

Regular meeting of the Town Board of the Town of Chester was held **October 12, 2010** at 7:30 pm in the Town of Chester Municipal Center Chestertown, NY.

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

RESOLUTION #111: ACCEPT MINUTES OF THE SEPTEMBER AND OCTOBER 5TH TOWN BOARD MEETINGS.

Introduced by Mrs.Wells, 2nd by Mr.Packer to accept minutes of the September and October 5th (Tentative Budget review) Town Board meetings. AYE 4 NO 0 Karen DuRose -abstain.

Privilege of the Floor:

Mary Jane Dower - Enhancement Committee - reported that a tree was cut down at one of the businesses in Chestertown hamlet, owners of the business said that their building was being shaded by the tree and they had it removed. The Committee was wondering if it was legal for the owners to remove the tree. Mr.Schachner asked if the tree was in the town/municipal right-of-way. Supervisor Monroe stated that at one time Lain Conklin had planted trees in town. The Committee will meet with the Supervisor to determine if the tree was in right-of-way and if it should be replaced.

Committee is having a meeting with "Beehan's" on the 19th of October, original time was 3:00pm but request is being made to change to 4:00pm, so that Supervisor Monroe will be able to attend. Purpose of meeting is to review projects/plans.

Hand outs were given to the Town Board as to plans for "Christmas in Chestertown" decorating.

RESOLUTION #112: APPROVE REQUEST FOR DECORATING TOWN PLANTERS AND TOWN PROPERTY.

Introduced by Mr.Monroe, 2nd by Mrs.Wells to approve request of Chestertown Enhancement Committee for decorating town planters (Grand Union parking lot location) and other town property locations.

AYE 5 NO 0

Supervisor Monroe reported on an electronic message sign. He is obtaining quotes, on different sizes and one sided or two sided.

Old Business:

Part time position of waste water engineer on an as-needed basis -

Supervisor Monroe reported again on the proposal from Al Matrose. Mr.Matrose will be hired as-needed, by the Town Board to help with advice, review plans and specifications and to help with any waste water or variance issues. Rate will be \$40 per hour.

No civil service is required because this is professional service. Mr.Matrose will be covered by town liability insurance as long as he is only advising the Town Board and not doing plans.

RESOLUTION #113: AUTHORIZE THE HIRING OF AL MATROSE, ENGINEER, ON A AS NEEDED BASIS, FOR ADVICE ON WASTE WATER AND/OR OTHER VARIANCE ISSUES.

Introduced by Mrs.Wells, 2nd Mr.Packer authorizing the hiring of Al Matrose - Engineer, Chestertown, NY, at the rate of \$40 per hour, for advice to the Town Board on waste water and/or other variance issues. Mr.Matrose will work as needed by the Board.

AYE 5 NO 0

Status of Health Center Contract - no major changes from prior contract, only wording which was in regards to "old health center". Terms remain the same.

RESOLUTION #114: APPROVE CHESTER/HORICON HEALTH CENTER OPERATION AND MAINTENANCE AGREEMENT.

Introduced by Mr.Packer, 2nd by Mrs.DuRose to approve and authorize Supervisor Monroe to sign the Chester/Horicon Health Center Operation and Maintenance Agreement.

AYE 5 NO 0

New Business:

RESOLUTION #115: SET DATE FOR PUBLIC HEARING ON 2011 BUDGET.

Introduced by Mr.Monroe, 2nd by Mrs.Wells to set date for public hearing on the 2011 budget for November 4, 2010, Thursday at 7:30pm.

AYE 5 NO 0

Ellis wastewater variance application - Jarrett Engineers, 12 East Washington Street, Glens Falls, NY acting on behalf of Harry Ellis, 156 Butterville Road, New Paltz, NY 12561. Location of property - lot 25 Chester Shores View, SBL 86.18-1-6. At this time the property is not developed.

(note: that this was not submitted to the zoning office, instead all paper work was given to Supervisor, including a check)

Request for variance is for wastewater set backs:

Required 35' from steep grade - proposed 10 feet (+/-)

Required 4' for vertical sep. absorption to bedrock - proposed 2.5 feet (+/-)

Required 200' (from lake) horizontal sep. absorption - proposed 177 feet (+/-)

They would like to keep the system shallow.

The application will be forward to Al Matrose for review.

RESOLUTION #116: SET DATE FOR PUBLIC HEARING ON VARIANCE APPLICATION FOR HARRY ELLIS.

Introduced by Mr.Monroe, 2nd by Mrs.Wells to set date for public hearing on variance application for Harry Ellis. SBL -86.18-1-6, Chester Shores View. Date of hearing November 9, 2010 at 7:30 pm.

AYE 5 NO 0

Letter received requesting a 15 mph speed limit on Carl Turner Rd. Highway Superintendent stated that in the past when speed limits have been requested to be reduced the lowest that the state will do is 30.

RESOLUTION #117: SUPERVISOR MONROE WILL REQUEST THAT SHERIFF DEPARTMENT DO MORE ENFORCEMENT ON CARL TURNER RD.

Introduced by Mr.Monroe, 2nd by Mrs.Wells authorizing Supervisor Monroe to request from the Sheriff Department more enforcement on the Carl Turner Road in Town of Chester. AYE 5 NO 0

Dog Licensing local law - Town Clerk furnished the attorney with information for the Local Law, that can be used as a draft. Was suggested to combine Town of Chester local laws for Animal Control Officer (#2 of 1995) and Control and regulate the activities of dogs and other animals (#2 of 2006) into the new local law being drafted. Discussion on:

Fees increase from \$2.50 to \$5.00 for spayed and neutered and \$10.50 to \$15.00 for unsprayed and unneutered, enumeration charge of \$5 for unlicensed dogs
Not to do senior exemption licensing
Include cats in local law (what was in 2006 local law)
Reference to Warrensburg local law and NYS licensing law changes that will go into effect January 1, 2011.

RESOLUTION #118: AUTHORIZE ATTORNEY FOR THE TOWN TO DRAFT LOCAL LAW IN REGARDS TO DOG LICENSING.

Introduced by Mrs.DuRose, 2nd by Mrs.Wells authorizing attorney for the town to draft local law modeled after Town of Warrensburg and incorporating Town of Chester's existing local laws (Animal Control Officer - #2 of 1995 and Control and Regulate the activities of dogs and other animals - #2 of 2006). AYE 5 NO 0

Mr.Deliveron and Mr.Rodgers inquired if the Town Board has taken any action, in regards to their request, on Pottersville Garage.

Mr.Deliveron stated that Mr.Peet has been removing vehicles. Supervisor Monroe did state that the Board does "want to see action taken" in cleaning up. Mr.Schachner explained the steps involved in issuing notice of violation.

1. Issue notice of violation, with a deadline date.
2. If violation is not done by deadline, zoning officer has the right to start enforcement action.
3. Enforcement action in town court.
4. If there is a determination of guilt there could be a fine or continuing fine.

Was asked what the violation is. Junk yard and many other potential violations (zoning compliance).

Councilperson DuRose inquired as to what is junk cars. Councilperson Wells felt that many of the vehicles were brought in from accidents.

Mr.Deliveron stated that Mr.Peet's "license is not for that."

Mr.Deliveron sighted state laws.

Supervisor Monroe thought there was a revision in the 2005 zoning ordinance - " after a certain period of time - if pre-existing and non-conforming a license was needed."

Mr.Schachner stated that the Town Board does not have legal authority to enforce state violations.
Mr.Rodgers said that this was a business approach to improve the image of Pottersville.
Mr.Rodgers says he speaks to Mr.Peet often.
Councilperson Wells felt that Mr.Peet works very long hours and that he is moving the vehicles.
Supervisor Monroe will talk to Mr.Peet.
Councilperson DuRose asked if a complaint had been made to zoning and signed. No signed complaint was made to zoning office at this time.

RESOLUTION #119: DIRECT ZONING ADMINISTRATOR TO CONSULT WITH ATTORNEY FOR THE TOWN AND TAKE APPROPRIATE ACTION TO RESOLVE THE VIOLATION ISSUES AT POTTERSVILLE GARAGE.

Introduced by Mr.Monroe, 2nd by Mr.Durkish direct zoning administrator to consult with attorney for the town and take appropriate action to resolve the violation issues at Pottersville Garage. Roll Call: Fred Monroe - AYE Steve Durkish - AYE Edna Wells - ABSTAIN Mike Packer - AYE Karen DuRose - NO

Arnold Jensen request a local law be made specifying speed limits, in certain areas on Loon Lake. He stated that this would then help in controlling speed and would also benefit the Sheriff Department when they are patrolling the lake.
Areas in question are Sanoma Point (?), "rock island", where the marina is and by the beach area to have a 5 mph speed limit and mark area with buoys. Supervisor Monroe will consult with Sheri Norton, Warren County - GIS, for a narrative description to be used in the local law.

RESOLUTION #120: AUTHORIZE ATTORNEY TO DRAFT LOCAL LAW FOR 5 MPH SPEED LIMIT, IN AREAS ON LOON LAKE.

Introduced by Mrs.Wells, 2nd by Mrs.DuRose authorizing attorney for the town to draft a local law for 5 mph speed limit, in areas on Loon Lake, based on the narrative description Supervisor Monroe will provide. AYE 5 NO 0

Highway Supervisor Clark asked about the removal of the wooden boat that is in the town right-away on Valley Farm Road. Supervisor Monroe will talk with zoning administrator to have a formal notification for removal sent to the owner.

RESOLUTION #121: AMEND POTTERSVILLE WATER DISTRICT WARRANT.

Introduced by Mr.Monroe, 2nd by Mr.Packer to amend the Pottersville Water District Warrant from \$26,989.77 (Aug.10, 2010 Res.#89) to \$26790.83. Difference of \$198.94, reason being that error in reading and calculation. AYE 5 NO 0

RESOLUTION #122: AUTHORIZE PAYMENT OF ABSTRACT AND CLAIMS PAID PRIOR

TO AUDIT.

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

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|--------------------|--------------|-----------|
| General Fund | \$ 42,492.82 | (433-477) |
| Highway Fund | \$ 14,339.67 | (207-228) |
| Chestertown water | \$ 190.54 | (52-55) |
| Pottersville Water | \$ 133.04 | (50-52) |
| Library | \$ 729.66 | (45-48) |

AYE 3 NO 0

Motion by Mr.Monroe, 2nd by Mr.Packer the Town Board went into Executive session at 8:50pm to discuss CSEA collective bargaining. Motion by Mrs.Wells 2nd by Mr.Packer Town Board resumed regular session at 9:30pm. No action taken.

Motion by Mr.Monroe meeting was adjourned at 9:45pm.

Town Clerk