum.

AYE 4 NO 0

**RESOLUTION #43: APPROVE REQUEST OF BOARDS TO ATTEND ADIRONDACK LOCAL GOVERNMENT DAY CONFERENCE.**

Introduced by Mr.Monroe, 2<sup>nd</sup> by Mrs.Wells to approve Town Board members, Planning and Zoning Board members to attend Local Government Day Conference on March 24th and 25th in Lake Placid.

AYE 4 NO 0

**RESOLUTION #44: REJECT TERRORISM INSURANCE.**

Introduced by Mrs.DuRose, 2<sup>nd</sup> by Mr.Durkish to reject the offer for terrorism insurance AYE 4 NO 0

**North Warren Emergency Squad contract. Open books and phase out employee board members?** Supervisor Monroe, Supervisor Bentley and members of the Emergency Squad met recently. Discussion on books being open for public/members to review. Request for audit by May 31<sup>st</sup>.

**RESOLUTION #45: TOWN BOARD POSITION IS THAT THE NORTH WARREN EMERGENCY SQUAD HAVE A POLICY THAT FINANCIAL RECORDS BE AVAILABLE FOR REVIEW BY THE PUBLIC.**

Introduced by Mr.Monroe, 2<sup>nd</sup> by Mrs.Wells stating that the Town

of Chester town board position is that the North Warren Emergency Squad have a policy that the financial records be available for review by any member of the squad or public, as this is public funds.

AYE 4 NO 0

**Occupancy tax uses** - discussion on projects for use of occupancy tax funds and suggest that organizations make requests for funds and then prioritize the request.

**Authorize milfoil control contract with Steve lamer** - discussion on contract that was presented. Mr.Schachner has concerns that the contract is informal and insurance wasn't listed.

**RESOLUTION #46: APPROVE MILFOIL CONTRACT WITH STEVE LA MERE, BASED ON THE 2008 CONTRACT, BUT INCLUDE THE NEW SITES SHOWN ON MAP.**

Introduced by Mrs.Wells, 2<sup>nd</sup> by Mrs.DuRose to approve milfoil contract with Steve la Mere, based on the 2008 contract, but to include the new sights that were located and shown on the map. Request insurance.

AYE 4 NO 0

**RESOLUTION #47: SUPPORT CONCEPT OF A UPPER HUDSON RIVER WATER FRONT MAP.**

Introduced by Mrs.Wells, 2<sup>nd</sup> by Mrs.DuRose to support the concept of a Upper Hudson River Water Front Map. Map would show from Cohoes to Lake Tear of the Cloud. Funding may come from occupancy tax.

AYE 4 NO 0

John West presented 2 quotes for removing of scrap metal:  
Eastside Used Auto Parts, Hudson Falls, NY.

\$90 per gross ton for scrap metal; \$10 per gross ton for tin cans; and \$3 for car batteries.

Northern Car Crushers, Keeseville, NY

\$90 per gross ton (\$80 p/nt).

**RESOLUTION #48: ACCEPT QUOTE FROM EASTSIDE USED AUTO PARTS FOR SCRAP METAL.**

Introduced by Mrs.Wells, 2<sup>nd</sup> by Mr.Monroe to accept quote from Eastside Used Auto Parts, Hudson Falls, NY 12839 for the removing of scrap metals at the Town of Chester transfer station. Contract is for 1 year. Price is for \$90 per gross ton, \$10 per gross ton for tin cans and \$3 for car batteries.

AYE 4 NO 0

Supervisor Monroe received a draft of the plaque for the dedication of the auditorium to Marv Cole. Size is 18 x 14, bronze. Cost \$739.

**RESOLUTION #49: AUTHORIZE SUPERVISOR TO ORDER DEDICATION PLAQUE FOR MARV COLE.**

Introduced by Mrs.Wells, 2<sup>nd</sup> by Mrs.DuRose authorizing Supervisor Monroe to order the dedication plaque, in memory of Marv Cole, from

International Bronze or Mountain View Memorials (Bob Nicholas).

AYE 4 NO 0

**RESOLUTION #50: REAPPOINT EUGENE DUTCHER TO PLANNING BOARD.**

Introduced by Mrs.DuRose, 2<sup>nd</sup> by Mrs.Wells to reappoint Eugene Dutcher to Town of Chester Planning Board. Term is for 7 years. April 21, 2009 to April 21, 2016. AYE 4 NO 0

**RESOLUTION #51: AUTHORIZE PAYMENT OF ABSTRACT.**

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

General fund	\$261,937.88	(58-100)
Highway fund	\$ 30,089.05	(29- 50)
Chtwn water	\$ 10,738.29	(11- 17)
P'ville water	\$ 1,728.78	( 8- 14)
Library	\$ 1,722.17	( 9- 12)
Schroon Lk Pk Dist	\$ 2,116.00	( 1 )
Chestertown Fire Dist	\$ 5,000.00	( 1 )
North Creek Fire Dist	\$ 30,000.00	( 1 )
Riverside Vol fire	\$ 7,000.00	( 1 )

General Fund 2008	\$11,998.76	(678-682)
Highway Fund 2008	\$ 2,394.98	(265)
Chester water	\$ 136.09	(85)
Pottersville Water	\$ 138.08	(83)

AYE 4 NO 0

Motion by Mr.Monroe meeting was adjourned at 9:15 pm.

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Town Clerk