

Regular meeting of the Town Board of the Town of Chester was held **March 12, 2012** at 7:30 pm in the Town Municipal Center, Chestertown, NY.

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

Public Hearing for the Ellis Septic Wastewater Variance was tabled to the April meeting at the request of applicant's Engineer Tom Jarrett, and town consultant engineer, Al Matrose.

Public Hearing for Bruce & Sharon Gresen Septic Wastewater Variance was opened at 7:05 pm. Secretary read the published notice of public hearing.

Applicant was represented by Zachery Monroe of Cedarwood Engineering. Property is located at 155 Marina Road, a Moderate Intensity Land Use area, identified by tax parcel #86.9-1-25. Applicant proposes construction of a replacement dwelling on the parcel, after which the existing 3-bedroom cottage will be removed. The new structure will meet the required setbacks from the lake. The new house will be served by a new septic field, proposed also for a 3-bedroom dwelling. It will be located 61 ft. from the lake, and 73 ft. from the neighboring well. The old well on the subject property will be abandoned, and a new well will be drilled. Applicant offered to drill a new well for the neighbor, but the neighbor declined the offer. The former septic wastewater system is a seepage pit, and is located only 40 ft. from the lake. The new system will increase the separation distance from the lake, and will be an aerobic treatment system, a shallow absorption bed in stabilized fill.

Discussion ensued regarding comments and observations noted by Al Matrose, and addressed by Zach Monroe with regard to new construction, soils and slope, separation distances, type of system, neighboring properties within 500 ft. of subject property, and Town's Wastewater Code addressing the need for an operation and maintenance manual and follow up inspection requirements. New dwelling will not be occupied year round, but it will be constructed according to code for all seasons. The current house is only seasonal.

The dwelling will be considered new construction following code for low flow toilets, slope is actually 17% which requires a 2% variance, separation distances have been established, neighbors within 500 ft. of the property had been notified of the proposed variance, there have been no comments or concerns received, and follow up inspections by the engineer were noted as occurring twice a year.

The board elected to take action on the project, viewing it as making a bad situation better.

Review of the criteria as follows:

1. That there are special circumstances or conditions, fully described in the findings of the Local Board of Health, applying to such land and that such circumstances or conditions are such that strict application of the provisions of the Ordinance would deprive the applicant of the reasonable use of such land;

2. That the variance would not be materially detrimental to the purposes and objectives of the Ordinance, or to other adjoining properties, or otherwise conflict with the purpose or objectives of any plan or policy of the Town; and

3. That, for reasons fully set forth in the findings of the Local Board of Health, the granting of the variance is necessary for the reasonable use of the land and that the variance as granted by the Local Board of Health is the minimum variance which would alleviate the specific unnecessary hardship to the applicant.

With no comments forthcoming from the audience, on a motion by Mr. Monroe, seconded by Mr. Durkish, the public hearing was closed at 7:50 pm.

RESOLUTION #42: APPROVE SEPTIC WASTEWATER VARIANCE FOR BRUCE & SHARON GRESSEN.

Introduced by Mr. Monroe, seconded by Mr. Durkish, the following findings for the special circumstances that exist are due to the fact that the existing dwelling predates current zoning, and is being served by a seepage pit 40 ft. from the lake, and 68 ft. from the neighboring well. The proposed circumstances would not be materially detrimental in that it would increase the distance from the lake from 40 ft. to 61 ft., and from the neighboring well from 68 ft. to 73 ft., and it would be an engineer designed septic system which should treat the wastewater better than the existing seepage pit, and is the minimum variance necessary to maintain 100 ft. from their new drilled well. There is no feasible alternative.

Roll call vote:

Mr. Durkish - YES

Mrs. DuRose - YES

Mr. Packer - YES

Mr. Monroe - YES

Mrs. Wells - ABSTAIN (related to engineer)

RESOLUTION #43: APPROVE MINUTES OF FEBRUARY MEETINGS.

Introduced by Mrs. DuRose, seconded by Mrs. Wells, the minutes for the Regular meeting of February 14th, and the Special meeting of February 23rd were accepted, as presented.

AYE 5 NO 0

Privilege of the floor:

Linda Muench mentioned that at a recent meeting of the Tri Lakes Business Alliance, it was suggested that the sign in Pottersville and

the sign by Stewart's which have the Christmas trees on them be updated. The signs had been designed and painted by Forest Jones, but have seriously deteriorated. They thought that \$500.00 would cover the cost of it. The board would like to see what would be added to the signs, how much they would actually cost, and whether it would need approval from DOT. Clarke Dunham and Kit Isachsen will be working on this project.

The Alliance would also like a Resolution for removal of the "one hour" parking signs that are located on Main Street by the former Health Center.

RESOLUTION #44: REPEAL ORDINANCE FOR ONE HOUR PARKING SIGNS ON MAIN STREET, OR AUTHORIZE ATTORNEY SCHACHNER DRAFT LOCAL LAW REPEALING ORIGINAL LOCAL LAW IN ORDER TO REMOVE SIGNS.

Introduced by Mrs. Wells, seconded by Mrs. DuRose, repeal original ordinance for one hour parking signs located on Main Street by former Health Center, or, if a Local Law, authorize Attorney Schachner to draft Local Law repealing original Local Law in order to remove signs. Public hearing will then need to be advertised.

AYE 5 NO 0

Linda Muench informed the board, also, that the road signs for Stonebridge Road & Agard Road are missing. Highway Dept. can order replacements.

Old business:

Solar project. Winslow Moore from Edgewood Design met with Mr. Monroe and asked if town wanted to go forward with proposed design for the solar panels. Approval has been given from APA for ground mounted panels, (but not pole mounted), to be located 50 ft. to the left of the Chamber building. One section will be 150 ft. long, and another section will be 50 ft. long. Decision needs to be made whether we will accept the ground mounts, as all things are in place for them, and whether a sign is needed there.

Milfoil. There has been some correspondence between Lycott Environmental and the APA, and Mr. Monroe stated that he will need to get together with Attorney Schachner and figure out who owns the land at the bottom of the lake. The State has to classify land under water as Forest Preserve, and the APA has to classify it as wilderness, or wild forest. Then they want us to go to DEC to fix the milfoil problem in their land under water. They have already issued us a permit, and we are trying to fix an environmental problem. Lycott would like to start in May. Hand pulling does not need a permit if there is over two meters of water depth, but Benthic Mats do, unless the water is less than two meters, or the adjoining property owner can do hand pulling.

Veteran's Memorial. Behan Planning had redone the plans, moving the memorial closer to the building, reducing the radius so it doesn't take up so much of the lawn. As part of our grant, we have agreed to do our part by doing the walkways, and covering them with Item 4, and by adding a small performance space, at around \$4,400.00, and we can match the grant by supplying our own labor. Highway men can do most of the work. Veteran's will supply \$66,000.00 for their part, and they have already raised the money. Veteran's would like it built and dedicated the weekend after July 4th.

Off premises business signs. Business Alliance had requested off premises business signs. The Scenic byway map was sent to Mr. Monroe from Warren County Planning. They are changing the Scenic byway from what was the Central Adirondack Trail which goes up from Warrensburg, to Rte. 28, then west on Rte. 8. The change would take it off Rte. 28 to Rte. 9, which would bring it up past the Town Hall to the intersection of Route 8, and then west to Riparius. That will encompass about 15 miles in the Town of Chester, and there may be grant opportunities because of that, but then there is a scenic byways sign manual, where they have certain types of signs that can be gotten for businesses, attractions, and municipalities. Supervisor Monroe added that the manual is a State wide manual, and he's not sure how it interfaces with the Adirondack off premises sign law. He has written a letter to the Regional Engineer, asking him that question, showing him the manual, and asking him if it is something that we can do. He has also asked Senator Little's support, and asked her support as well to have signs for the ski area at Exits 25 & 26, as well as adding them to the sign at Exit 17, in order to catch people before they go to Vermont. A representative of the Olympic Authority who manages Gore and Whiteface was told of this, and he is very pleased.

Meal site operations. Meetings with County Attorney, County Administrator, Budget Officer with regard to keeping the meal site. They are all looking for ways to shave the County budget. Mr. Monroe and others explained that the residents like the congregant meal site, and for many of the seniors, it is their only time for socialization. The board is also supportive of keeping the meal site the way it is, instead of having meals cooked at Countryside, and then delivered from there to residents homes. Last week they invited the County Administrator, the Budget Officer and the head of Office for the Aging for a meal at the site, and talked about what would satisfy the County to keep the site the way it is. We do pay a part time person for working there already. Mr. Monroe suggested we cover their rent in this building of \$4,400.00 per year, and also pay for their propane, about \$1,700.00 per year. If the board approves, he will approach Town of Horicon for a contribution as well, since many of their citizens receive meals from our site. We have a small centralization as it is, covering the Hamlet's of Pottersville, Chestertown, and Horicon. We will return to this matter for a resolution at another time.

Update water regulations. Jason was unable to be here, so project not discussed.

New business:

White space Broad Band. Project proponents were not here to discuss it. Mr. Monroe explained that the Federal government has authorized the use for Broadband of space now being used for TV, VHF Radio, etc. May be a possibility for areas that cannot be reached by an Internet Service provider.

RESOLUTION #45: AUTHORIZE CLERK ADVERTISE FOR SAND BIDS.

Introduced by Mr. Packer, seconded by Mrs. Wells, authorizing the Town Clerk to advertise for sand bids, to be opened at the April 10th meeting at 7:30 pm.

AYE 5 NO 0

Authorize hiring of Life Guards for Loon Lake Beach. Only one application received. No action taken at this time.

RESOLUTION #46: DESIGNATE POLLING PLACE.

Introduced by Mrs. Wells, seconded by Mr. Monroe, designate the Town Municipal Center Auditorium as the official polling place for all three election districts.

AYE 5 NO 0

Apply for Beach Permit. Bruce has been instructed to apply for the beach permit for Loon Lake Beach.

Dynamite Hill Grant. Mr. Monroe had spoken with Wayne LaMothe regarding the Grant for Dynamite Hill. Mr. LaMothe said we needed an advisory group on how to spend the money; do we restore the lighting, do we restore the trail for cross country skiing, do we make the trail multi-purpose, or not, etc.

RESOLUTION #47: APPOINT CHAMBER AS ADVISORY GROUP FOR DYNAMITE HILL.

Introduced by Mr. Monroe, seconded by Mrs. Wells, appoint North Warren Chamber as advisory group for Dynamite Hill.

AYE 5 NO 0

Discussion afterward, Barbara Thomas requesting that a Town board member attend the Business Alliance meetings every other Friday. Those who can, will, when available, in order to answer any questions that the group may have.

Electric supply for snow making. Discussion on an electrical supply for Dynamite Hill, instead of using the County generator to run the snow making machine. Some Bed tax money would be available for this purpose, as Capital expenses, and Mr. Packer will speak with Jason Monroe about what they could do.

Adirondack Local Government Day. Local government day will be March 20th and 21st in Lake Placid.

Increase in Senior exemption. Discussion on increasing the Senior exemption to match the County, if they do it. The County can have an amount, and the town can have another, as well as the school having yet another. Talk of increasing somewhere between current \$18,000.00, and the maximum allowed of \$29,500.00, and see how it affects our revenue. The Warren County Assessor's decided not to take a position. Board decided to wait and see what the County does.

Set special water rent for South end businesses outside district. This will be the first year that we will be maintaining the water system for businesses on the south end of town that used to be maintained by Wendell Ross. They will be out of district user's, but there is an extensive distribution system, and one of the user's would be a Restaurant which uses considerably more water than a residence would. Discussion over a fixed fee plus usage, with something equitable for both in district and out of district users, and whether a Local Law would need to be established. There could also be an out of district contract established, and no Local Law would be needed. Some work is being done by Cedarwood Engineering who will recommend where we should be extending mains and where we should extend the district. One of them would be going south by Peckham's. Through the waterfront revitalization grants, by having this kind of planning done, we stand a good chance of getting grant funding for extension of the water district. It would bring water to Peckham's and also the property owned by Mr. Considine, which is considered suitable for affordable housing. The LA Group also has some ideas.

Set date for special meeting to interview for position of ACO. Special meeting to be held Monday, March 19th, beginning at 6:00 pm, for the purpose of interviewing candidates for the position of ACO. Mr. Monroe will set up the schedule.

RESOLUTION #48: AUTHORIZE CLERK RE-RUN AD IN CLASSIFIED FOR LIFEGUARDS.

Introduced by Mr. Monroe, seconded by Mrs. DuRose, authorize clerk to re-run ad for Lifeguards in the Classified section of the Post Star.

AYE 5 NO 0

Executive session. On a motion by Mr. Monroe, seconded by Mr. Packer, board went into executive session at 9:30 pm to discuss the possibility of proposed negotiations for the purchase of some property that was recommended, and also, to discuss a complaint received on a particular employee.

Out of executive session. On a motion by Mr. Monroe, seconded by Mrs.

Wells, board came out of executive session at 10:00 pm. No action taken.

RESOLUTION #49: APPROVE ABSTRACTS AND CLAIMS PAID PRIOR TO AUDIT.

Introduced by Mrs. Wells, seconded by Mr. Packer, authorizing payment of abstract and claims paid prior to audit.

General Fund	\$96,822.47	(79-130)
Highway Fund	\$30,498.96	(31-59) #30 void
C'Town water	\$ 7,730.96	(6-10)
P'Ville water	\$ 9,956.37	(6-11)
Library	\$ 767.95	(8-11)

AYE 5 NO 0

Estimates. Jason had brought in some unopened estimates to be reviewed at the meeting.

First one was pricing for floor replacement in the meal site, from Living Floors. Removal of existing floor was not included, and any preparation is to be billed on a time and material basis.

Armstrong connection Corlon, seams to be heat welded, moisture testing to be done prior to install. New ¼" underlayment and cove base for a total of \$11,479.88.

Second one was from Adirondack Construction Enterprises for a Vactor Rental proposal.

\$3,700.00 per week with town supplying operator, consumables and disposal, if any for a 40 hour week. Additional hours to be billed at \$100.00 per hour.

\$7,400.00 a week with ACE Enterprises to supply operator & consumables. Town to provided disposal site and applicable fees, if any. 8 hours per day allowed for 40 hour week, additional hours to be billed at \$200.00 an hour for anything over 8 hours per day.

Vactor truck purchase proposal in "as is" condition \$32,000.00.

No action taken.

RESOLUTION #50: AUTHORIZATION TO HIRE CHRIS SEARS FOR LIFEGUARD.

Introduced by Mrs. Wells, seconded by Mr. Monroe, authorization to hire Christopher Sears for lifeguard for 2012 season.

AYE 5 NO 0

On a motion by Mr. Packer, seconded by Mr. Monroe, meeting adjourned at 10:15 pm.

Town Clerk

