

**Regular meeting** of the Town Board of the Town of Chester was held **October 9, 2007** at 7:30 pm in the Town of Chester Municipal Center, Chestertown, NY.

Roll Call: Frederick Monroe, Mike Packer, Frank Shaw, and Karen DuRose. Edna Wells - absent. Mark Schachner - attorney for the Town.

**RESOLUTION #122: ACCEPT MINUTES OF SEPTEMBER TOWN BOARD MEETINGS.**

Introduced by Mr. Shaw, 2<sup>nd</sup> by Mrs. DuRose to accept the minutes of the September 11 and 27 town board meetings. AYE 4 NO 0

**Privilege of the Floor:**

Concerned resident inquiring as to the progress with the removing of the junk yard on Schroon River road. Mr. Miragliotta stated that he has had his well tested and has given copies of the report to the supervisor and zoning administrator. Supervisor Monroe stated that Mr. Eastman has been cited with a violation from APA and on the town level "there was an administrative problem with the notice that went out" and the attorney is working with the town on that.

Keith Ellis presented two petitions to Supervisor Monroe:

1. To correct hazardous intersection with Blue Bay Road and Route 8&9
2. Request to pave (blacktop) Birchwood, Blue Bay and Lakeview Point roads.

Supervisor Monroe stated that there was a possibility that paving may be done this fall.

Supervisor Monroe will send letter to NYS DOT.

**RESOLUTION #123: REQUEST THAT NEW YORK STATE DEPARTMENT OF TRANSPORTATION TAKE ACTION TO ALLEVIATE THE DANGEROUS CONDITION THAT EXIST AT THE INTERSECTION OF ROUTE 8&9 AND BLUEBAY ROAD.**

Introduced by Mr. Shaw, 2<sup>nd</sup> by Mr. Packer request the New York State Department of Transportation take action to alleviate the dangerous condition that exist at the intersection on Route 8/9 and Bluebay Road, stemming from an unacceptable line of visibility for motorist trying to exit Bluebay Road on to Route 8/9.

AYE 4 NO 0

Many residents from the north end of the Town of Chester were in attendance inquiring as to a "rumor" that the ambulance service, now being provided by Johnsbury, would not be "toned" and North Warren Emergency Squad would be "toned" and covering the area. Their concerns are over the response time to an emergency, and how much longer would it take for North Warren to get to the call.

Supervisor Monroe was aware of this issue and has been in touch with Supervisor Thomas (Johnsbury). He also stated that this is not a town board issue.

He went onto say that it is his understanding that North Warren has a Certificate of Need from the State Health Department, which says that they cover the entire Town of Chester (which includes the northern

area).

Options that could be considered: contract between the 2 emergency squads and/or having both squads toned - this idea was felt to be a waste of time and money.

A meeting will be held at Tannery Pond, North Creek, on Wednesday October 17, 2007 at 6:00pm.

Comments were heard, with the main concern over response time and what is best for the people.

A petition was presented with 78 names in support of having Johnsbury ambulance cover the northern area of the Town of Chester.

**RESOLUTION #124: IN SUPPORT OF JOHNSBURG AMBULANCE SERVICE TO COVER THE AREA THAT IS DEFINED BY THE NORTH CREEK FIRE PROTECTION DISTRICT.**

Introduced by Mr. Shaw, 2<sup>nd</sup> by Mr. Packer:

In support of Johnsbury Ambulance service to cover the area that is defined by the North Creek Fire protection district, in the Town of Chester.

AYE 4 NO 0

**Old Business:**

A reminder to everyone to file STAR exemption applications. Deadline to apply for rebate is November 30, 2007.

**Restore NY Grant** - Grant has been filed.

**Removal of properties from Pottersville Water District** - as of this date no petition has been filed. After the 30 day referendum period passes, the District will be diminished. (Thirty days will be up on October 18, 2007). Mr. Schachner stated that those properties will be removed from the district, but will still need to pay the special district tax this coming year (2008). The taxable status date is March 1, 2008, after that date they will be removed from the special district and no longer pay the special district tax.

**Request for burn barrel ban** - A draft local law was reviewed.

Discussion on the draft. Corrections were made:

- 1 A. delete - **creates risks of harm from brush and forest fires and and unsafe**
- 2 Definitions - RUBBISH -delete - **paper and paper products, wood, sawdust**  
Include **Treated wood** in definitions.
- 3 A delete - **Trash burners, barrels or pits are prohibited on any lands within the Town.**  
note - the following sentence was not on the draft copies the Town Board received - **Garbage and rubbish shall be disposed of in the Town by depositing at an authorize solid waste management facility.**
- 3 C. burning permit is obtained from **New York State DEC.** The last sentence will read **Outdoor recreational fires are permitted,** the remaining part of the sentence is to be deleted.

Councilperson Shaw is very much against banning outdoor wood burning

boilers. He went on to say that there is state laws already prohibiting the burning of plastic, garbage, etc. Councilperson DuRose is also against banning burn barrels but people need to be responsible as to what they burn. Discussion on enforcement and who would be responsible, defining the definitions appropriately as to what can and cannot be burned (plastics, rubbish, rugs, diapers etc.). Motion was made by Councilperson Packer not to accept the draft local law. Supervisor Monroe suggested that the Board draft "something that is reasonable and have a public hearing".

**RESOLUTION #125: DRAFT LOCAL LAW FOR OUTDOOR BURNING AS AMENDED SET DATE FOR PUBLIC HEARING.**

Introduced by Mr. Shaw, 2<sup>nd</sup> by Mrs. DuRose to draft local law for outdoor burning as amended and to set date of November 13<sup>th</sup> at 7:30 pm for Public Hearing.

- 1 A. delete - creates risks of harm from brush and forest fires and and unsafe
- 2 Definitions - RUBBISH -delete - paper and paper products, wood, sawdust  
Include Treated wood in definitions.
- 3 A delete - Trash burners, barrels or pits are prohibited on any lands within the Town.  
note - the following sentence was not on the draft copies the Town Board received - Garbage and rubbish shall be disposed of in the Town by depositing at an authorize solid waste management facility.
- 3 C. burning permit is obtained from New York State DEC. The last sentence will read Outdoor recreational fires are permitted, the remaining part of the sentence is to be deleted.

Roll Call vote: Fred Monroe - AYE Mike Packer - NO  
Frank Shaw - AYE Karen DuRose - AYE

**New Business:**

Supervisor Monroe reported that a Women's Health Fair will be held at the Town of Chester Municipal Center on October 27.

Supervisor Monroe reported on Saturday November 3<sup>rd</sup> from 9:30am to 4:30pm, Red Cross will do a shelter training session for volunteers.

**RESOLUTION #126: ADVERTISE RED CROSS SHELTER TRAINING.**

Introduced by Mr. Shaw, 2<sup>nd</sup> by Mrs. DuRose authorize town clerk to advertise the Red Cross Shelter training for volunteers that will be done on November 3<sup>rd</sup> (Saturday) from 9:30am to 4:30 pm at the Town of Chester Municipal Center. Advertise in Post Star and Adirondack Journal and North Creek papers. AYE 4 NO 0

**RESOLUTION #127: APPOINT CAROL RAPP AS ACTING CHAIR OF BOARD OF ASSESSMENT REVIEW.**

Introduced by Mr.Shaw, 2<sup>nd</sup> by Mr.Packer to appoint Carol Rapp to act as Chairperson for Town of Chester Board of Assessment Review.

AYE 4 NO 0

**RESOLUTION #128: SET DATE FOR PUBLIC HEARING ON 2008 BUDGET.**

Introduced by Mr.Shaw, 2<sup>nd</sup> by Mrs.DuRose to set date of November 8, 2007 (Thursday) at 7:00 pm for Public Hearing on 2008 budget.

AYE 4 NO 0

**RESOLUTION #129: AUTHORIZE CONTRACT WITH ADIRONDACK ASSOCIATION OF TOWNS AND VILLAGES FOR ADIRONDACK REGIONAL ASSESSMENT PROJECT.**

Introduced by Mr.Shaw, 2<sup>nd</sup> by Mr.Packer:

WHEREAS, the AATV in partnership with the Adirondack North Country Association (ANCA) and the Towns of Arietta and Chester (the Partners) applied for a Quality Communities Grant to conduct an inventory of sewer and water infrastructure of Adirondack communities and to conduct a survey and prepare a report regarding municipal needs and land uses in Adirondack towns, villages and counties, including a study of how those uses and needs are impacted by current state land ownership; and how they would be impacted by future state land acquisitions, and

WHEREAS, The Partner's Quality Communities Grant application has been funded by the State of New York in the amount of \$92,800, and

WHEREAS, the Partners propose to conduct the sewer and water infrastructure inventory to assess the regional capacity for economic development in Adirondack Park hamlets, towns and villages and the survey assess the needs of towns and villages, and

WHEREAS, this will be the first time a regional effort has been undertaken to determine the needs of Adirondack communities, the impediments they experience in planning for their future and how the mix of public and private lands in the Adirondack region impacts infrastructure needs and projects, and

WHEREAS, the inventory and survey is expected to produce a report which documents the infrastructure of Adirondack communities, the opportunities they have to improve their communities and their infrastructure and the obstacles they face in achieving their goals for their communities.

NOW, THEREFORE, it is mutually agreed as follows:

1. The Town agrees to pay the AATV the sum of \$500 as its share of the cost of the inventory, survey and report in installments of \$250 by December 31, 2007 and \$250 by April 1, 2008 to be used to fund the inventory, survey and report.

2. The AATV agrees to undertake the inventory and survey and to prepare the report in partnership with ANCA and the Towns of Arietta and Chester.

3. This agreement shall remain in effect until it is completed.

AYE 4 NO 0

**RESOLUTION #130: NATIONAL FRIENDS OF LIBRARIES WEEK PROCLAMATION.**

Introduced by Mr. Shaw, 2<sup>nd</sup> by Mr. Monroe:

WHEREAS, Friends of the Chester Library raise money that enables our library to move from good to great - providing the resources for additional programming, much needed equipment, support for children's summer reading, and special events throughout the year;

WHEREAS, the work of the Friends highlights on an on-going basis the fact that our library is the cornerstone of the community providing opportunities for all to engage in the joy of life-long learning and connect with the thoughts and ideas of others from ages past to the present;

WHEREAS, the Friends understand the critical importance of well funded libraries and advocate to ensure that our library gets the resources it needs to provide a wide variety of services to all ages including access to print and electronic materials, along with expert assistance in research, readers' advisory, and children's services;

WHEREAS, the Friends' gift of their time and commitment to the library sets and example for all in how volunterrism leads to positive civic engagement and the betterment of our community;

NOW, THEREFORE, BE IT RESOLVED THAT Fred Monroe, Town Supervisor, proclaims October 21<sup>st</sup> -27<sup>th</sup> 2007 as Friends of the Library week in the Town of Chester and urges everyone to join the Friends of the Library and thank them for all they do to make our library and community so much better.

AYE 4 NO 0

**RESOLUTION #131: AUTHORIZING AGREEMENT BETWEEN TOWN OF CHESTER AND COUNTY OF WARREN FOR TOURISM PROMOTION AND TOURIST AND CONVENTION DEVELOPMENT FUNDS.**

Introduced by Mr. Shaw, 2<sup>nd</sup> Mrs. DuRose:

WHEREAS, the County derives revenues from the Occupancy Tax authorized by act of the New York State Legislature (Chapter 422 of the Laws of 2003) and, after deducting the amount provided for administering such Tax, is to allocate the funds to enhance the general economy of the County of Warren and its Cities, Towns and Villages through the promotion of tourist activities, conventions, trade shows, special events and other directly related and supported activities, and

WHEREAS, an Agreement between the County of Warren and the Town of Chester is presented at this meeting, which Agreement proposes to provide funds to the Municipality for Tourism promotion and tourist and convention development (hereinafter "Agreement") from Occupancy Tax Revenues and which Agreement:

1. Provides that the County shall pay and disburse to the Municipality from Occupancy tax revenues received for 2007 a) the sum of Thirty Thousand Dollars (\$30,000.00), on or about October 15, 2007 and b) and additional sum to be calculated pursuant to a municipal sharing formula approved by the Board of Supervisors, in its sole discretion, on or about June 1, 2008 with these payments to be contingent on the availability of sufficient Occupancy Tax revenues;

2. Provides that the two payments previously described will continue, respectively, in subsequent years with regard to occupancy tax revenues received in years subsequent to 2007 unless this agreement is terminated on thirty (30) days written notice as provided in Part III, paragraph 6 hereof; and

3. Contains provisions concerning allowable fund expenditures, accounting, record keeping and under certain circumstances, refunds of Occupancy Tax funds being paid to the Municipality and

WHEREAS, the Municipality is ready, willing and able to provide for promotion of tourist activities, conventions, trade shows, special events and other directly related and supported activities, and possesses or can make available all necessary qualified personnel, licenses, facilities and expertise to carry out the terms of the Agreement and now, therefore, be it

RESOLVED, that the Town of Chester hereby enter into the Agreement with the County of Warren and Supervisor be and hereby is authorized and directed to execute the Agreement on behalf of the Town of Chester with the County of Warren for the purposes of providing funds to the Municipality for Tourism promotion and tourist and convention development (hereinafter "Agreement") from Occupancy Tax Revenues with the understanding that the Agreement authorized by this resolution will continue indefinitely for payments and use of said funds in subsequent years unless terminated in a manner provided for under the agreement without the need to approve and sign additional agreements or adopt additional resolutions; and

RESOLVED, that specific expenditure of the funds provided under the Agreement shall be subject to further approving resolution of the Town of Chester Board.

AYE 4 NO 0

**Creative Stage Lighting request for two street lights** - Creative Stage Lighting sent in papers showing where they would like to have streetlights placed on Route 28N. Councilperson Packer would prefer that 2 streetlights be removed (from somewhere in the Town of Chester) so that these 2 lights could be added.

**RESOLUTION #132: APPROVE REQUEST FOR STREETLIGHTS ON 28N IN THE TOWN OF CHESTER.**

Introduced by Mr.Packer, 2<sup>nd</sup> by Mr.Shaw to approve request from Creative Stage Lighting for 2 streetlights to be added on 28N on the existing National Grid poles.

AYE 4 NO 0

**Discuss tentative budget** - executive session on assessor's increase and Town Board will not take action on transfer station workers until Councilperson Wells can be present.  
Increase in General Fund Revenues Per-Capita Aid **A3001 - \$18674.**  
Discussion on Chamber of Commerce budget. Greg Beckler and Bernie Hill were in attendance. Proposed budget for Town of Chester's portion was increased to \$18,000. Discussion on the increase. Town Board agreed to an increase of **\$14,000.** Town of Horicon's portion of the Chamber

budget will be \$6,000. Total North Warren Chamber budget would be \$20,000.

Councilperson DuRose had a question on youth program budget in regards to the increase of \$1000 on director's salary A7310.12. Supervisor Monroe will **remove the increase of \$1000** and then have further discussion at the public hearing.

**Request to leave 10% of sales tax with Warren County** - Town Board determined to deny request of the County in leaving 10% of sales tax money with the County.

**Request for use of auditorium for music lessons** - Town Clerk stated that arrangements have been made to use Dynamite Hill (different days). Town Board needs to set up a fee for use of space when dynamite Hill or the Auditorium is used by individuals for profit.

**Marv Cole plaque** - suggested text for plaque was submitted. Supervisor Monroe will check on the cost.

**Darrowsville Church** - Town Historian received a call from Paula Dennis in regards to the Darrowsville Church. Ms.Dennis has visited the site and feels that the tower can be saved and that the dangerous sections can be removed. It has been rumored that the fire company was going to burn the church. The Town Board has not passed any resolution requesting such. Discussion on who owns the church, what is needed to save the building and who would commit to the duty. Concerns over the safety of the building. Supervisor Monroe will call Ms.Dennis. John West stated that the cemetery is visited and used. Councilperson Packer asked where the bell is. The Town is storing the bell. Discussion on having the attorney for the Town reviewing files on the church.

**Bradway car crushing agreement** - David and John Bradway were in attendance. At the last meeting the Town Board was considering to construct the pad and would request a percentage of the money received from the disposal of the junk cars. Supervisor Monroe has contacted DEC in regards to what requirements have to be met for the dismantling of vehicles (zoning administrator has the requirements and will make copies for the Town Board). Discussion on what size for the concrete pad (6"deep 20x20 or 20x25). Bradway's will pay the Town 5% for the last crush that was done. Who ever uses the pad is responsible for any spills, clean-up, etc. and contract would also be needed should others request use of the pad.

**RESOLUTION #133: AUTHORIZE ATTORNEY TO DRAFT CONTRACT WITH MR.BRADWAY FOR THE CRUSHING OF VEHICLES.**

Introduced by Mr.Packer, 2<sup>nd</sup> by Mr.Shaw authorizing attorney for the Town of Chester to draft a contract with Mr.Bradway and son for

the crushing of vehicles at a location on Landfill Road for a period of three years.

Roll Call: Fred Monroe - AYE Mike Packer - AYE  
Frank Shaw - AYE Karen DuRose -ABSTAIN

**RESOLUTION #134: RATIFY WATER SERVICE FOR BRIAN BUMP.**

Introduced by Mr.Packer, 2<sup>nd</sup> by Mr.Shaw approve the request for water service and hook-up in the Pottersville Water District. Location 35.4-2-5. Payment has been received. AYE 4 NO 0

**Radar speed sign** - Supervisor Monroe will order sign and it will be solar.

**Word of Life assessment litigation settlement - Executive session**

**Transfer station staffing** - Mabel Remington is retiring. Nancy Clark and Tom Wolf were at the meeting. Both are interested in the position. **Invite them to attend Executive session.**

**Zoning amendments and subdivision** - request from Zoning office to amend Section 4.03 B (page 21) in regards to road grades. They were in touch with Brian Grisi of the Park Agency, and he sent a clarification on the section.

**Road grades shall conform in general to the terrain. Road standard should be 12% average grade, with no section exceeding 15% over and 150 foot section, and in no case shall exceed more than 3% within 50 feet of any intersection.**

**RESOLUTION #135: AMEND SECTION 4.03B OF THE TOWN OF CHESTER SUBDIVISION REGULATIONS.**

Introduced by Mr.Shaw, 2<sup>nd</sup> by Mr.Monroe to amend section 4.03B of the Town of Chester Subdivision Regulations to read as follows:

**Road grades shall conform in general to the terrain. Road standard should be 12% average grade, with no section exceeding 15% over and 150 foot section, and in no case shall exceed more than 3% within 50 feet of any intersection.**

Request for amended section will need to be sent to APA.

AYE 4 NO 0

**RESOLUTION #136: AUTHORIZE PAYMENT OF ABSTRACT.**

Introduced by Mrs.DuRose, 2<sup>nd</sup> by Mr.Shaw authorizing payment of abstract.

General Fund	\$ 44,976.90	( 451-500)
Highway fund	\$ 53,659.68	( 167-187)
Chtwn Water	\$ 1,510.66	( 56 - 62)
P'ville Water	\$ 1,850.25	( 62 - 71)
Library	\$ 962.12	( 42 )
Loon lk Pk dis	323.00	( 5 )
Schroon Lk Pk	400.00	( 5 )

AYE 4 NO 0

**Timber Lodge Estates - Road Improvement** - Councilperson Shaw stated that at the prior meeting in September, Mr.Schachner was authorize to send a letter to Mr.Considine in regards to road improvements that were required in the original subdivision. Mr.Warner and Mr.Considine were both at the meeting. Letter was received from Mr.Considine's lawyer requesting an extension until November. Mr.Warner requested a copy of the letter that was sent requesting the extension. Town Board agreed that Mr.Warner can have a copy. Mr.Schachner will not be able to attend the regular November meeting. Councilperson Shaw suggested that if Mr.Considine's lawyer provided their position in writing within a couple of weeks, would Mr.Schachner have enough time to review and make recommendations to the Town Board, prior to the November meeting. He stated he would. Mr.Schachner will write to Mr.Considine's lawyer requesting that they respond with their written position by October 22. He will then have time to review and make recommendations. This will be an agenda item for the regular November meeting.

Motion by Mr.Shaw, 2<sup>nd</sup> by Mrs.DuRose Town Board went into Executive Session at 10:15pm to discuss transfer station position, assessor salary, and Word of Life litigation settlement.

Motion by Mr.Shaw, 2<sup>nd</sup> by Mrs.DuRose Town Board resumed regular session at 10:45 pm. No action taken.

Motion by Mr.Packer meeting was adjourned at 10:45pm.

Town Clerk \_\_\_\_\_



