

**Regular meeting** of the Town Board of the Town of Chester was held **September 11, 2007** at 7:00 pm in the Town of Chester Municipal Center, Chestertown, NY.

Roll Call: Frederick Monroe, Frank Shaw (arrived at 7:30pm), Edna Wells and Karen DuRose. Mike Packer - absent. Mark Schachner - attorney for the Town.

**RESOLUTION #101: ACCEPT MINUTES OF AUGUST TOWN BOARD MEETING.**

Introduced by Mrs. DuRose, 2<sup>nd</sup> by Mrs. Wells to accept the minutes of the August 14, 2007 town board meeting. AYE 3 NO 0

**Public hearings:**

**Removal of properties from Pottersville Water District.** Clerk read notice of Public Hearing. Supervisor Monroe opened the public hearing at 7:15 pm. No comments were received from the floor. Public hearing remained open until arrival of attorney for the Town. Public hearing was then closed at 8:05pm.

**RESOLUTION #102: ORDER APPROVING DIMINISHMENT OF POTTERSVILLE WATER DISTRICT.**

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

WHEREAS, the Pottersville Water District currently includes certain properties which are not served by Town Water, and

WHEREAS, the owners of these properties have requested that these properties be removed from the Pottersville Water District, and

WHEREAS, removal of properties and diminishment of the Water District required special Legislation from the State, and

WHEREAS, such Legislation was adopted by the Legislature and signed into law by the Governor, and

WHEREAS, a Public Hearing was held on September 11, 2007, and anyone who wished had the opportunity to be heard, and

WHEREAS, there were no objections from the public to diminishment of the Water District as proposed;

NOW, THEREFORE, BE IT

ORDERED, that the Town Board of the Town of Chester hereby approves diminishment of the Pottersville Water District to remove the properties in question as recently authorized by the newly adopted State Legislation.

AYE 4 NO 0

**Continuation of public hearing on Berneal Sweet Wastewater variance application.** Supervisor Monroe reopened the public hearing on Sweet wastewater variance application. Mr. Hutchins had revisited the site and did not find any "good site". Supervisor Monroe had been in touch with the Health Department (Mike Shaw) and also APA. Health department does not claim jurisdiction over replacement systems and the proposed plans were reviewed and accepted by the health department and Shaun LaLonde, APA engineer, also recommended approval of the proposed system.

Alternate system was discuss, but Mr. Hutchins stated that this other

system (mechanical treatment plant) works most efficiently when used on a regular bases, in Mr.Sweet's case system would only be used on weekends.

After review of project public hearing was closed at 7:18pm.

**RESOLUTION #103: ACCEPT PROPOSED WASTEWATER SYSTEM AND GRANT VARIANCE TO BERNEAL SWEET.**

Introduced by Mrs.DuRose, 2<sup>nd</sup> by Mrs.Wells to accept the proposed waster water system and grant variance to Berneal Sweet. Tax map number 120.7-1-9. AYE 3 NO 0

**Privilege of the floor:**

**Deb Zack, Trustee of Town of Chester Library,** informed the Town Board that an endowment fund has been established for the future of the library.

**Barb Repp** inquired as to the Glendale property in Pottersville. Supervisor Monroe stated that people from the Restore New York Grant program will be visiting the site tomorrow.

**Town Clerk** informed the Town Board and those in attendance that her black top hat with numerous pins had been taken from her office.

**Old Business:**

**Dr.Delman- request for burn barrel ban** - Dr.Delman addressed the Town Board in regards to burning barrels and how the smoke/smells effect his place of business.

Councilperson Shaw stated that he understood the issue but has concerns over where banning would stop (fireplaces, wood stoves, out door boilers, etc). He also felt that people should only be burning what is safe and legal to burn (not harmful or polluting material - garbage, plastics etc.) in burning barrels, out door boilers, wood stoves, etc.

Mr.Schachner (attorney for the Town) stated that enforcement would need to be done by the Department of Environmental Conservation (DEC) and that enforcement has been done in Region 5.

Town Board will check in other municipalities on how enforcement is done and also pursue the enforcement issue with DEC.

**RESOLUTION #104: AUTHORIZE ATTORNEY FOR THE TOWN TO DO RESEARCH IN REGARDS TO ILLEGAL BURNING IN BURNING BARRELS.**

Introduced by Mr.Shaw, 2<sup>nd</sup> by Mrs.Wells authorizing attorney to research what is considered illegal burning (garbage, etc.) under any laws and regulations (state and DEC). AYE 4 NO 0

**RESOLUTION #105: REQUEST ENFORCEMENT FROM DEC IN REGARDS TO THE BURNING OF ITEMS OTHER THAN PAPER AND WOOD.**

Introduced by Mr.Shaw, 2<sup>nd</sup> by Mrs.DuRose request support of DEC enforcement of burning of garbage, plastics and other materials in burning barrels, when they have received a complaint from the public. Not to include the burning of paper and wood. AYE 4 NO 0

**RESOLUTION #106: AUTHORIZE ATTORNEY FOR THE TOWN TO DRAFT LOCAL LAW IN REGARDS TO WHAT IS PROHIBITED TO BE BURNED IN BURN BARRELS IN THE TOWN OF CHESTER.**

Introduced by Mr. Shaw, 2<sup>nd</sup> Mrs. Wells authorize attorney to draft a local law prohibiting the burning of garbage and other toxic materials, if after his research, he finds no governing law or regulation prohibiting the burning of garbage and other toxic materials. AYE 4 NO 0

**Loon Lake septic improvement program status** - Program is successful and many have applied for the septic pump out.

**Alder Brook Road bridge** - Highway Superintendent Clark will meet with Bill Lamy, DPW, in regards to the weight limit on the county bridge over Trout Brook. Mr. Clark stated that the work permit is good until the 15<sup>th</sup> of October. At this time the project has been put on hold.

**Loon Lake Beach restrooms** - Jason Monroe received a quote from Curtis Lumber for materials in constructing a 12x20 handicap accessible restroom/building. Quote was for materials. Approximate cost of materials \$9500. Building would be on concrete pad (concrete not included in price). Space was included for a small storage area. Discussion on building including a changing room. This would involve additional cost. Specs will be done. Jim Hutchins is working on design for septic system.

**Loon Lake boat launch dock** - approved at prior meeting. Dock is in and Jason will move it for winter storage. A concrete pad will need to be built.

**RESOLUTION #107: ACCEPT PROPOSAL FROM C.T.MALE ASSOCIATES.**

Introduced by Mr. Shaw, 2<sup>nd</sup> by Mrs. Wells to accept proposal from C. T. Male Associates, P.C., 50 Century Hill Drive, P.O.Box 727, Latham, NY 12110 (518-786-7400) for engineering services for the Loon Lake dam. Bid \$22,100. AYE 4 NO 0

**New Business:**

**Larry Warner re: Evergreen Lane in Timber Lodge Estates** - Mr. Warner request enforcement of state and local laws in regard to the original 1980 sub- division plan that was submitted to the Town of Chester planning board for Timber Lodge Estates. Mr. Warner gave history on the sub-division project, Timber Lodge Estates and Evergreen Lane. A road was to be built, to town specs, and then be dedicated to the town. At this time no road has been constructed for Evergreen Lane. Mr. Warner has purchased property and built a home off from Evergreen Lane. Mr. Warner stated various issues in regards to his home owners insurance, the ability for fire equipment to reach his residence, and the volunteer work that he has done on creating a "road" into his property. **Tabled to Executive Session.**

Tabled until Executive Session. Note that Supervisor Monroe will recuse himself from discussion.

**Request to pave Birchwood Road and to trim brush at intersection of Blue Bay and Route 8** - Supervisor Monroe has spoke to highway department in regards trimming of the brush, town may not be legally able to do that. Resident of Blue Bay also asked about cutting bank back. This is a state highway. Recommends that a petition be presented requesting the bank be cut or straightening the Route 8 in that section.

Supervisor Monroe will also write a letter to DOT.

**Authorize aerial photos with 1 foot resolution - estimated cost is ½ of \$7,625 or \$3,818** - discussion on the cost and what benefits would be received. Zoning office was not interested and assessor's office felt that the upgraded "tiles" would be helpful.

**RESOLUTION #108: TOWN OF CHESTER DECLINES WARREN COUNTY'S OFFER TO UPGRADE AERIAL PHOTOS.**

Introduced by Mr. Shaw, 2<sup>nd</sup> by Mrs. DuRose **declining** Warren County's offer to upgrade aerial photos tiles at a cost to the town of \$3,813.

AYE 4 NO 0

**RESOLUTION #109: RATIFY AUTHORIZATION FOR PAT SMITH TO ATTEND GIS TRAINING.**

Introduced by Mr. Shaw, 2<sup>nd</sup> by Mrs. DuRose approving Zoning clerk, Pat Smith's attendance at Warren County Municipal Center for GIS training, Monday, September 10.

AYE 4 NO 0

**STAR exemption applications** - State has sent out applications for Middle Class STAR Rebates. Taxpayers will need to fill out and return before November 30.

**RESOLUTION #110: APPLY FOR LARAC GRANT.**

Introduced by Mr. Shaw, 2<sup>nd</sup> by Mrs. Wells authorizing the Town of Chester Youth Commission to submit application for a grant through LARAC. Grant would enable Youth Commission to provide funding for Hansel & Gretel children's program for 2008.

AYE 4 NO 0

**Auditorium overhead lights - materials \$1,490** - Supervisor Monroe stated that replacement bulbs are not available, do to the age of the fixtures.

**RESOLUTION #111: AUTHORIZE PURCHASE OF AUDITORIUM OVERHEAD LIGHTS.**

Introduced by Mrs. Wells, 2<sup>nd</sup> by Mrs. DuRose authorizing the purchase of overhead light fixtures in the auditorium. Cost \$1,490.

AYE 4 NO 0

**Request for no-parking zone across from Black Bear (Pottersville) -**  
Discussion on where no-parking should be, as there is already limited parking in the hamlet. It was felt that business owners would be affected by no-parking zones.

A local law would need to be done for a no-parking zone.  
Sheriff's department needs to enforce the no parking on sidewalks.

**Authorize clerk to advertise for Bti bids -** contract was for 3 years, with the final year ending in 2008. Do not need to advertise until next year.

**RESOLUTION #112: SET DATE FOR TENTATIVE BUDGET MEETING.**

Introduced by Mr.Shaw, 2<sup>nd</sup> by Mrs.DuRose to set date of October 3, 2007 (Wednesday) at 7:00 pm for the tentative budget meeting.

AYE 4 NO 0

**Request to partially fund preparation of History of Loon Lake by Roy Layton.** Loon Lake Association has done much of the funding for this project.

**RESOLUTION #113: AUTHORIZE EXPENDITURE OF \$750 TO ROY LAYTON IN SUPPORT OF THE PREPARATION OF THE HISTORY OF LOON LAKE.**

Introduced by Mr.Shaw, 2<sup>nd</sup> by Mrs.Wells authorizing expenditure of \$750 to Roy Layton in support of the preparation of the History of Loon Lake.

AYE 4 NO 0

**RESOLUTION #114: RE-APPOINT CAROL RAPP TO BOARD OF ASSESSMENT REVIEW.**

Introduced by Mrs.Wells, 2<sup>nd</sup> by Mr.Shaw to re-appoint Carol Rapp to Board of Assessment Review. Term expires 9/30/2012.

AYE 4 NO 0

**Municipal Center chimney repair -** Discussion on repairs being done this fall. Equipment will need to be rented to do work.

**Milfoil program -** Rob Freligh will have facts and figures for the next program. Harvesting is still being done. Mr.Freligh and Supervisor Monroe will meet to review the present contract.

**RESOLUTION #115: AUTHORIZE BEREAVEMENT TIME-OFF FOR PEGGY ANDREWS.**

Introduced by Mr.Shaw, 2<sup>nd</sup> by Mrs.Wells authorizing bereavement time-off for Peggy Andrews (part time meal site worker).

AYE 4 NO 0

**RESOLUTION #116: AUTHORIZE PAYMENT OF ABSTRACT.**

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

General Fund \$ 22,874.19 ( 407-450)  
Highway fund \$ 15,569.87 ( 153-166)  
Chtwn Water \$ 1,974.57 ( 49 - 55)  
P'ville Water \$ 1,390.44 ( 57 - 61)

Library	\$	1,004.61	( 38 - 41)	
Loon lk Pk dis		53.83	( 4 )	
		AYE 4		NO 0

Motion by Mr.Shaw, 2<sup>nd</sup> by Mrs.Wells Town Board went into Executive Session at 11:35pm to review Pat Remington employment, Eastman junkyard, and Timber Lodge Estates sub division application. Motion by Mr.Shaw, 2<sup>nd</sup> by Mrs.DuRose Town Board resumed regular session at 12:15 am. No action taken.

**RESOLUTION #117: AUTHORIZE PURSUIT OF LEGAL ACTION AGAINST MR.RICHARD CONSIDINE SEEKING COMPLETION OF TIMBER LODGE ESTATES SUB DIVISION ROADS IN ACCORDANCE WITH TOWN OF CHESTER PLANNING BOARD APPROVAL.**

Introduced by Mr.Shaw, 2<sup>nd</sup> by Mrs.Wells authorizing pursuit of legal action against Mr. Richard Considine seeking completion of Timber Lodge Estates sub div roads in accordance with Town of Chester Planning Board approval. November 1980 was date of sub division approval.

Roll Call vote: Frederick Monroe - abstain Frank Shaw - AYE  
Edna Wells - AYE Karen DuRose - AYE

Motion by Mr.Monroe meeting was adjourned at 12:15 am.

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Town Clerk

