

Regular meeting of the Town Board of the Town of Chester was held **March 12, 2013** at 7:00 pm in the Town Municipal Center, Chestertown, NY.

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

RESOLUTION #32: ACCEPT FEBRUARY MINUTES AS PRESENTED.

Introduced by Mrs. DuRose, seconded by Mrs. Wells, accept Minutes of the February 12th meeting, as presented.

AYE 5 NO 0

Public Hearing.

Public hearing was opened at 7:05 by Supervisor Monroe to review the Septic Variance requested by John Hagmann, whose property is located on the north end of Sonoma Point on Loon Lake, tax parcel #69.13-1-7.1. Applicant was represented by Engineers Bret Winchip and Zachery Monroe. Applicant's current septic disposal system, consisting of seepage pits, has failed. A gravity flow, shallow absorption bed system located in fill, which will provide a minimum of 2'-0" separation distance to ground water, with the implementation of dry wells, is being proposed. The Board had asked for a map containing a chart which would show the required setbacks, existing setbacks, proposed setbacks, and amount of variance needed. Maps were provided which supplied the following information:

	From:	Existing Separation	Proposed Separation	Required Separation	Variance requested
Shallow well ~		77.8'	84.6'	150.'	65.4'
Pond ~		75.4'	76.8'	100.'	23.2'
Stream ~		99.3'	98.2'	100.'	1.8'
Property Line ~		7.4'	4.7'	10.'	5.3'

Discussion ensued, after which the Board found for approval of the requested variances.

Public hearing closed at 7:15 pm.

RESOLUTION #33: APPROVE SEPTIC VARIANCES FOR JOHN HAGMANN.

Introduced by Mr. Monroe, seconded by Mr. Durkish, the Board approved the septic Variances for Mr. John Hagmann, having ascertained that there are circumstances or conditions, such as a steep slope on the east side of the property, so that strict application of the ordinance would deprive the applicant of reasonable use; the variance would not be materially detrimental to the purpose of the ordinance, or to adjoining properties, since there are no wells within 150 feet, the proposed system is an improvement from the existing distances from the property owners well and the pond, and that the granting of the variance is necessary for the reasonable use of the land.

ROLL CALL VOTE:

Mr. Durkish ~ AYE Mr. Monroe ~ AYE
Mr. Packer ~ AYE Mrs. DuRose ~ AYE
Mrs. Wells ~ ABSTAIN

Privilege of the Floor.

Mary Jane Dower thanked the Town Board for their participation in the St. Patrick's Day Parade, and she was wondering if the Town had completed it's water engineering study for expansion of the water system. She feels that if the project is shovel ready, we might be able to get grant money. Jason Monroe stated that Cedarwood Engineering had spent almost a year doing an extensive study of the entire system.

Barbara Thomas presented the Board with a proposal from Steve Ovitt for a Single track Mtn. Bike/Ski Trail for the Dynamite Hill Recreation area. This will connect to the Dynamite Hill multi-use trail. Wilderness Property Management, Inc. will provide professional services for a total of \$2,712, to be discounted 50% by WPM Inc. for northern Warren County community outdoor recreation development projects, bringing the final billed amount to \$1,356.

The Board feels that trails are a part of the attraction to the area, and they are in favor of the project.

RESOLUTION #34: APPROVE PAYMENT OF \$1356 FOR ADDITION OF MTN. BIKE TRAIL.

Introduced by Mrs. Wells, seconded by Mr. Packer, approve payment of \$1,356 to Wilderness Property Management Inc. for professional services for development of a Mtn. Bike trail for the Dynamite Hill Recreation area.

AYE 5 NO 0

LED Streetlights.

The low bidder for the LED Streetlights was a company called Sternberg, and they provided a sample streetlight just a little bit different than the ones we now have, but it will be about \$300 cheaper. By converting the 10 lights out front to LED, it will reduce our electric use by about two thirds. One of the heads will be sent to the factory to be modified for LED's and then they will send us kits for the remaining 9 lights to be converted.

RESOLUTION #35: APPROVE DRAWING OF PROPOSED STREETLIGHT.

Introduced by Mr. Packer, seconded by Mr. Durkish, approve drawing supplied by Sternberg to Warren Electric for proposed streetlights.

AYE 5 NO 0

Biomass heating.

We have received a proposal submitted by Rick Handley for a Pellet Boiler. We had replaced a boiler last year, and need to replace the second one. In the event that Biomass heating is installed, the new boiler can be used for a back up. Initially it was thought that the old coal storage room could be used for the wood pellets, but they require outside storage. The Board wishes to continue trying to get a grant from NYSERDA for this project.

RESOLUTION #36: AUTHORIZE CLERK ADVERTISE FOR SAND BIDS.

Introduced by Mrs. Wells, seconded by Mr. Monroe, authorize Town Clerk advertise for sand bids, to be opened at the April 9th meeting.

AYE 5 NO 0

RESOLUTION #37: AUTHORIZE CLERK ADVERTISE FOR LIFEGUARDS.

Introduced by Mrs. DuRose, seconded by Mrs. Wells, authorize Town Clerk advertise for Lifeguards for 2013 summer season.

AYE 5 NO 0

Renovate.

Letters had been sent to all of the homeowners within the Loon Lake Park District regarding the application of Renovate OTF, an aquatic pesticide intended for controlling Eurasian milfoil in the Lake, and inquiring whether anyone had a water intake from the lake. Federal standards are to be located between 600 or 700 feet from a water intake in order to use Renovate, but NY State has set the standard at 2400 feet. There is one seasonal resident who is located within the area where the curtain will be placed for containment of the herbicide. The resident has agreed not to use the water intake, and will allow the Town of Chester to attach the curtain to a portion of their property along the South end of Chester Shores. We will provide the homeowner with potable water until the concentration of Renovate has decreased below 50 parts per billion. Both DEC and APA would like to see a signed agreement between the Town and the homeowner.

RESOLUTION #38: APPROVE AGREEMENT WITH ELIZABETH FISHER REGARDING RENOVATE OTF IN LOON LAKE.

Introduced by Mrs. Wells, seconded by Mr. Durkish, approve agreement between the Town of Chester and Elizabeth Fisher regarding Renovate OTF in Loon Lake.

AYE 5 NO 0

Speed bumps.

Supervisor Monroe met with Lou Smith who lives on the Gamble Beach Road in Pottersville. There appears to be a disagreement between Mr. Smith and a neighbor, the neighbor having requested speed bumps for the Gamble Beach Road. Gamble Beach Road is a Town Road, and therefore no speed bumps will be added.

MOAS request for bottles.

The Model Organization of American States (MOAS) class from North Warren School has requested the opportunity to place their bins in our facility in order to collect empty bottles for redemption. Supervisor Monroe thought perhaps they would like to put a bin in each of the Town's facilities.

RESOLUTION #39: APPROVE MOAS REQUEST TO COLLECT BOTTLES.

Introduced by Mr. Monroe, seconded by Mr. Durkish, approve MOAS place bins in Town facilities for collection of bottles.

AYE 5 NO 0

Highway equipment.

Highway Superintendent Jason Monroe explained that they have been looking for a small ride-on patch roller for the Highway Department, so they didn't have to keep borrowing one from the Town of Horicon. He looked for some used ones and found two. One was a 2008 with 650 hours on it for \$10,500. The other was a 2010 model with 261 hours for \$12,100. He then priced a new one under State contract with Admar of Albany for \$13,775. He went on to explain that they had spent \$57,968 of their equipment budget for a pickup and a new dump truck, and still had \$17,000 left in their budget. The Board agreed that a new piece of equipment with a warranty on it was better than a used piece of equipment that could have any kind of problems.

RESOLUTION #40: APPROVE PURCHASE OF NEW PATCH ROLLER UNDER STATE CONTRACT.

Introduced by Mrs. Wells, seconded by Mrs. DuRose, approve purchase of a new patch roller under State Contract for \$13,775.

AYE 5 NO 0

New York Secure Ammunition and Firearms Enforcement (SAFE) Act of 2013.

Ava Ashendorf was in attendance to speak on the NY SAFE Act. Supervisor Monroe stated that the way this act was passed was wrong, after the Governor had passed a Message of Necessity. The Legislators had no time to read it, and the citizenry of the State had no opportunity to have input regarding it, and it is against our second amendment rights. He said that 50 out of 62 Counties and some Towns in NY State have passed a Resolution opposing the SAFE act.

Ms. Ashendorf stated that there is nothing in this Law that explains how they plan to protect us. Basically the law abiding citizen is supposed to register their guns, and then, like in other countries, most likely they will come and take them away. She added that registration equals confiscation. Mr. Monroe stated that he has talked with some firearm manufacturers, and they do not make a 7 round magazine, nor do they plan to, as this law requires. This is just one of the issues that is unreasonable.

Further discussion ensued.

RESOLUTION #41: TOWN OF CHESTER OPPOSES THE NY SECURE AMMUNITION AND FIREARMS ENFORCEMENT ACT OF 2013.

WHEREAS, the Town of Chester Town Board endorses and upholds the Second Amendment to the Constitution of the United States; and

WHEREAS, the New York Secure Ammunition and Firearms Enforcement (SAFE) Act of 2013 (A.2388/S.2230) was rushed to passage in the State Legislature through a flawed process that excluded input from concerned citizens; and

WHEREAS, provisions in the SAFE Act are already requiring, and will continue to require, greater expenses of County resources, in effect creating a new unfunded mandate; and

WHEREAS, implementation of the SAFE Act will also require investment of State resources that could otherwise be used to promote other criminal justice initiatives that keep our residents safe; and

WHEREAS, the SAFE Act would criminalize law-abiding citizens, including police officers who are the responsible owners of certain firearms and magazines that were included in the law; now, therefore, be it

RESOLVED, that the Town of Chester Town Board opposes the New York Secure Ammunition and Firearms Enforcement (SAFE) Act of 2013 and the flawed process by which it was enacted, including governor Cuomo's message of necessity which limited debate and input from concerned citizen's; and be it further

RESOLVED, that the Town of Chester Town board requests that the SAFE Act be repealed and replaced with more sensible legislation that does not infringe upon Second Amendment rights, does not create unfunded mandates on County governments, addresses issues including mental illness and deterring violent crime, and includes full input from the public; and be it further

RESOLVED, that the Town Clerk of the Town Board of the Town of Chester forward a certified copy of this Resolution to Governor Andrew M. Cuomo, Temporary Presidents of the Senate Jeffrey D. Klein and Dean G. Skelos, Speaker Sheldon Silver, and the Town's representatives in the New York State Senate and Assembly.

BUDGET IMPACT STATEMENT: No budget impact.

AYE 5 NO 0

Ms. Ashendorf explained that she has partnered with Fred Engleman in getting White Space for Internet Service to the Adirondacks, starting with the Town of Thurman. They were able to get a grant for \$200,000!

Historical Society.

The Historical Society has requested a phone and Internet Service for the Museum. Bruce Nolin had given the Board a Technical Memo regarding same.

RESOLUTION #42: AUTHORIZE PHONE AND INTERNET SERVICE FOR THE MUSEUM.

Introduced by Mrs. Wells, seconded by Mrs. DuRose, authorize phone service and Internet service be provided for the Museum.

AYE 5 NO 0

Request to discontinue plowing of Fish Hollow Road.

Mr. George Stannard was in attendance requesting discontinuance of the plowing of Fish Hollow Road Extension, stating that there are no permanent residential structures located beyond the culvert, as it is a dead end stretch of road. Mr. Stannard also owns the property that borders this section of roadway. As a State Trooper, Mr. Stannard has witnessed this area being used as a hub for illegal disposal of garbage, drug use, illegal game activity, underage drinking, and adultery. There are two camps located there, but they are not accessed in the winter. Attorney for the Town will determine whether residences being seasonal or unseasonal makes a differences with regard to legality of closing a road to traffic. Project will be tabled until the 9th of April.

RESOLUTION #43: TABLE DISCUSSION ON DISCONTINUANCE OF ROAD MAINTENANCE OF FISH HOLLOW ROAD.

Introduced by Mr. Monroe, seconded by Mr. Durkish, discussion on discontinuance of maintenance of Fish Hollow Road to be tabled until April meeting to allow Attorney for the Town to research the legalities involved with regard to the seasonal camps.

AYE 5 NO 0

(Please note: On March 14th, Mr. Stannard rescinded his request to have discontinuance of road maintenance on Fish Hollow Road Ext.)

Solid waste.

Supervisor Monroe stated that the County had put out bids for Solid Waste and Recycling. He needs authorization to sign inter-municipal agreement with them for solid waste and recyclable processing.

RESOLUTION #44: AUTHORIZE SUPERVISOR SIGN AGREEMENT WITH WARREN COUNTY FOR SOLID WASTE AND RECYCLABLE PROCESSING.

Introduced by Mrs. Wells, seconded by Mr. Durkish, authorize Supervisor sign inter municipal agreement with Warren County for solid waste and recyclable processing:

TOWN OF CHESTER

RESOLUTION AUTHORIZING INTERMUNICIPAL AGREEMENT

BETWEEN THE TOWN OF CHESTER AND WARREN COUNTY
RELATING TO SOLID WASTE AND RECYCLABLE DISPOSAL SERVICES (WC065-12)
AND SOLID WASTE AND RECYCLING TRANSPORTATION SERVICES (WC070-12)

WHEREAS, as a result of a competitive bidding process completed by Warren County ("County") and for the benefit of local municipalities including the Town of Chester ("Town"), the County has arranged for Solid Waste and Recyclable Disposal Services (WC 065-12) and Solid Waste and Recycling Transportation Services (WC 070-12) to be available to the Town through the various contractors who have been awarded contracts by the County for the foregoing services, and

WHEREAS, the Town Board desires to utilize the County's contractual arrangements for Solid Waste and Recyclable Disposal Services upon the terms and conditions set forth in the County's agreements for such services with Waste Management of New York, LLC, Casella Waste Management d/b/a Casella Waste Services, D & G Recycling, LLC and Perkins Recycling Corp; and

WHEREAS, the Town Board desires to utilize the County's contractual arrangements for Solid Waste and Recycling Transportation Services upon the terms and conditions set forth in the County's agreement for such services with Waste Management of New York, LLC and Casella Waste Management d/b/a Casella Waste Services, and

WHEREAS, after review and deliberation of the competitive bid proposals of Waste Management of New York, LLC and Casella Waste Management d/b/a Casella Waste Services, the Town desires to have Waste Management of New York, LLC and Casella Waste Management d/b/a Casella Waste Services transport all the solid waste and recyclable materials from the Town's transfer station with the services to be provided by each Contractor and the price for such services identified and as set forth in the Schedules attached hereto and incorporated herein, and

WHEREAS, after review and deliberation of the competitive bid proposals of Waste Management of New York, LLC, Casella Waste Management d/b/a Casella Waste Services, D & G Recycling, LLC and Perkins Recycling Corp; the Town Board desires to have Waste Management of New York, LLC, Casella Waste Management d/b/a Casella Waste Services, D & G Recycling, LLC and Perkins Recycling Corp; Dispose of solid waste and recyclable material from the Town's transfer station with the services to be provided by each Contractor and the price for such services identified and as set forth in the Schedules attached hereto and incorporated herein, and

WHEREAS, the County has presented the Town Board with a proposed Intermunicipal Agreement which sets forth the terms and conditions upon which the Town will participate and pay for Solid Waste and Recyclable Disposal Services and Solid Waste and Recycling Transportation Services through the County's contractual arrangements

for such services, and

WHEREAS, the term of the Intermunicipal Agreement shall commence on March 1, 2013 and terminate December 31, 2013, and the Intermunicipal Agreement may be extended for two (2) consecutive one (1) year terms through December 31, 2015, should the County elect to extend its agreements with the various contractors identified in foregoing preambles of this resolution and should the Town elect to continue to participate in the County's contractual arrangements for Solid Waste and Recyclable Disposal Services and Solid Waste and Recycling Transportation Services during any extended term,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby approves and authorizes the Intermunicipal Agreement between the County and the Town regarding Solid Waste and Recyclable Disposal Services and Solid Waste and Recycling Services and authorizes the Town Supervisor on behalf of the Town to execute the Intermunicipal Agreement with the County and be it further

RESOLVED, that the Town Board elects to have Waste Management of New York, LLC, Casella Waste Management d/b/a Casella Waste Services, D & G Recycling, LLC and Perkins Recycling Corp. provide Solid Waste and Recyclable Disposal Services to the Town which services and prices by contractor have been identified by the Town on the attached Schedules and otherwise in accordance with the terms and conditions of the agreement between the County and Waste Management of New York, LLC, Casella Waste Management d/b/a Casella Waste Services, D & G Recycling, LLC and Perkins Recycling Corp; and be it further

RESOLVED, that the Town Board elects to have Waste Management of New York, LLC, Casella Waste Management d/b/a Casella Waste Services provide Solid Waste and Recycling Transportation Services to the Town which services and prices by contractor have been identified by the Town on the attached Schedules and otherwise in accordance with the terms and conditions of the agreements between the County and Waste Management of New York, LLC, Casella Waste Management d/b/a Casella Waste Services, D & G Recycling, LLC, and be it further

RESOLVED, that the Town Board further authorizes and directs the Town Supervisor, Town Clerk and/or Counsel for the Town to take any further action necessary to effectuate the terms of this Resolution.

AYE 5 NO 0

Proclamation.

Warren County has asked the Town to adopt a proclamation for the County's 200th anniversary.

RESOLUTION #45: ADOPT PROCLAMATION IN RECOGNITION OF WARREN COUNTY'S 200TH ANNIVERSARY.

Introduced by Mrs. Wells, seconded by Mrs. DuRose, adopt Proclamation in recognition of Warren County's 200th Anniversary:

PROCLAMATION HONORING WARREN COUNTY

WHEREAS, Warren County was formed from Washington County on March 12, 1813 and is celebrating its bicentennial during 2013, and

WHEREAS, Warren county has a rich and important history, including being the scene of battles in the French and Indian and Revolutionary Wars, and

WHEREAS, several sites in the county were stations on the underground Railroad, during the pre-civil War period, and

WHEREAS, Theodore Roosevelt became President of the United States in Warren County following the assassination of President McKinley, and

WHEREAS, Civil War photographer Matthew Brady was born in Warren County, and

WHEREAS, Warren County is the gateway to the Adirondacks, now therefore,

WE, the residents of the Town of Chester proclaim our acknowledgment of Warren County as a wonderful place to live and work and a premier place to visit and our appreciation for the work of the County Historian and our Town Historians in celebration of the bicentennial of Warren County.

AYE 5 NO 0

Bird's Eye Maps.

Supervisor Monroe stated that someone from Bird's Eye Maps had called him, and wanted to put a blurb on the map with respect to the Town of Chester. Barbara Thomas elected to take a look at it.

Assessor.

Supervisor Monroe stated that Assessor Paul Maniacek had announced his plan to fully retire in about 5 weeks. Town of Chester is hoping to continue coordinated assessment with the Town of Horicon. Mr. Monroe will talk with Horicon Supervisor Ralph Bentley about placing an ad.

RESOLUTION #46: ADVERTISE FOR NEW ASSESSOR.

Introduced by Mr. Monroe, seconded by Mrs. Wells, advertise for a new Assessor in coordination with Town of Horicon.

AYE 5 NO 0

RESOLUTION #47: APPROVE ABSTRACTS AND CLAIMS PAID PRIOR TO AUDIT.

Introduced by Mrs. DuRose, seconded by Mr. Packer, approve abstracts and claims paid prior to audit, including the Invoice for the St. Patty's Day bagpipers.

General	\$96,612.47	(65-112)
Highway	\$63,766.29	(33-61)
Library	\$ 2,112.32	(3-8)
C'Town Water	\$ 1,971.06	(5-9)
P'Ville Water	\$ 1,503.21	(4-8)
	AYE 5	NO 0

Executive Session.

Mr. Monroe introduced a motion at 8:45 pm for the Board to go into executive session to discuss the employment of a particular person. Motion seconded by Mrs. Wells.

Introduced by Mrs. Wells, seconded by Mrs. DuRose, Board out of executive session at 9:29 pm. No action taken.

Motion by Mrs. DuRose, seconded by Mrs. Wells, meeting adjourned at 9:30 pm.

Respectfully submitted,

Town Clerk