

Regular meeting of the Town Board of the Town of Chester was held **March 9, 2010** at 7:30 pm in the Town of Chester Municipal Center Chestertown, NY.

Roll Call: Fred Monroe, Edna Wells, Karen DuRose and Steve Durkish. Mike Packer - absent. Mark Schachner - Attorney for Town.

RESOLUTION #22: ACCEPT MINUTES OF THE FEBRUARY MEETING.

Introduced by Mrs. DuRose, 2nd by Mrs. Wells to accept minutes of the February 9th Town Board meeting. AYE 4 NO 0

Proposals for grant writing - three proposals were received:

1. Joan Oliver Development Services, Glenmont, NY 12077
2. LA Group, Tracey Clothier, Saratoga Springs, NY 12866
3. The Chazen Companies, Glens Falls, NY 12801

Supervisor Monroe stated the notice that was put in the newspaper was inadequate. No action at this time.

Privilege of the floor:

Linda ? Commented on repairs that need to be made to the little bridge before Knapp Hill Rd. Supervisor Monroe will check on this.

Old business

Milfoil bids:

Bids were opened on March 1, 2010 at 2:00 pm. Only one bid was received out of the eight that were sent plus notice that was published in the Post Star.

Bid received from: Lycott, 600 Charlton St, Southbridge, Massachusetts 01550. Comprehensive survey \$2,000 - 2 days on and in the water, with maps and report; hand-harvest - \$1,800 per day three divers; matting \$2,300 per day four divers; and Benthic barrier (matting) materials \$19,000 per acre.

Supervisor Monroe commented that prevailing wage rate is required by state law. The prevailing rate for divers is \$60 per hour (state). Supervisor Monroe had Rob Freligh review the bid documents. This is a one year contract and starting time May or June.

RESOLUTION #23: ACCEPT BID FROM LYCOTT ENVIRONMENTAL, INC FOR EURASIAN WATER-MILFOIL CONTROL ON LOON LAKE.

Introduced by Mr. Monroe, 2nd by Mrs. Wells to accept bid from Lycott Environmental, Inc. 600 Charlton St, Southbridge, Massachusetts 01550.

Comprehensive survey \$2,000 - 2 days on and in the water, with maps and report; hand-harvest - \$1,800 per day three divers; matting \$2,300 per day four divers; and Benthic barrier (matting) materials \$19,000 per acre.

Town of Chester will monitor and work with Lycott to remain within 2010 budget. AYE 4 NO 0

New business -

Paul Little National Weather Service Cooperative Weather Observer Outstanding Service Award.

National Volunteer Week Proclamation - April 18-24 - Supervisor Monroe said he will sign the Proclamation.

Correct resolution re: bonding and to purchase loader -

RESOLUTION #24: APPROVE CORRECTIONS TO DECEMBER 15, 2009 MINUTES RESOLUTION #173.

Introduced by Mr.Monroe, 2nd by Mrs.DuRose:
Correction to December 15, 2009 Town Board minutes, Resolution 173.
Section 3 - omit word not;
Section 19. The validity of these serial bonds and bond anticipation notes may be contested only if:
(1) These obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
(2) The provisions of law which should be complied with at the date of publication of this Resolution or a summary thereof are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or
(3) Such obligations are authorized in violation of the provisions of the State Constitution.
Section 20. The question of the adoption of this Resolution was duly put to a vote on roll call which resulted as follows:

AYE 4 NO 0

Proposed floating objects zoning changes - Request was received from Loon Lake constable, Arnold Jensen to amend zoning in regards to floating objects and moorings. Mr.Schachner, Attorney for the Town, reviewed the Local Law draft.

Changes made: definition of mooring and floating objects and change limits from 50' from shoreline to 75'.

Draft can be sent to the Adirondack Park Agency for review and schedule Public Hearing.

Supervisor Monroe will send proposed draft to APA.

RESOLUTION #25: SET DATE FOR PUBLIC HEARING ON LOCAL LAW AMENDING CHESTER ZONING LAW RELATING TO MOORINGS AND SWIM FLOATS.

Introduced by Mrs.Wells, 2nd by Mrs.DuRose to set date of April 13, (Tuesday), 2010 at 7:30pm for public hearing on the following proposed amendment to the Town of Chester Zoning Local Law:
Local Law Amending Chester Zoning Law Relating to Moorings and Swim Floats.

AYE 4 NO 0

Resolution to establish a North Warren Special Events Committee - (letter dated March 5,2010). Barbara Thomas, North Warren Chamber president explained the request. Purpose of the committee would be for creating events for the area in connection with the Warren County

Bicentennial in 2013.

Chamber will submit names to town board for appointment.

RESOLUTION #26: ESTABLISH SPECIAL EVENTS COMMITTEE IN PREPARATION FOR THE WARREN COUNTY BICENTENNIAL IN 2013.

Introduced by Mr.Monroe, 2nd by Mrs.DuRose to establish a special events committee in preparation for the Warren County Bicentennial in 2013.

AYE 4 NO 0

Smart Growth Grant - Supervisor Monroe reported that the contract has been finally signed. There has been a series of meetings and the LA Group is working on making recommendations.

Community Housing Plan Committee meeting March 24, 2010 at 7:00 pm - anyone interested in serving on this committee should contact Supervisor Monroe.

Wayne LaMothe - Town of Chester was included in with a county grant. Mr.LaMothe gave to the board explanations of the funding received and amount earmarked for projects:

1. \$85,000 in matching funds - analysis of water needs in hamlet of Chestertown. Extension of water district to Peckham Industrial park (Route 9) and commercial property near Exit 25. Tentative schedule plan provided. "Chestertown water district to provide a match of \$30,000 from its capital reserve fund for components of the study that are within the District boundaries."

Discussion on Jim Hutchins being on a retainer.

Wayne would prepare RFP.

2. \$71,221 in matching funds - Chestertown Main Street Enhancement - Decorative streetlights to continue, landscaping, repair/replace side walks. Volunteer time counts towards the matching funds. Wayne will work with Mary Jane Dower.
3. \$56,567.50 in matching funds - Pottersville Main Street. Same type of activities as hamlet of Chestertown. Wayne needs someone from Pottersville to work with.

Water study to start in May.

Mr.LaMothe stated that work will be started on two planning projects. One is an update to the First Wilderness Corridor and also first steps in designating the First Wilderness Corridor as a Scenic Byway. The route has not been designated yet but Mr.LaMothe stated that it would probably start in Corinth, through Stony Creek, Warrensburg, up 9 to Chestertown and Pottersville, loop over through Minerva area and into North Creek and join up with the Central Adirondack Trail.

Mary Jane Dower - reported on the Chestertown Main Street Enhancement Committee meetings. Seven committees set up and projects are in progress. They have reviewed and updated the Saratoga Associate plan. **Committee member Arnold Jensen** inquired about deteriorating buildings in the Main St. district and what action would need to be taken to repair or inspect buildings that may be unsafe. A complaint would need

to be filed with the Town and then the Town would have the unsafe building inspector inspect, but Supervisor Monroe cautioned that you can't use the theory of unsafe buildings for unsightly buildings. Recommends that the Main Street group coordinate with Bob Walp for adding things to the Town web site.

? Kenzie - BM Planning and Design - will be willing to do survey with Town's cooperation and will volunteer to help committee with design of small scale improvements.

Next meeting of committee will be April 14th.

A clean-up day is set for May 15th.

Authorize hiring lifeguards - 6 applications have been received.

Discussion on Town paying for certification and when training is.

RESOLUTION #27: SET DATE FOR FIREWORKS.

Introduced by Mr.Monroe, 2nd by Mrs.DuRose to set date of July 10, 2010 for the annual fireworks display with North star.

AYE 4 NO 0

RESOLUTION #28: DESIGNATE POLLING PLACES IN THE TOWN OF CHESTER.

Introduced by Mrs.DuRose, 2nd 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, New York

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 #29: AUTHORIZE WATER SUPERINTENDENT AND DEPUTY TO ATTEND ANNUAL WATERWORKS CONFERENCE IN MAY.

Introduced by Mrs.DuRose 2nd by Mr.Durkish authorizing water superintendent, Jason Monroe, and Deputy Kim Frazier to attend annual Waterworks Conference at Turning Stone in May. All necessary expenses for same to be a lawful claim against the Town of Chester.

AYE 4 NO 0

Snowmaking equipment - Jason Monroe presented information on snow making equipment.

Stated that 115 -130 water pressure is needed to operate the gun. A booster pump would be needed to increase pressure for the gun.

Two quotes: Lenko Snow, 551 Queensbury Ave, #4, Queensbury, NY.

Lenko's gave a proposal for used Lenko ST 4 and a Goulds pump model

SSV Multi Stage Pump.

And the other company was based out of Michigan (do not have paper work for that).

Jason visited locations in the area that use the gun.

He also stated that he would operate and do the snow making for no extra pay.

Supervisor Monroe and Jason will prepare the needed specs for the bid.

RESOLUTION #30: ADVERTISE FOR BIDS FOR USED SNOWMAKING EQUIPMENT.

Introduced by Mrs.Wells, 2nd by Mr.Durkish to advertise for used snowmaking equipment and pump, based on specs prepared by Supervisor and Water superintendent. Equipment being similar or equal to the Lenko specifications. Bid opening April 13, 2010 at 7:40pm.

AYE 4 NO 0

RESOLUTION #31: AUTHORIZE SUPERVISOR TO CONTRACT WITH JIM'S GLASS TO FURNISH AND REPLACE WINDOWS IN TOWN HALL.

Introduced by Mrs. Wells 2nd by Mrs.DuRose authorizing Supervisor Monroe to contract with Jim's Glass to furnish and replace approximately 40 windows in the town hall. Cost \$2,041.20.

AYE 4 NO 0

Recommendations for Theriot Ave. barrier - Recommendations received from Jeff Tennyson, Deputy Superintendent, Director of Engineering, Warren County Department of Public Works, in December of 2009. Supervisor Monroe inquired if Gary Clark, Highway Superintendent, felt that request was feasible and if it could be done this spring. Gary will get price on type 3 barricades.

North Warren Emergency Squad contract payment - Supervisor Monroe stated there was a meeting on Thursday, March 4, with members of the North Warren Emergency Squad, Horicon and Chester town board. Discussion on Town of Chester contract payment, based on the request in the contract: "#4 The Emergency Squad agrees to restructure its board of directors so that it does not include any paid staff. Payment under this contract shall be conditioned upon and made after proof of the restructuring has been provided to the Town."

Discussion on bylaws and functions of board of directors given to officers. Mr.Schachner stated that in reviewing the bylaws there is three Article 3's (boards and committees; officers; and another cooperate structure). He felt that he could not "in good faith" say "we have what we need" as he said he could not understand as to what was being proposed.

Discussion on the Article 3's and the amount of time required to correct, prepare and submit a new set of bylaws. North Warren members tried to help clarify. Mr.Schachner requested a proposed set of the bylaws, without multiple of any Articles.

The new board of directors for the Emergency Squad are not paid members.

Vice-president Lisa Fish stated that the board of directors feel they

have done what was requested in not having paid members on the board and feel they are moving forward in a positive manner and "very seriously request the release of funds". Ms Fish stated that Town of Chester board could appoint a liaison, Town of Horicon has appointed Harry Balz. Supervisor Monroe did not feel that "we (Chester town board) should be trying to control" the emergency squad. He felt that "we just need to make sure the structure is right for taxpayers money." Councilperson DuRose felt that the contract funds should be released. Squad feels they have done what was asked. Councilperson Durkish and Wells did not want to release funds until attorney is satisfied with the bylaws. Mr.Schachner explained the town boards position in regards to the way the bylaws are now and how that paid members are not on the board of directors but authority is being given to individuals who are paid members, but because the bylaws aren't consistent it is hard to tell who is or isn't given authority.

RESOLUTION #32: AUTHORIZE SUPERVISOR MONROE TO RELEASE FUNDS TO NORTH WARREN EMERGENCY SQUAD AFTER BYLAWS ARE PROVIDED TO TOWN OF CHESTER ATTORNEY.

Introduced by Mr.Monroe, 2nd by Mr.Durkish authorizing Supervisor Monroe to release funds (sign check) to North Warren Emergency Squad when the attorney for the emergency squad provides to Town of Chester attorney a set of bylaws showing with respect to the Board of Directors and the authority of the officers that it compiles with New York State Not for Profit Corporation Laws.

Roll Call vote: Frederick Monroe - AYE Edna Wells - AYE
Steven Durkish - AYE Karen DuRose - NO

Request for use of Auditorium for play - request received from Gregory and Nancy Klingler, 824 West Mountain Rd, Queensbury, NY, to put on a live theater production that celebrate Christmas and America.

RESOLUTION #33: APPROVE REQUEST OF GREGORY AND NANCY KLINGLER FOR USE OF AUDITORIUM FOR A PLAY.

Introduced by Mrs.DuRose 2nd by Mrs.Wells to approve request of Gregory and Nancy Klingler, 824 West Mountain Rd, Queensbury, NY for use of auditorium in the Town of Chester Municipal Center to put on live theater productions that would celebrate Christmas and America.

AYE 4 NO 0

Mark Schachner flood program recommendations - on February 18, DEC office in Warrensbury, Supervisor Monroe and Mr.Schachner meet with FEMA and DEC in regards to flood control and regulation zones. Town of Chester had adopted a local law in 1987 regulating construction within the flood plain zone. Permits and approvals are required if one is within the zone (shown on FEMA maps). FEMA and DEC feel that the Town of Chester has not implement (in the past) the provisions of the local law.

A good faith effort to compile is being done now. Mr.Schachner suggest that if the Town does "Municipal outreach program" to inform people of the existence of the flood plain zones and what can happen if building is done (insurance etc).

Approximately 150 parcels could be in a flood zone. Mr.Schachner and Supervisor Monroe will draft correspondence to send to these parcel owners, informing them of the situation and suggest to look at maps, insurance requirements, and building of their homes if they are in the zone.

Letters will be sent from the zoning office.

DEC and FEMA are willing to accept this outreach program plan.

RESOLUTION #34: AUTHORIZE PURCHASE OF PUMP FOR WATER DISTRICT II.

Introduced by Mr.Monroe, 2nd by Mrs.DuRose authorizing purchase of pump for Pottersville Water District for soda ash. Cost \$4,000.

AYE 4 NO 0

RESOLUTION #35: AUTHORIZE PAYMENT OF ABSTRACT AND CLAIMS PAID PRIOR TO AUDIT.

Introduced by Mrs.DuRose, 2nd by Mrs.Wells authorizing payment of abstract:

General Fund	\$ 47,246.05	(58-105)
voucher #90 not to be paid	-83.83	
Highway Fund	\$ 21,161.40	(24- 45)
Chestertown water	\$ 3,622.18	(5- 10)
Pottersville Water	\$ 3,000.77	(9-12)
Library	\$ 574.69	(11-13)
Schroon Lk Pk Dist	\$ 2,035.42	(1)

AYE 4 NO 0

RESOLUTION #36: ACCEPT QUOTE FROM EASTSIDE METALS AND RECYCLING.

Introduced by Mrs.Wells, 2nd by Mr.Monroe to accept quote from Eastside Metals and Recycling, 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 \$207 per gross ton for all metals, \$15 per ton for tin cans and \$7 for car batteries.

AYE 4 NO 0

Motion by Mr.Monroe, 2nd by Mrs.DuRose the Town Board went into Executive Session at 9:35pm to discuss employment relating to the youth commission and contract proposals from Town Board for CSEA meetings. Motion by Mr.Monroe, 2nd by Mrs.DuRose Town Board resumed regular session at 10:30pm. No action taken.

RESOLUTION #37: REJECT PROPOSALS FOR GRANT WRITER AND RE-ADVERTISE.

Introduced by Mr.Monroe, 2nd by Mrs.DuRose to reject any and all proposals for grant writer and re-advertise with more details.

AYE 4 NO 0

RESOLUTION #38: ADVERTISE FOR SAND BIDS.

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

AYE 4 NO 0

Motion by Mr.Monroe meeting was adjourned at 10:35 pm.

Town Clerk

NOTICE OF PUBLIC HEARING
TOWN OF CHESTER

The Town Board of the Town of Chester, Warren County, NY will conduct a Public Hearing on Tuesday, April 13, 2010 at 7:30pm for amending Chester Zoning law relating to moorings and swim floats. All parties interested will be heard by the Town Board. A complete copy of the proposed amendment is on file with the Town Clerk.

Bernice Roberts, Town Clerk.

SAND BID

The Town Board of the Town of Chester, Warren County, will be receiving bids for bank run sand of a quality acceptable to the Town Board for highway purposes. Sand to be removed and screened on site by employees of the Town of Chester from real property of any potential bidder during 2004. The Town Board requests that all bids shall be bid by the cubic yard. Bidder must include proof of current and valid mining permit. Only bids for sites within a ten (10) mile radius of the highway garage will be considered. Bidder must submit a non-collusive bidding certification, which may be obtained from the Town Clerk. Bids will be received by the Town Clerk on or before April 13, 2010 at 7:30pm at which time they will be opened and read publicly at the Town Municipal Center. All envelopes must be marked "Sand Bid". The Town Board reserves the right to reject any or all bids.