

Regular meeting of the Town of Chester Town Board was held at the Town Hall, 6307 State Route 9, Chestertown, NY, on September 9, 2014 at 7:00 pm.

**Roll Call:** Edna Wells, Mike Packer, Karen DuRose, Frederick H. Monroe. Attorney for the Town, Mark Schachner. Absent was Steve Durkish.

**RESOLUTION #104: ACCEPT MINUTES OF AUGUST 12<sup>TH</sup>, AS PRESENTED.**

Introduced by Mrs. DuRose, seconded by Mrs. Wells, accept Minutes of August 12<sup>th</sup> meeting, as presented.

AYE 4 NO 0

**Ed Bartholomew ~ Warren County Economic Development.**

Mr. Bartholomew, representing the Warren County Economic Development, and also the Adirondack Gateway Council, which is a coalition of municipalities in Warren, Washington and Saratoga Counties, introduced by Mr. Monroe.

Mr. Bartholomew explained that the City of Glens Falls, on behalf of the Towns of Corinth, Chester, Hadley, Moreau, and the Village and City of Glens Falls, had applied for and was awarded, a \$600,000 Risk Assessment Grant last year. This Grant will enable these communities to do a Risk Assessment on certain properties within their municipality, with no cost to the town's themselves. It could involve a parcel owned by a private individual who would have to authorize the project being done. Following this permission, a history of the property would be conducted to determine what may have been used or stored on it, including DEC or EPA records. Engineers may also have to come in and take soil samples to determine the conditions of the property. This is an opportunity for economic development within a community on a parcel that may not be saleable until such clearance is determined. Low levels of various pollutants are not required to be reported by the town. Something significant, however, would need to be brought to light, obviously, for the health of the entire community. Further discussion ensued, and it was determined that there would be a coalition meeting, and some bylaws would be established.

**RESOLUTION # 105: APPROVAL AND AUTHORIZATION TO ENTER INTO \$600,000 REGIONAL ENVIRONMENTAL ASSESSMENT GRANT COALITION AGREEMENT.**

Introduced by Mr. Packer, seconded by Mrs. DuRose:

**WHEREAS** in 2013, US EPA awarded a \$600,000 Regional Environmental Risk Assessment Grant (with no local share required) to the City of Glens Falls on behalf of several area municipalities including the Towns of Corinth, Chester, Hadley, Moreau; Village of South Glens Falls and City of Glens Falls and others; and

**WHEREAS** this regional risk assessment grant provides for assessment/investigation of real properties potentially affected by Petroleum contamination and or Hazardous substances for Phase I: site inventory, site visits, research, data base searches; Phase II shall include site specific field sampling collected and analyzed as appropriate – soil, subsurface soil, surface water, ground water, subsurface vapors and or building component samples (lead based paint, asbestos, mold, PCB's); Phase III: full site/remedial investigation and selection/recommendation of an appropriate/feasible re-use remedy for contamination found in the first two phases; and

**WHEREAS** the grant period operates through September 30, 2016, EPA has designated the City of Glens Falls as the lead coalition member who is responsible to EPA for management of this cooperative agreement and compliance with the statutes, regulations, and terms and conditions of the award, and ensuring that all members of the coalition are in compliance with the terms and conditions; and

**WHEREAS** it is the responsibility of the City to provide timely information to the other Coalition Partners regarding the management of the cooperative agreement and any changes that may be made to the cooperative agreement over the period of performance; and

**WHEREAS**, as of this date; the Coalition Partners include: Towns of Corinth, Chester, Hadley, Moreau; Village of South Glens Falls and City as lead coalition member; and

**WHEREAS** activities funded through this cooperative agreement may include inventory preparation, site selection criteria development, assessments, planning (including cleanup planning) relating to Brownfield sites, and outreach materials and implementation, and other eligible activities; and

**WHEREAS** the City has retained consultant(s) (Avalon Associates-Programmatic Consultant and Barton Loguidice-Environmental Consultant) under 40 CFR 30.36 to undertake various activities funded through the cooperative agreement and may award sub grants to other coalition members under 40 CFR 31.37 for assessment projects in their geographic areas. Sub grantees are accountable to City and Contractors for proper expenditure of funds; and

**WHEREAS** the City, in consultation with the Coalition Partners, will work to develop a site selection process based on agreed upon factors and will ensure that a minimum of five sites are assessed over the life of the cooperative agreement. Selected sites will be submitted to EPA for prior approval to ensure eligibility; and

**WHEREAS** upon designation of the specific sites, it will be the responsibility of City to work with the coalition member in whose geographic area the site is located to finalize the scope of work for the consultant. It will be the responsibility of the coalition member to obtain all required permits, easements, and/or access agreements as may be necessary to undertake assessments at the selected site or if the coalition member does not have the capacity to perform these activities, the City/consultants may assist in securing necessary site access agreements and permits; and

**WHEREAS** the City as Lead Coalition Member is responsible for ensuring that other activities as outlined in the EPA work plan, such as community outreach and involvement, are implemented in accordance with a schedule agreed upon by City and the coalition member in whose geographic area the site to be assessed is located;

**NOW THEREFORE BE IT RESOLVED** that the Town of Chester (Warren County) hereby approve this EPA Regional Risk Assessment Coalition Grant (at no cost to coalition members) and authorize Town Supervisor Fred Monroe to enter into an EPA Brownfields Assessment Coalition memorandum of agreement with the City of Glens Falls and other coalition members.

AYE 4 NO 0

Mr. Bartholomew then mentioned that HUD representatives will be having a series of different meetings with the Adirondack Gateway Council in different areas, focusing on affordable housing, transportation, cell and broadband communication, etc. A meeting will be held at the Town Hall on Monday, September 15<sup>th</sup> at 7:00 pm.

**Privilege of the Floor.**

Linda Muench, representing the Tri-Lakes Business Alliance, requested the following items be budgeted for 2015:

St. Patrick's Day Parade ~ \$2,500

Music on Main Street Concerts ~ \$3,200

Woofstock ~ \$5,000

Rum Runner's Weekend ~ \$3,000

Total request is for \$13,700.

Don Butler, owner of the Panther Mtn. Inn, expounded on the plans for the Rum Runners Weekend.

Cindy Mead explained the proposal for a new program called "Woofstock," which is a weekend of Peace, Paws and Music. It involves everything canine, with entertainment, contests, a consumer showcase, and vendors offering the latest canine fashions, furnishings, products and food with contests being held for all breeds and pedigrees. This program is held throughout the continental United States and in Canada, but there are none in the Northeast. A tentative agenda was provided,

showing entertainment by Dock Dogs, Lure Coursing, (where you can enter your dog to chase a 'rabbit' around the circle), continuous music, police canine demonstrations, dog talent show, Frisbee contest, blessing of the animals, and a "Woofstock" Live performance at the Carol Theatre with music going back to 1969, such as Joan Baez, Arlo Guthrie, Janice Joplin, and Credence Clearwater Revival. Additionally, SPCA and other shelters will be bringing their dogs that are up for adoption, there will be food, tie-dyed items for dogs and their people, dog groomers, nail clippers, and Veterinary clinics; local dog training establishments, and a local sewage company to donate "poop bags" to be put around the field.

Cindy also asked the Board if they would consider paying for the music for the Farmer's Market. They pay each performer \$100, and it would be for 15 weeks, totaling \$1,500.

Craig Legget spoke about the concern over signs being placed all around town that were not local businesses, and whether they would have to pay a fee to advertise in our town. Discussion, also, about erecting directional signs at the Northway ramps to direct people to services in Town.

Rick Bump spoke about concerns over traffic in Pottersville, and was requesting some kind of caution light by the Black Bear. He thought a stop sign on Valley Farm Road, and a caution light coming down Route 9 would be helpful, along with stop bars on the P&O Road, as near miss accidents and speed have been a problem in these areas. Additionally, he asked if some of the equipment in the Pottersville playground could be upgraded.

**RESOLUTION #106: APPROVE REQUEST FOR TRAFFIC SIGNS FROM DOT.**

Introduced by Mrs. Wells, seconded by Mrs. DuRose, request from NYS DOT, a Stop sign or light on Valley Farm Road, a caution on Route 9, and stop bar on the P & O Road.

AYE 4 NO 0

Kathy Varney, in association with Glens Falls Hospital, working on creating Healthy Places to Live, Work & Play, presented the Healthy Community Mapping Project that had been funded by the NYS Dept. of Health. She reviewed the mapping which showed access to healthy food, complete street amenities, and free recreational opportunities within the town. (Interestingly enough, we were the only town without a fast food establishment in it!) Overlays indicated the areas mostly populated, and ratings were given. One of the poorest ratings was given to the trail head at the Caroline Fish Nature Trail. The best area was at the school fields. Aerials were done of our current sidewalks, crosswalks, and some public destinations, which were done to indicate areas where people could walk, and whether additional sidewalks or crosswalks would be needed. The object of all of this is to keep the residents healthy, while giving visitors the benefit of easy access, destinations and connectivity. Our overall score was 60%. Where we did best was in uses and activities, and scoring the lowest was linkage and information. Automobile speed, noise of the Jake brakes, lack of directional signage, and transportation, which the North Country does not really have the privilege of. A report was included with the maps, including results of personal interviews given throughout the town. At the end of the report, the physical activity resource assessment (PARA) score was 32. Additionally, interviews overall showing which streets were unsafe to walk, etc. and people were asked what kind of improvements they would like to see to make it easier to walk and bike in the Hamlet. Some of the suggestions were removal of trees, extended sidewalks, promotion of trails, bike lanes, wider shoulders, etc. This helps the town with better decision making in choices of

where to make for improvements. This information will also be shared with the NW Board of Education, as there is grant money in the amount of \$25,000 for both of us to share. It has to be used for recreation, such as trailheads, places to park, water access, garbage cans, etc. Hopefully both entities can work together and find a plan that works for both the town and the school. Kathy is hoping that some kind of plan can be put together by November, going to the Board of Health in December for approval, and in January they will start ordering signage, benches, etc.

Barbara Thomas asked about creating more bike trails. Mr. Monroe stated that he had spoken with Wayne LaMothe, Warren County Planning, to see where we stand with funding. Mr. Monroe received a breakdown, and there appears to be about \$75,000 left for trail work, so they will be meeting with Mr. LaMothe regarding that.

### **Old Business.**

**Japanese Knotweed.** The Town Board had received a letter from Jan McCann from the Regional Inlet Invasive Plant Program (RIIPP), and she pointed out that our applicator for this area, Kathy Vanselow, had spent 15 hours last year, and 23 ½ hours in 2014 treating Town property at the Landfill and the Recreation park in Pottersville. They have also done 50 hours of treatment on private properties around town, still having a long way to go to control this pest, noting that it is especially important to address sites on or near our bodies of water. Although they are a volunteer organization, they rely solely on donations to pay their applicators and to cover the cost of chemicals and equipment. They have requested the town make a donation. Mr. Monroe spoke with her and told her that the Constitution does not allow us to make donations, (noting that we cannot just give away taxpayer monies), but she could make a proposal for a contract for services, after which Mr. Monroe would then make a recommendation to the Town Board, as it is a very willful plant, growing through basements and even blacktop, and something has to be done to control it. Ms. McCann suggested we deal directly with Ms. Vanselow, but a contract can only cover town property, and not private. (For more information about RIIPP, please visit their website at “[noknotweed.org](http://noknotweed.org).”)

**Pellet boiler bids.** The single bid that we received by sealed bid did not contain adequate information on the controls. The bid received by email was determined by Attorney Schachner to be an illegal bid, so it was not considered in the process, because one of the conditions for bidding was to submit a sealed bid. We need the biomass boiler to work in tandem with the oil boiler now in service. The governor’s Office now wants to send someone up, because their program, Renewable Heat New York, requires thermal storage, and we have a steam system. You can’t store steam. Two engineers and a program specialist from the New York State Energy Research Development Authority (NYSERDA) came up and spent an entire day here. They don’t have much knowledge of the steam system, so they are going to propose it as a demonstration project, and they would pay for everything that they would want to do to make it a demonstration project. Mr. Monroe still has not heard from them, and therefore requested a resolution to reject all bids for the pellet boiler.

### **RESOLUTION #107: REJECT ALL PELLETT BOILER BIDS.**

Introduced by Mr. Packer, seconded by Mrs. Wells, reject all bids received for the pellet boiler and opened on August 12<sup>th</sup>.

AYE 4 NO 0

**Sand Pit purchase.** Supervisor Monroe reported that the Town has closed on the Sand Pit, and the DEC Mining Permit has been transferred to the Town. John West asked whether we had a gate down there, and Mr. Monroe was not sure, but would check with Jason. The Town Highway crew has now been trained by MSHA, and all are certified.

**Pickle Ball Court.** Mr. Monroe reported that the Pickle Ball Court is now in use, and has been getting quite a bit of activity. Linda Muench suggested new netting and another bench be added to the court.

**Specifications for painting of Chestertown water tank.** Jason was not in attendance, tabled for further discussion.

Mr. Monroe mentioned that the specs for the proposed playground on Dynamite Hill had not come in yet. Wayne LaMothe was working with the company doing the proposal, but the specs were not completed yet.

**New Business:**

**Committee reports:**

Mr. Packer had met with Finch Timber Foresters, and they had offered a proposal to do a timber cruise on our 45 acres behind the Town Hall on the other side of Chester Creek, and some portions of Dynamite Hill. Their proposal is for \$1,400.

**RESOLUTION #108: AUTHORIZE FINCH FOREST MANAGEMENT PERFORM THE TIMBER CRUISE ON DYNAMITE AND BEHIND THE TOWN HALL.**

Introduced by Mr. Packer, seconded by Mrs. Wells, authorize Finch Foresters perform the timber cruise behind the Town Hall and on Dynamite Hill, as proposed. Mr. Monroe to sign acceptance of the proposal and return it to them.

Roll Call Vote:

Mrs. Wells     AYE

Mr. Packer     AYE

Mr. Monroe    AYE

Mrs. DuRose   ABSTAIN

Mrs. Wells reported that Mindy has raised the issue of a new movie screen. Friends of the Library have offered to pay \$1,000 toward a new screen.

**Set date for tentative budget meeting.**

Mr. Monroe stated that the Chamber has requested an increase in their budget from \$14,000 to \$18,000. North Warren Emergency Squad member Ben Bahr spoke to the Board, requesting an increase from \$60,000 to \$75,000. Mr. Bahr explained that the cost of medical equipment and supplies continues to rise at a rate much faster than inflation. The EMS building, 10+ year old ambulances and equipment need maintenance. EMT training required by NY State is becoming more burdensome both in time and expense, making it harder to find volunteers with ALS certification. Fewer people are able to commit six to twelve hours per week to an EMS duty schedule. Additionally, the squad is required to maintain a 24/7 daily schedule of at least 2 people, one of which is a trained medical provider. When volunteers are not available, staff must be hired in order to keep the community from being without emergency medical care. Mr. Monroe requested a copy of their proposed budget before our tentative budget meeting.

**RESOLUTION #109: SET DATE FOR TENTATIVE BUDGET MEETING.**

Introduced by Mr. Monroe, seconded by Mr. Packer, set date for tentative budget meeting for Wednesday, October 1<sup>st</sup> at 7:00 pm.

AYE 4 NO 0

**Bus for Association of Towns.**

Mr. Monroe stated that he had received a call from Schuyler Falls regarding using the bus again this year to New York for the NYS Association of Towns Conference. Mr. Monroe will check with Donna Combs in Warrensburg to see if they are going to have a bus going.

**Veteran's Memorial Plants.**

Mr. Monroe stated that Harry Brundage had called the Home Depot Foundation and had been informed that the replacement plants would be coming soon. The plants will only be placed around the back of the Memorial, leaving the street side open.

**Reappoint member of Board of Assessment Review.**

**RESOLUTION #110: REAPPOINT PAT SMITH TO THE BOARD OF ASSESSMENT REVIEW.**

Introduced by Mrs. Wells, seconded by Mr. Monroe, reappoint Pat Smith to the Board of Assessment Review .

AYE 4 NO 0

**Standard Work Day and Reporting Resolution for Elected and Appointed Officials.**

Bookkeeper had stated that he had to report the Standard workday for the Town Justice, Court Clerk, and Deputy Clerk with regards to the NYS and Local Retirement System.

**RESOLUTION #111: APPROVE STANDARD WORK DAY AND REPORTING FOR ELECTED AND APPOINTED OFFICIALS TO NYS AND LOCAL RETIREMENT SYSTEM.**

Introduced by Mr. Packer, seconded by Mrs. Wells, BE IT RESOLVED, that the Town of Chester/30213 hereby established the following standard work days for these titles and will report the officials to the New York State and Local Retirement System based on time keeping system records of their record of activities:

Elected: Town Justice, James McDermott ~ 6 hours.

Appointed: Court Clerk, Karen Griffen ~ 6 hours.

Appointed: Deputy Town Clerk ~ Tanya May ~ 6 hours.

Appointed: Planning Board ~ Harold Ellsworth ~ 6 hours.

Appointed: Planning Board ~ George Hilton ~ 6 hours.

Assessor is not on our payroll. He is employed by Town of Warrensburg and works 5 days per week. The part worked for us is reimbursed by us to Town of Warrensburg per flat sum agreement.

Michael Peet is a working foreman, (timekeeping) ~ 40 hours per week. Same duties as Motor Equipment Operator. We do not have a Deputy Highway Superintendent.

AYE 4 NO 0

Supervisor Monroe mentioned that the Adirondack Association of Towns was looking to reserve the meeting room for the afternoon of September 30<sup>th</sup>. Clerk will check calendar to see if it is available, with the exception of probation which can be moved to another room.

**HHHN Sidewalks.**

We had received quotes for repairs to the sidewalks at the Health Center, and the prices were extremely high. Supervisor Monroe will check with Jason to see if the Highway guys could do the job.

**Budget transfers.**

The following amendments to the 2014 budget:

Amend Appropriations:

1355.4 Assessor-contractual expenditures	+30,000
1355.1 Assessor-personal services	(-30,000)
A1670.1 central printing and postage	+2,000
A1910.4 unallocated insurance	( -2,000)
A4560.4 Health Center-contractual expenditures	+3,000



A8160.4 Transfer station-contractual expenditures	( -4,000)
A5010.4 Street administration-contractual services	+1,000
A7110.45 Waterfront Revitalization-LA Group	+30,000
Total	\$30,000

Increase estimated revenues:

A3989.1 Waterfront Revitalization	\$30,000
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Highway Fund:

Increase appropriation DA5110.2 General Repairs-Capital Outlay-Gravel Pit +255,000

Increase estimated revenues-DA5720-Proceeds from Statutory Installment Bond +255,000

**RESOLUTION #112: AUTHORIZE AMENDMENTS TO 2014 BUDGET.**

Introduced by Mrs. Wells, seconded by Mr. Packer, authorize amendments to 2014 budget, as proposed.

AYE 4 NO 0

**RESOLUTION #113: AUTHORIZE PAYMENT OF ABSTRACTS AND CLAIMS PAID PRIOR TO AUDIT.**

Introduced by Mr. Packer, seconded by Mrs. Wells, authorize payment of abstracts and claims paid prior to audit:

General Fund	\$58,379.32	(393-443)
Highway Fund	\$30,625.01	(219-242)
Chestertown Water	\$ 3,766.44	( 35-39 )
Pottersville Water	\$ 1,102.47	( 40-48 )
Library	\$ 909.04	( 33-35 )
Loon Lake Park District	\$ 719.63	( 23-29 )

AYE 4 NO 0

**Overriding the Tax Cap.**

Supervisor Monroe does not see how we can stay within, or reduce our budget by 1%. We already have contracts for the dam, which we had not anticipated, just for the engineers, for \$60,000. The engineers will recommend what we have to do, and DEC will mandate that it be done. Mr. Monroe

therefore, spoke with Attorney Schachner regarding what steps we have to take to override the Tax Cap. We were advised that it will take a Local Law which Attorney Schachner had drafted. Mr. Monroe said that we will at least take the steps, and by some miracle we may stay within the Tax Cap, but if not, we will be prepared to exceed it.

**RESOLUTION # 114: ADVERTISE FOR PUBLIC HEARING FOR LOCAL LAW TO OVERRIDE TAX LEVY LIMIT.**

Introduced by Mr. Monroe, seconded by Mr. Packer, authorize Clerk to advertise for Public Hearing for October 14<sup>th</sup> meeting for proposed Local Law to override the Tax levy limit established in General Municipal Law S3-C for fiscal year 2015.

AYE 4 NO 0

**Faxon's Pond.**

Mrs. DuRose questioned whether some help could be given to clean up Faxon's Pond. Mr. Monroe stated that he had been approached by several people regarding this issue, and thought that it could be treated with copper sulfate to kill the weeds, but stated that it needs to be looked into, and he will check with DEC and APA before any action is taken.

On a motion by Mrs. Wells, seconded by Mr. Packer, Board went into executive session at 9:25 pm to discuss Collective Bargaining Unit negotiations regarding 2015 Health Insurance.

On a motion by Mrs. Wells, seconded by Mr. Monroe, Board came out of executive session at 9:40 pm. No action taken.

On a motion by Mr. Packer, seconded by Mrs. Wells, meeting adjourned at 9:40 pm.

Respectfully submitted,

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Town Clerk