

Regular meeting of the Town of Chester Town Board was held on **August 11, 2015** at the Town Municipal Center, 6307 State Route 9, Chestertown, NY, 12817.

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

RESOLUTION #103: ACCEPT MINUTES OF THE JULY 14, 2015 MEETING.

On a motion by Mrs. Wells, seconded by Mr. Packer, accept Minutes of the July 14, 2015 meeting, as presented.

AYE 5 NO 0

Public Hearings:

Supervisor Monroe opened the public hearings at 6:30 pm, with the Town Board acting as the Local Board of Health in the matter of:

Roger Bolles, 33 East Hudson River Road, is requesting two variances for replacement of a failed septic system. Applicant parcel identified as Tax map #102.6-1-13. Applicant was represented by Bret Winchip of Winchip Engineering. Project proposal is for a shallow absorption bed septic system with a 250 sf tile field. Proposed system cannot meet the 100' separation setback from the well and applicant seeks relief for a 25.7' variance, leaving a 74.3' separation from his own well. The system will meet the required setback to any neighboring wells. Additionally, the system will not meet the 100' separation from the mean high water mark of the Hudson River, and applicant proposes a setback of 94.3' for a requested variance of 5.7'. An alternative location is either closer to the river, closer to the well, or would exist on a steep slope. The proposed system would consist of a new tank and pump chamber which will be used to pump effluence up the hill to a raised field.

1. In review, the Board has determined that there exist special circumstances, in that to relocate the system in another direction would either bring it closer to the well or to the river, and it would be upslope.
2. They do not find the project materially detrimental to the purposes and objectives of this Ordinance, but find the system to be an improvement over the existing situation.

3. The granting of the variance is necessary for the reasonable use of the land and is the minimum variance which would alleviate the specific unnecessary hardship to affect the applicant.

4. No additional conditions are prescribed other than to build the system according to the plans set forth by Bret Winchip Engineering.

RESOLUTION #104: APPROVE SEPTIC VARIANCE FOR ROGER BOLLES.

Introduced by Mr. Packer, seconded by Mr. Durkish, approve Septic Variance for Roger Bolles, as proposed.

AYE 5 NO 0

Supervisor Monroe then recused himself and left the room, and Deputy Supervisor Packer assumed the Chair. The public hearing on the Septic Variance for Frederick and Carol Monroe was then opened and applicant was represented by Mark Suozzo of Cedarwood Engineering. Project parcel is located at 117 Blythwood Island Road, identified by tax parcel #86.5-1-20.

There is an existing septic tank with a seepage pit, and the seepage pit is proposed to be upsized according to new treatment standards. By increasing the pit size, the system will be a slight bit closer to the property well and the neighbors well by about 2'. One of the requested variances is from the seepage pit to the well, where a 150' separation is required. The existing system is located at 77', and the proposed system will be at 75'. The second variance is from the seepage pit to the lake, where 100' is required. The current system is located at 89', and the proposed system will be at 87'. Due to the small size of the site, and shallow depth to bedrock, a typical trench absorption system is not feasible. Therefore the relief requested is for the use of a seepage pit, while keeping the existing tank, and having the seepage pit located less than 150' from the well. Additional steps are being taken to improve the system by installing an effluent filter on the septic tank, which will result in less material being carried over to the seepage pit. This should help to reduce the amount of biological material that the seepage pit has to handle. Access risers will be installed so that it will be easier to clean, and an alarm will be installed on the septic tank itself for long term maintenance.

In reviewing the criteria, the Board finds:

1. There are special circumstances due to the size of the parcel and shallow depth to bedrock.
2. The project will not be materially detrimental to the objectives of the Ordinance, or to adjoining properties.
3. The variances are necessary for the applicant to achieve reasonable use of the land and would alleviate any hardship to the applicant.
4. No conditions would apply, other than complying with the plans as set forth by the Engineer, and the Engineer inspecting the construction.

RESOLUTION #105: APPROVE VARIANCE FOR MONROE SEPTIC IMPROVEMENT AND ENLARGEMENT.

Introduced by Mrs. Wells, seconded by Mr. Durkish, approve the Variances for the Monroe Septic improvement and enlargement as proposed.

AYE 4 NO 0

Supervisor Monroe returned to Chair the remainder of the meeting.

Privilege of the Floor.

No comments.

Proposals for Mealsite.

Two quotes were received from a request sent out by Cedarwood Engineering regarding the issue at the Mealsite with the toilet being hooked to the roof drain. The County did the initial installation.

The first was received from Jack Hall Plumbing & Heating in the amount of \$14,888.00. The second was from Jim Jones Excavating in the amount of \$7,100.00.

RESOLUTION #106: ACCEPT QUOTE FROM JIM JONES EXCAVATING AND REQUEST COUNTY PAY HALF THE COST OF REPAIR TO MEALSITE.

Introduced by Mrs. Wells, seconded by Mr. Durkish, accept quote from Jim Jones Excavating in the amount of \$7,100.00 for repair to the septic and vent at the Mealsite, and request County pay half the cost.

AYE 5 NO 0

Old business:

"Chester Challenge" Landowner agreements status.

Kathy Varney from Glens Falls Hospital was in attendance, and she was responsible for getting us the Grant money to do this project. The brochures are not printed yet, but it is available on our Town Website, and also on The Chamber of Commerce Facebook page. Included in the brochure was Palmer Pond, (a State owned property), instead of Panther Mountain. We had requested whether the State would let us put up trail markers for the Chester Challenge, in addition to the State trail markers, but DEC said "no". The Kiosk was supposed to have been built 3 weeks ago, but has not been done yet by the DPW. Kathy Varney explained that they have already paid for that, so it needs to be done.

Schroon Lake Boat Wash Station Status.

Supervisor Monroe explained that there is certain safety equipment that is needed, plus some spare parts. The grant that we had received from the Schroon Lake Watershed will pay the cost of those spare parts and equipment. Now we must find a minority owned business to supply it. Jane Smith (East Shore Schroon Lake Association) has found a woman owned business for the maintenance equipment, and the spare parts have been ordered from the Landa Pressure Washers, where we had obtained the boat wash stations. Mr. Monroe ordered the same supplies for both Schroon Lake and Loon Lake.

Biomass Project.

We have two grants, one from the USDA, and the other from the New York State Energy Research Development Authority. We have bid out the boiler, it has been ordered and should be delivered next month. We still need approval from the USDA in order to bid out the installation. We also need to contract with NYSERDA for the demonstration project. Our consultant Rick Handley is working on both of these contracts.

Amendment of commercial use parking requirements of the zoning ordinance, and Planning board request for County Planning Dept. referral exemption agreement.

Supervisor Monroe had attended the last Planning Board meeting, and he stated that there are some changes they would like to have made in the current Zoning Local Law, as well as changes suggested by the Zoning Board of Appeals. The ZBA and Planning Board have both had discussions with the Attorney for the Town,

and he suggested a meeting with both Boards sometime in September to discuss these various issues. Requests will then be presented to the Town Board for amendments to the current Zoning Local Law. Al Muench explained that certain projects for the Planning Board need to be referred to the County for review, and an answer can take up to 32 days. Certain projects do not need review, and he would like those projects exempted from being sent for County review. Mr. Muench gave some examples and suggested that anything else that the County does not need to review can be added to the list. Mr. Monroe will get a list from Wayne LaMothe at Warren County Planning, of those items exempted from other towns, and we will use that as a starting point for us.

Public Hearing on Theriot Avenue access.

The Public hearing was opened at 7:00 pm by Supervisor Monroe, after which the Town Clerk read the published Notice of Public Hearing.

The first to speak was Mr. Robert Flachbarth, reading a letter that he had sent to the Board. His points were that taxpayers of the Town are paying for a road that they are not allowed to use, the barrier is not recognized as an obstacle on GPS, (causing emergency vehicles a setback if they are not aware it is there), and to remember that a small community needs to be welcoming our visitors and not blocking off entrances to the town, in effect, sending the wrong message. He suggested that if the Town Board didn't feel that they could make a decision on their own, they could bring the issue to the voters for a town wide referendum. Supervisor Monroe, and Attorney Schachner both stated that many things in town government can be put to a referendum, but this issue was not one of them.

Al Muench stated that Google maps actually shows Theriot Avenue as being unimpeded.

Bruce Robbins spoke next, and stated that he had been an advocate back in 1999-2000 when the closure had been decided on. The goal was to create a safe passageway for pedestrian traffic, i.e. the many students using it as a travel route to and from school. In the efforts of the Town promoting a recreation plan for a healthy community, it affords an ideal location for walkers, joggers, bikers, strollers, etc. EMS issues had been looked at, as well as the Fire District, and thought it had been very well thought out. He continued that it had become a very well used traffic shortcut, many vehicles traveling at 65 mph, and 18 wheelers frequenting the same street, supposedly using it

as a shortcut to the Northway, and to avoid a very busy intersection. Mr. Robbins does not feel that it has had any adverse effect on the local businesses in town. In the spring and fall, there can be as many as 50 kids using this street to attend sporting events in town, as well.

Bernie McCann, interim School Superintendent for North Warren, stated that the decision made in 1999-2000 had been based on safety. He stated that in order to change that, you would need to have a change of circumstances, and there are none, from 15 years ago to now. He feels that adding a greater influx of traffic to the intersection, which site lines are already a problem, would present a huge disservice to the community. After school activities, the soccer and cross country teams use it to run on from October through November. Supervisor Monroe stated that they had studied the possibility of constructing sidewalks, but based on the topography and steep slopes, it was apparent that they would have to get a great many easements, taking away a lot of resident's front lawn, and they would just be too costly to build.

Susan Bedell, speaking for her mother who lives on Pine Street, thought that when Theriot was barricaded, they had anticipated a racetrack on Pine Street, but traffic has actually diminished.

Marty Cooper, a small businessman, stated that opening Theriot would make less inconvenience for him, and knows that other roads in town experience the same situation that closed the road in the first place, though maybe not on the same scale as Theriot. He added that one of his trucks inadvertently got stuck at the barricade, when his GPS did not indicate an obstruction.

John Maday lives on Vetter Avenue, and thinks that from a safety standpoint, the road should remain barricaded.

Al Tolomeo, a 10 year resident of the Town, feels that more of a police presence in the town, with tickets being written, and traffic cams erected as a deterrent would be a suggested alternative to the barricade. He thought the speed limit could be reduced to 20 mph. However, Mr. Monroe stated that having dealt with DOT many times in the past, he doubted that they would allow any change to the speed limit.

Hap Reed offered that it is a matter of "inconvenience" vs. "safety", and thinks things should be left, as is.

Supervisor Monroe closed the public hearing at 7:30 pm.

Karen DuRose asked Jason what he felt, or if he had issues with regard to plowing, or paving to bring it up to specifications should the road be re-opened. Jason said he has heard pros and cons, all valid, and he has no problem plowing it, as is, or having it opened to through traffic again. He stated that the planters had been put in because he was tired of looking at the piles of dirt at the end of the road. Mrs. DuRose asked for time to digest what she had heard before making a decision on this case.

No motions made, leave project as is. Mrs. DuRose asked Lauren Pereau to reconsider letting the Town use his property to access Panther Mtn. Mr. Pereau stated that he remembers when the corner was a corner to Riparius, Schroon Lake, and into town. He said the school is away from town, Stewart's is on Route 8, there's a camp store on Rte. 8 across from the beach, and continued that we made it just a little bit harder for people to come into town, by closing a road, (which was basically a short cut for people to avoid the intersection in the town center). He questioned "safety", and asked what we were going to do about the kids who now walk to Stewart's or will cross the highway to go to the new Dollar Store that is being proposed.

Loon Lake Beach traffic.

Due to the Town's concern over increased traffic in the summer time due to the beach on Route 8, and crossing of the road from the Kingsley Trailer Court to the beach and back, we had implored State DOT to make some safety changes in that area.

Dot has done a study and has agreed to arrange to have pedestrian warning signs installed for traffic in each direction of travel on Rte. 8&9, and extend the 45 mph speed limit from eastward near the beach. We had also requested overhead banners warning of increased pedestrian traffic, and DOT stated that this request will have to go through Dept. of Highways Work Permit process, and will need to be submitted to their Warren County Residency in Warrensburg. For that permit, we must provide the proposed location, size and text to be placed on the overhead banner.

New business:

Committee reports.

Mrs. DuRose stated that she and Mr. Packer are on the committee for Highway and Parks & Rec. She had spoken with Jason, and said that the paving of Butternut Flats and the culvert replacement are still on his schedule, and he is waiting to hear from

Peckham's when they will be in the area, so we will not have to pay additional charges to get them here. Pottersville sidewalks on the north end will be finished, as he has stone to finish the wall and the sidewalk in front of Weidman's. The Playground in Pottersville is also being worked on by Parks & Rec, and the landscaping is being done there. Jason is also working on a rehire, as Dennis Holland is planning to retire. Eddie Wallace had spoken about another problem with the loader, and had to have Crane Mtn. look at it. He will get back to Supervisor Monroe on this issue.

Mr. Packer said that he will be checking on the status of the logging. Due to the fact that the boiler will be coming, and we had committed some money from the logging be used toward that project, we would be happy to have that underway.

Approve Water Rents.

Water rents this year were increased by 5%. Chestertown district is at \$50,939.15, and Pottersville district at \$25,533.50, for a total Warrant of \$76,472.65.

RESOLUTION #107: APPROVE 2015 WATER RENTS.

Introduced by Mr. Packer, seconded by Mrs. DuRose, approve 2015 water rents in the amount of \$76,472.65.

AYE 5 NO 0

Ski Tow.

We have about \$16,000 from a Grant that the County is administering, and it will cost about that amount for a used ski tow, or a new one for \$32,000. The County will bid the ski tow for us, and we just need to authorize the County to do the bid for us. Cedarwood Engineering has done a topographic survey of where the line would run up the hill, because this particular tow does not have any towers. There are a few areas that will need a little bit of fill.

RESOLUTION #108: AUTHORIZE COUNTY ADVERTISE FOR BID FOR NEW SKI TOW.

Introduced by Mrs. Wells, seconded by Mr. Durkish, authorize Warren County advertise for bid for new Ski Tow for Dynamite Hill.

AYE 5 NO 4

Authorize Sportsmen Weekend.

Fred Holman explained to the Board that a Sportsmen's weekend was being planned by the Chamber of Commerce, to be held the weekend of September 11-13th. This event is replacing the Pug Parade and a request was made to transfer the funds that were allocated for the Pug Parade to the Chamber for this new event.

RESOLUTION #109: AUTHORIZE ALLOCATION OF \$2,500 TO CHAMBER FOR SPORTSMEN'S WEEKEND.

Introduced by Mrs. Wells, seconded by Mrs. DuRose, authorize allocation of \$2,500 to the Chamber of Commerce for the proposed Sportsmen's weekend.

AYE 5 NO 0

RESOLUTION #110: APPOINT THOMAS THORSON AS ALTERNATE TO ZBA.

Introduced by Mrs. Wells, seconded by Mrs. Durkish, appoint Tom Thorsen as an alternate member to the Zoning Board of Appeals.

AYE 5 NO 0

Gem Boy Production.

Gem Boy Production from Indian Lake had sent a letter requesting use of the Town Auditorium on December 15th to bring a Production of "It's a Wonderful Life." The show is staged as a live radio broadcast of the traditional tale as originally written in the 1940's. The Board agrees it would be okay.

American Legion.

The American Legion has requested use of the Auditorium for a Mock USO Show and Chinese Auction on 9/19/2015. Linda Muench was upset because this was the weekend for the TLBA Rum Runner's program, and no one had contacted them to schedule it. It is not affiliated with the TLBA, and TLBA has nothing going on in the Town Hall on that date.

RESOLUTION #111: AUTHORIZE SUPERVISOR CONTACT JOANN ELLSWORTH AND EXPLAIN CONFLICT WITH TLBA.

Introduced by Mrs. Wells, seconded by Mrs. DuRose, authorize Supervisor Monroe call Mrs. Ellsworth and explain conflict with TLBA.

AYE 5 NO 0

Becky Hoag claim for electric.

Mrs. DuRose had figured out the extra usage for Mrs. Hoag's electric bill during the winter when her water had frozen, and we were unable to find the freeze up. She agreed to have a heat tape installed on her water line until spring, and Jason Monroe explained all of the steps he had taken to locate the freeze up and thaw the lines, and how much it had cost the town. It was agreed that Mrs. Hoag had \$280.60 due her.

RESOLUTION #112: AUTHORIZE PAYMENT TO REBECCA HOAG IN THE AMOUNT OF \$280.60.

Introduced by Mr. Monroe, seconded by Mrs. DuRose, authorize payment to Rebecca Hoag in the amount of \$280.60 for additional charges on her electric bill due to heat tape.

AYE 5 NO 0

Authorize Jason attend class on September 30th in Lake George.

RESOLUTION #113: AUTHORIZE JASON ATTEND WATER CHEMISTRY LABORATORY COURSE ON SEPTEMBER 30TH IN LAKE GEORGE.

Introduced by Mrs. Wells, seconded by Mr. Durkish, authorize Jason Monroe attend water chemistry laboratory course on September 30th at Lake George, course cost of \$100. All necessary expenses for same to be a lawful claim against the Town of Chester.

AYE 5 NO 0

Appoint Dave Cavanagh constable.

RESOLUTION #114: APPOINT DAVE CAVANAGH AS CONSTABLE FOR TOWN OF CHESTER.

Introduced by Mr. Durkish, seconded by Mr. Packer, appoint Dave Cavanagh as Constable for the Town of Chester @ \$15.91/hr. He will be here on Wednesday's to monitor parking during the Farmer's Market, and parking on busy weekends near the Restaurants.

AYE 5 NO 0

RESOLUTION #115: AUTHORIZE CLERK ADVERTISE FOR ADDITIONAL ALTERNATE TO ZBA AND ALTERNATE TO PLANNING BOARD.

Introduced by Mrs. DuRose, seconded by Mrs. Wells, authorize Clerk advertise for additional alternate to the ZBA and an alternate to the Planning Board.

AYE 5 NO 0

RESOLUTION #116: AUTHORIZE PAYMENT OF ABSTRACTS AND CLAIMS PAID PRIOR TO AUDIT.

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

General Fund	\$42,285.05	(316-367)
Highway Fund	\$50,203.59	(183-205)
C'Town Water	\$ 458.50	(42-44)
P'Ville Water	\$ 442.33	(44-46)
Library	\$ 2,916.93	(58-64)
Loon Lk. Park Dist.	\$ 189.83	(13-14)
Schroon Lk. Park Dist.	\$ 9,595.57	(14-15)

AYE 5 NO 0

On a motion by Mrs. Wells, seconded by Mr. Packer, Board went into Executive Session at 8:45 pm to discuss CSEA negotiations, and a Human Rights complaint.

On a motion by Mr. Monroe, seconded by Mrs. Wells, Board out of Executive Session at 9:10 pm. No action taken.

On a motion by Mr. Packer, seconded by Mr. Monroe, meeting adjourned at 9:15 pm.

Respectfully submitted,

Town Clerk

