

Regular meeting of the Town Board of the Town of Chester was held **November 10, 2009** at 7:30pm in the Town of Chester Municipal Center, Chestertown, NY.

Roll Call: Frederick H Monroe, Mike Packer, Edna Wells, Karen DuRose and Steve Durkish. Mark Schachner - attorney for town.

RESOLUTION #137: ACCEPT MINUTES OF THE OCTOBER MEETINGS.

Introduced by Mrs.wells, 2nd by Mr.Durkish to accept minutes of the October 5th and 13th Town Board meetings. AYE 5 NO 0

Privilege of the floor - NONE

Old Business:

Timber harvesting local law - Supervisor Monroe will discuss this with the APA on Thursday.

Darrowsville Church - Mary Jane Dower let Supervisor Monroe borrow the information she had collected on ownership of the church. Supervisor Monroe will make copies and return Mary Jane's to her.

Rescue Squad - no paid members on board - Town has taken the position that they will not enter into a new contract, unless the Rescue Squad changes their bylaws and elects a new board with no paid members on it.

RESOLUTION #138: TOWN OF CHESTER HAS TAKEN THE POSITION IN REGARDS TO ENTERING INTO A NEW CONTRACT WITH NORTH WARREN EMERGENCY.

Introduced by Mr.Monroe, 2nd by Mr.Packer that the Town of Chester has taken the position that they (Town of Chester) will not enter into a new contract (for 2010) with the North Warren Emergency Squad until changes have been made in their (Emergency Squad) bylaws and elects a new board with no paid members.

AYE 5 NO 0

New Business:

RESOLUTION #139: AUTHORIZE CLERK TO ADVERTISE FOR BIDS FOR #2 FUEL OIL, DIESEL FUEL AND KEROSENE FOR TOWN BUILDINGS.

Introduced by Mrs.Wells, 2nd by Mrs.DuRose authorizing clerk to advertise for the following bid:

1. #2 fuel oil, diesel fuel and kerosene and provide emergency service for all town locations, listed in ad, other than the new Town Municipal Center, and prepare a separate bid for fuel oil for the Town of Chester Municipal Center, with a minimum deliver of 5000 gallons. Bid opening to be held December 8, 2009 at 7:30pm.

AYE 5 NO 0

RESOLUTION #140: AUTHORIZE CLERK TO ADVERTISE FOR BID FOR WEEKLY SENIOR CITIZEN MINI-BUS TRANSPORTATION.

Introduced by Mr.Packer, 2nd by Mrs.Wells authorizing clerk to

advertise for the following bid:

Weekly mini-bus transportation to Glens Falls for Senior Citizens during the fiscal year 2010. 15 passenger seating. Bid openings to be held December 9th, 2008 at 7:30pm.

AYE 5 NO 0

RESOLUTION #141: AUTHORIZE SUPERVISOR TO SIGN SNOW AND ICE CONTRACT WITH THE COUNTY FOR 2010.

Introduced by Mrs.Wells, 2nd by Mrs.DuRose authorizing Supervisor to sign contract with Warren County for snow and ice removal for the fiscal year 2009. Included in contract is sweeping of roads and mowing. Total miles 32.87. Contract \$188,285.

AYE 5 NO 0

Copy of resolution to be sent to Warren Cty Attorneys office.

Public hearing - Jack Fay septic variance - Jim Hutchins explained the variances needed. Complete map is available for review. 100' separation from neighboring wells. No well is located on Fay property.

RESOLUTION #142: SET DATE FOR PUBLIC HEARING ON SEPTIC VARIANCES FOR JOHN F FAY.

Introduced by Mrs.Wells, 2nd by Mrs.DuRose to set date of December 8, 2009 at 7:35pm for public hearing on septic variance: John F Fay, tax map #86.5-1-15 105 Blythewood Island Road.

AYE 5 NO 0

Johnsburg Emergency Certificate of Need for north end of town -

Supervisor Monroe received a call from Johnsburg Emergency Squad informing him that they intended to apply to the NYS Health department for Certificate of Need to serve the north end of the Town of Chester. The health department has taken a position that they will not honor contracts/agreements as we have now between North Warren and Johnsburg squad. Respond time is a primary concern for serving the residents. Town Board will check with North Warren as to their position. **Tabled.**

Chimney work - work will be completed on Friday. Went from 28' down to 10'. Chimney is 2' above fan structure.

Historical society - application for occupancy tax funds - Historical Society presented contract and application requesting occupancy tax funds. Funding is for 4 season DVD of scenes throughout the Town of Chester. Fund request was for \$4,000. Historical Society has contracted with videographer Jeremy Little.

RESOLUTION #143: APPROVE REQUEST OF HISTORICAL SOCIETY FOR OCCUPANCY TAX FUNDS.

Introduced by Mrs.Wells, 2nd by Mr.Durkish approve request of Town of Chester Historical Society for \$4000 in occupancy tax funds for the project of creating a DVD 4 seasons of the Town of Chester.

Project will take one year.

AYE 5 NO 0

Health Insurance plan - Tabled to executive session (involves collective bargaining unit).

Approve response to NYS Retirement System - NYS Retirement system has requested that all elected and appointed officials, who are members of the system, submit time sheets, so that they will receive appropriate service credit. A standard work day has been established for all employees. Town also needs to approve what has been reported to the retirement system, if it is correct or if corrections are to be made. Supervisor Monroe has reviewed all the time records that have been submitted. A resolution is need that establishes that there are no corrections or changes. Supervisor Monroe passed folder of time sheets around for board members to review. **Tabled to end of meeting.**

Loader purchase - loader that is used by the Parks and Rec department has transmission problems. \$24,000 had been budgeted for a new skid-steer bobcat, and John asked if it would be possible to use the \$24,000 towards purchase of a new loader. Proposals were again presented - buying used or state contract price. Discussion on sharing equipment, what the loader is used for in the parks department and around town, and discussion on bonding. Money is not available to buy out right.

Highway Superintendent request a meeting with town board. **Tabled to executive session - employment of employee.**

Theriot Ave - Supervisor Monroe reminded the board that resolutions have been passed "to leave Theriot Ave" closed and to keep the barricade. On two different occasions, within the past couple of weeks the barricade has been moved. Supervisor has asked highway superintendent to work with the county engineer for a more permanent structure that can not be moved. Supervisor Monroe has also notified sheriffs department.

Councilperson Durkish feels that this is serious and someone can get hurt. Gary said he has been told that the moving of the barricade could be a felony charge, he also said that everything is legal for signage and the barricade.

RESOLUTION #144: TOWN BOARD WILL TAKE ACTION TO PROSECUTE TO FULLEST EXTENT OF THE LAW IN REGARDS TO UNLAWFUL MOVING OF BARRICADE ON THERIOT AVE.

Introduced by Mr. Durkish, 2nd by Mrs. DuRose stating that the Town Boarc will take action to prosecute to fullest extent of the law in regards to the unlawful moving of barricade on Theriot Ave. Notice to be placed in the Post Star, North Creek Enterprise, and Adirondack Journal.

AYE 5 NO 0

Continue public hearing on 2010 budget:

Adopt 2010 Budget - increase Loon Lake Park District budget.

Supervisor Monroe stated there was a balance in the park district budget and the money would be needed to pay Steve LaMere. Dawn Freligh stated that if the bid was going to be put out for milfoil removal enough money should be put in the 2010 budget. Supervisor Monroe stated that after discussion on health insurance in executive session, they may want to adopt budget then. **Tabled on passing budget to later in meeting.**

RESOLUTION #145: AMEND TENTATIVE BUDGET FOR LOON LAKE PARK DISTRICT.

Introduced by Mr.Packer, 2nd by Mrs.Wells to amend the tentative budget for Loon Lake Park District: 1001 Real Property Tax from \$40,700 to **\$69,700.** AYE 5 NO 0

Judge's pay - Benefits - Judge reported that Town of Chester court is 3rd in the county. The Judge inquired about town law and that a justice's salary cannot be decreased or benefits decreased, during term of office. What he was concerned about was that in the middle of his term, all employees were required to contribute to the cost of the health insurance premium. If this is the case the judge felt that perhaps he would not have to contribute the next four years. Mr.Schachner stated that general principle is true, but salary was not reduced nor was the health insurance benefits, but a contribution is required. Town's cost has increased. Mr.Schachner felt that the issue was whether the town had decreased the town justice's over all compensation, and that is what is prohibited. Supervisor Monroe stated that an increase in judge's salary has been provided every year. From 2006 till now an increase in net salary has been shown, even with the deduction for health insurance.

Zoning Board of Appeals - executive session (continued employment or not of ZBA members)

Complaint received about someone driving over graves in the cemetery. This has been turned over to the sheriff department.

RESOLUTION #146: AUTHORIZE PAYMENT OF ABSTRACT, APPROVE CLAIMS PAID PRIOR TO AUDIT AND AMENDMENTS TO 2009 BUDGET.

Introduced by Mrs.Wells, 2nd by Mr.Monroe authorizing payment of abstract and approve claims paid prior to audit and accept 2009 budget amendments:

General fund	\$41,030.92	(491-547)
Highway fund	\$29,032.30	(205-230)
Chtwn water	\$ 5,155.76	(70- 74)
P'ville water	\$ 5,151.55	(58- 62)
Cap Proj -bldg	\$ 8,840.00	(1- 2)

Amendments to 2009 Budget

A1220.2	Supervisor - equipment	+ 100
A1220.4	Supervisor - contra expend	+ 200

A1220.13	Supervisor - P Smith - pers srvc	<-300>
A7310.1	youth-pers srvc	+ 500
A7310.41	youth - contr expend	<-1500>
A7510.2	historian - equipment	+ 350
A8010.11	zoning-clerk/secy pers srvc	+3,000
A8010.41	zoning - legal	<-1,000>
A8010.4	zoning - contr expend	<-1,500>
A8020.4	planning- GIS assist to War Cty	+1,250
A8160.1	refuse/garbage-pers srvc	+10,000
A8160.4	refuse/garbage-contr expend	+15,000
A9060.8	employee benefits-health ins	+ 6,000
A7310.4	youth-recreation-contr expend	<-2,000>
A1420.4	legal-contr expend	<-1,000>
		<hr/>
		29,100

Amend estimated revenues
A2610 Justice court - fines +29,100

AYE 5 NO 0

RESOLUTION #147: NEW YORK STATE RETIREMENT REGULATION REPORT.

Introduced by Mr.Monroe, 2nd by Mrs.Wells:

Standard work day for purposes of calculating service earned in the New York State and Local Retirement System is as follows:

- All elected and appointed officials 6 hours (except highway superintendent which is 8 hours.)
- Bookkeeper 6 hours
- Full time, temporary, and part-time clerks 6 hours
- Full time, part-time and seasonal laborers 6 hours
- Library aides and technicians 6 hours
- Food pantry worker 6 hours

Term of office for elected officials

- Supervisor - 4 yr term - ends 12/31/2011
- Justice - 4 yr term - ends 12/31/2009 (reelected in November 2009 for another 4 yr term)
- Town Clerk - 4 yr term - ends 12/31/2011
- Highway superintendent - 4 yr term - ends 12/31/2011
- Assessor - appointed - 6 yr term - ends 09/30/2013

Elected and appointed have time sheets or logs for actual time worked and no corrections were made.

AYE 5 NO 0

Motion by Mr.Monroe, 2nd by Mrs.DuRose the Town Board went into Executive Session at 8:40pm to discuss health insurance/CSEA and propose extension to contract; Maxam litigation claim; continuing employment of members of the zoning board of appeals; and highway superintendent in respect to employment of a particular person. Motion by Mr.Monroe, 2nd by Mrs.DuRose Town Board resumed regular session at 9:25pm. No action taken.

RESOLUTION #148:RE-APPOINT MARY JANE DOWER TO FILL VACANCY ON THE ZONING BOARD OF APPEALS AND FILE OATH OF OFFICE.

Introduced by Mrs.Wells, 2nd by Mrs.DuRose to re-appoint Mary Jane Dower to Zoning board of Appeals to fill vacancy and file an Oath of Office.

Term will expire December 31, 2009.

AYE 5 NO 0

Loader purchase - Highway superintendent had requested a new grader. Options that were reviewed: delay purchase of grader and purchase a new loader, existing loader would then be transferred to the parks and recreation department; highway superintendent Clark stated that his department could pull the transmission - this would reduce part of cost for repairs to the parks dept loader; share the existing loaders; or purchase both grader and loader and bond the equipment.

Supervisor Monroe stated that whatever decision is made will have an effect on the 2010 budget (which has not been adopted yet).

Discussion on being able to share a grader with other towns. Gary will discuss this with Town of Horicon.

Town Board felt that it would be better to purchase a new loader for the highway department, instead of a grader, and pass the existing loader on to the parks department.

Councilperson Packer asked if buying a loader for highway and passing highway's existing loader to parks, if that would eliminate purchasing the bobcat for parks department. John West commented that maybe the following year budget then do the bobcat.

Following changes to the proposed 2010 budget:

remove 2665 sale of bobcat \$7,000
replace 2665 with sale of loader \$7,000
remove 7110.2 bobcat purchase \$24,000

\$10,000 was in highway expenses 5130.20 for bonding of grader, which now will be changed to **loader**.

Net reduction in budget of \$24,000. End result will be that highway will have a new **loader and not grader and parks will be given old loader and not get a new bobcat.**

Councilperson Packer stated that money needs to be set aside for an equipment fund. (Capital Reserve fund for equipment).

RESOLUTION #149: AUTHORIZE ADOPTION OF BUDGET FOR FISCAL YEAR 2010.

Introduced by Mr.Packer, 2nd by Mrs.Wells:

WHEREAS, this Board has met at the time and place specified in the notice of Public Hearing on the Preliminary Budget for 2010, and heard all persons desiring to be heard thereon,

NOW THEREFORE BE IT RESOLVED that the Preliminary Budget, as amended and revised, and as hereinafter set forth, is hereby adopted, and that the several amounts stated in the column entitled Schedule A

1, Schedule DA 1, Schedule L, Schedule SF 1, and Schedule SW 1, Schedule SP 1, CDBG, and HW (well #1 - Cap.Project) be and they hereby are appropriated for objects and purposes specified and the salaries and wages stated in Schedule 5 of such budget shall be and hereby are fixed at the amounts shown therein effective January 1, 2010.

AYE 5 NO 0

Motion by Mrs.DuRose meeting was adjourned at 9:45 pm.

Town Clerk _____

