

**Regular meeting** of the Town of Chester Town Board was held on **October 13, 2015** at the Town Hall, 6307 State Route 9, Chestertown, NY.

**Roll Call:**

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

**RESOLUTION #135: ACCEPT MINUTES OF THE SEPTEMBER 8<sup>TH</sup> AND OCTOBER 5<sup>TH</sup> MEETINGS.**

Introduced by Mr. Packer, seconded by Mrs. DuRose, accept the Minutes of the September 8<sup>th</sup> and October 5<sup>th</sup> Minutes, as presented.

AYE 5 NO 0

**Yates septic system/well separation distance variance.**

Due to having been involved in the legal aspects of the original subdivision of the Blythwood Island parcels, as well as being a property owner on the island, and a member of the Association, Mr. Monroe recused himself from the Board and left the room, and Deputy Supervisor Mike Packer heard the petition.

**RESOLUTION #136: OPEN PUBLIC HEARING ON YATES SEPTIC SYTEM/WELL SEPARATION DISTANCE VARIANCE.**

Introduced by Mrs. DuRose, seconded by Mrs. Wells, open the public hearing for the Yates Septic System/Well separation distance variance.

AYE 4 NO 0

The public hearing opened at 7:07 pm, with contractor John MacMillen in attendance representing the applicants, Colleen and Timothy Yates. The Clerk read the published notice.

Mr. MacMillen explained that the applicant had previously applied for a variance to construct a new dwelling on their property, located at 93 Blythwood Island Road, identified by tax parcel #86.5-1-11.5. The variance was granted, but the applicant decided instead to update and refurbish the existing camp on the property. There is an existing septic system, but no water to the camp, and they want to drill a well. The problem is that there is only a 75' separation from the proposed well site to the existing leach field, whereas 100' is required. Mrs. DuRose and Mr. Packer had looked at the property and had noted an area across the road where other property owners had

placed their wells. Mr. MacMillen stated that yes, that was a possibility, but would require digging a 4' trench over a newly paved road in order to run lines from the well to the dwelling. It also would require a greater expense, having to repair and repave the road at completion of the job. There is also an easement for a septic system that would have to be cut out in order to do this. Mrs. DuRose asked how equipment could be brought to the property. Mr. MacMillen explained that there is a leach field for Mrs. Haberstock on an 18' x 45' right of way, and Mr. Gill should be able to bring his drilling rig through there to access the Yates property. The Board had received two letters in opposition to the project, which the Clerk read. One was from Mr. & Mrs. Billy Gilleland, and the other from Alexandra and Peter Koppen. Mr. MacMillen explained that there would be no damage to the lake, as they have to build a silt fence and also build a retainage pond, which is basically a hole dug for the slurry having a place to go, to prevent anything going into the lake.

Mr. Jack Sweeney does not believe that the drilling rig can get through the easement. He thinks the road should be cut, and the well should be placed across from the parcel. Discussion ensued, and it was decided to have Cedarwood Engineering take a look at the site, and get back to us.

**RESOLUTION #137: HAVE CEDARWOOD ENGINEERING TAKE A LOOK AT YATES PROPOSED PLAN AND REPORT BACK TO THE BOARD ON THEIR FINDINGS.**

Introduced by Mrs. Wells, seconded by Mrs. DuRose, have Cedarwood Engineering take a look at Yates proposed plan for well and septic separation and report back to the Board on their findings. Public hearing to be left open until report is done.

AYE 4 NO 0

Mr. Monroe was brought back into the room, and he resumed the Chair.

**Privilege of the floor.**

Linda Muench stated that Pickle Ball had become quite a popular attraction on the tennis court, and wondered if it would be possible for the game to continue in the auditorium if the carpet were to be removed.

**RESOLUTION #138: REMOVE CARPET FROM AUDITORIUM AND ALLOW PICKLE BALL ON A TRIAL BASIS.**

Introduced by Mr. Monroe, seconded by Mr. Durkish, remove carpet from the auditorium and allow Pickle Ball to be played in the auditorium on a trial basis during the winter months.

AYE 5 NO 0

**Court flooring.**

Jim McDermott explained that permission had been given for work to be done on the floor in the court chambers in 2014. The floor in the actual courtroom is now creating an issue. They just had Four-Star Flooring come in again to look at it, and are trying to see if the State Grant will cover flooring. Discussion ensued.

**RESOLUTION #139: AUTHORIZE COURT & COURT CHAMBER FLOORING BE REBID.**

Introduced by Mrs. Wells, seconded by Mr. Durkish, authorize courtroom and court chamber flooring be rebid.

AYE 5 NO 0

Mr. McDermott also asked why the Loon Lake Park District Association wanted to be part of the hiring of the Loon Lake Constable. Ed Griesmer, President of the Loon Lake Park District stated that they just wanted to have some input as to what is required of the Lake Constable.

Dan Smith, Trail Coordinator, was in attendance and discussed work on the trails for the Chester Challenge, and the continued efforts to improve signage on Palmer Pond. There was discussion on installation of the Kiosk on the lawn of the Town Hall, but Dan felt that concrete would not be able to be poured until spring, due to the colder weather. He also thought that a registry should be kept at each trailhead for a record of the use of the trails and justification of the use of Occupancy Tax, as suggested by Attorney Mark Schachner. Supervisor Monroe stated that all reports on the trails have been positive, and thought it might be possible to use Occupancy Tax monies for purchase of permanent easements from the current license holding property owners. Ribbon cutting for dedication of the trails will take place at Dynamite Hill on October 14<sup>th</sup> at 3:30 pm.

**Old Business:**

**Biomass Pellet boiler.**

Rick Handley, of Rick Handley & Associates, was in attendance; had finished his review of the NYSERDA Agreement and is ready to supply them with what the installation contractor will be doing. As soon as the State Architect reviews and approves that plan, the Town can go ahead and bid for an installation contractor.

There is no exact delivery date yet on the boiler, but it is being fabricated at this time, and should be delivered by mid-November.

Mr. Handley explained that the Town had submitted a proposal to NYSERDA to do a demonstration project surrounding the biomass boiler, which is a biomass steam accumulator. This is just a storage process for storing steam, thereby improving the overall efficiency of the project. NYSERDA approved this plan, and drafted a contract. Mr. Handley reviewed the terms and conditions along with our Attorney's and he feels that it is alright for the town to go ahead and sign the contract. Recommendations were made by the Attorney's on what should be included in any of the sub awards.

**RESOLUTION #140: AUTHORIZE SUPERVISOR SIGN NYSERDA AGREEMENT.**

Introduced by Mr. Packer, seconded by Mrs. Wells, authorize Supervisor Monroe sign the contract with NYSERDA.

AYE 5 NO 0

Mr. Handley had submitted a copy of the timeline for the project to the Board along with a schedule of payments, and what the payments would be back to the Town, up to 75% of the project. Record keeping requirements will be instituted, and tours of the project, because it is a demonstration project, may take place. Additional work will be done in the boiler room to control the moisture. There will be a new sump, a new boiler feed water pump, and some general upgrades, such as new lighting in the boiler room. The coal room will be partially filled in, and the steam accumulator will be in there. The top will be taken off the coal storage bin, and there will be a poured concrete wall. The steam accumulator will be located between that wall and the building with enough access to get around it. The rest of that area will be filled in with the appropriate material and covered over. There will be a slight building rise of about 3 or 4 feet for a brick wall with a roof over it to enclose the steam accumulator. It will match the brick on the new section of the

building. The reason for this is if the tank needs to be taken out in the future, for any reason, they won't have to dig up the whole thing. The steam in the tank is low pressure at 14 pounds, and the steam in the building will be pressurized at 5 pounds. We still need to bid the storage silo. Based on specifications from the engineer, the town will need to pour a pad, on which the silo will rest. USDA stated that as soon as they see the specs and approve them, they will let the town bid. Mr. Handley recommends the board pass a resolution to bid out the pellet storage silo pending USDA approval, and they will try to fast track that to get it done as soon as possible. All of this work will be put into the install contractor bid. Jason has agreed that after the wall is built, he can pull off the top and fill in the area that needs to be filled in the old coal bin. The wall and structure above it where the steam accumulator rests will be done by the install contractor. Mr. Handley feels that we should bid it, and have the manufacturer do the installation of the silo. We have to be sure that the engineers will deliver the specs, that USDA will look at and approve them, and then we can get the bid out, giving people a couple of weeks to respond. He does not feel that the boiler will be fired up until some time in December or January. Because there is an operational heating system in the basement, we have to isolate certain pieces off of that so we can take the old equipment out and install the new boiler. There is a stack that sends exhaust up the chimney from both boilers in the basement, so we will have someone come in to cut the stack and weld it so that the operating boiler will be independent of the old one being removed. The biomass boiler will have its own stack on the outside of the building. We had had testing done to determine whether there was any asbestos remaining in the basement, and we received a negative report.

**RESOLUTION #141: AUTHORIZE CLERK ADVERTISE BID FOR PELLET BOILER SILO AND INSTALLATION, CONDITIONED ON APPROVAL FROM USDA.**

Introduced by Mr. Packer, seconded by Mr. Durkish, authorize clerk advertise bid for pellet boiler silo and installation when specs are received, conditioned on approval of specs from USDA. Bids to be opened at 7:00 pm on November 10, 2015.

AYE 5 NO 0

**New ski tow bid results and electric power requirements.**

Mr. John Nick was in attendance, reporting that Lincoln Logs would be charging \$5,000 for the building, with no windows or

doors included. Verizon is going to donate the necessary power poles, and National Grid will install them for us. Supervisor Monroe will check with Wayne LaMothe at Warren County Planning to get the bid results on the ski tow. An APA permit still needs to be filed.

**New Business:**

**Committee reports:** Mr. Packer had received a draft from Finch Paper for prospective bidders for sale of timber in the Town of Chester. It is hoped that the timber sales would provide some funding for the biomass project. Finch will be doing the bidding for us.

**RESOLUTION #142: AUTHORIZE FINCH PAPER PROCEED WITH BIDDING ON TIMBER HARVEST.**

Introduced by Mr. Packer, seconded by Mrs. Wells, authorize Finch Paper to proceed with bidding on timber harvesting.

Roll Call Vote:

- Mr. Durkish ~ AYE
- Mrs. Wells ~ AYE
- Mr. Packer ~ AYE
- Mr. Monroe ~ AYE
- Mrs. DuRose ~ ABSTAIN

**RESOLUTION #143: AUTHORIZE PUBLIC HEARING ON PRELIMINARY BUDGET.**

Introduced by Mr. Monroe, seconded by Mr. Packer, authorize Clerk advertise public hearing on preliminary budget for Thursday, November 5, 2015 at 7:00 pm.

AYE 5 NO 0

**Capital Reserve Fund.**

Mr. Monroe explained that a new waste compactor is needed at the Transfer Station. We have budgeted \$20,000 for this year, and Mr. Monroe would like to create a Capital Reserve Fund, budgeting \$20,000 next year, and the following year, to achieve the \$60,000 that will be needed to purchase a new compactor.

**RESOLUTION #144: VOID**

**Friends Lake Property owners question on district tax.**

Mr. Monroe explained that he had received a call from Bernice McPhillips regarding the creation of a Friends Lake Park District, and how the district would be taxed. Would it be on the basis of a flat rate, on assessed value, or some hybrid system. Mr. Monroe stated that he had met with Bernice, and another member of the board, but he feels that if they want the Town to create this tax district, then they need a majority of the people (those who sign the petition for creation of the district) who are going to be paying the taxes (or more than half of the property owners and more than half of the total assessed value), to be in agreement about creating it. Mr. Monroe will get back to Bernice, but does not feel that it is appropriate to make any decisions about it at this time.

**DOT request to adjust Pottersville water main over Trout Brook.**

DOT will be doing work on the Route 9 Bridge over Trout Brook in Pottersville. Part of the construction will involve the relocation and adjustment to the water mains and appurtenances pursuant to Section 10, Subdivision 24 of the State Highway Law. Jason has reviewed this with the State DOT Engineers, and he has requested that they increase the insulation around the pipes, because it is water going over the bridge from the Pottersville Water District. They will rebuild it, and we will maintain it.

**RESOLUTION #145: APPROVE THE CONSTRUCTION, RECONSTRUCTION, OR IMPROVEMENT FOR THE RELOCATION AND ADJUSTMENT TO THE WATER MAINS AND APPURTENANCES PURSUANT TO SECTION 10, SUBDIVISION 24 OF THE STATE HIGHWAY LAW ON THE ROUTE 9 BRIDGE OVER TROUT LAKE IN POTTERSVILLE, IN THE TOWN OF CHESTER, AS REVIEWED AND APPROVED BY THE WATER SUPERINTENDENT AND STATE DOT ENGINEERS, WITH NYS DOT INCREASING INSULATION AROUND THE WATER PIPES AND THE TOWN OF CHESTER MAINTAINING THEM.**

Introduced by Mrs. Wells, seconded by Mr. Packer, the Town Board of the Town of Chester hereby grants the following:

**WHEREAS**, the New York State Department of Transportation proposes the construction, reconstruction, or improvement of the Route 9 bridge over Trout Brook in the Town of Chester located in Warren County, PIN 1043.54, and

**WHEREAS**, the State will include as part of the construction, reconstruction, or improvement of the above mentioned project the relocation and adjustment to water mains and appurtenances, pursuant to Section 10, Subdivision 24, of the State Highway

Law, as shown on the contract plans relating to the project and meeting the requirements of the owner, and

**WHEREAS**, the service life of the relocated and or replaced utilities has not been extended, and

**WHEREAS**, the State will provide for the reconstruction of the above mentioned work, as shown on the contract plans relating to the above mentioned project.

**NOW, THEREFORE,**

**BE IT RESOLVED:** That the Town of Chester approves of the relocation of and adjustment to their water mains and appurtenances and the above mentioned work performed on the project and shown on the contract plans relating to the project and that the Town of Chester will maintain or cause to be maintained the adjusted facilities performed as above stated and as shown on the contract plans.

**BE IT FURTHER RESOLVED** that Frederick H. Monroe has the authority to sign, with the concurrence of the Town of Chester Town Board, any and all documentation that may become necessary as a result of this project as it relates to the Town of Chester, and

**BE IT FURTHER RESOLVED:** that the Clerk of the Town of Chester is hereby directed to transmit five (5) certified copies of the foregoing resolution to the New York State Department of Transportation.

AYE 5 NO 0

**Request for bottles and cans.**

**RESOLUTION #146: AUTHORIZE FRESHMAN CLASS FROM NWCS COLLECT BOTTLES AND CANS FROM TRANSFER STATION FROM NOVEMBER 2015 THROUGH JANUARY 2016.**

Introduced by Mr. Durkish, seconded by Mr. Packer, authorize the Freshman Class from NWCS collect bottles and cans from the transfer station from November 2015 through January 2016.

AYE 5 NO 0

**Benthic mats in Loon Lake.**

Mr. Monroe stated that Benthic mats had been put down in Loon Lake for the milfoil. They need to be removed, because the sediment builds up on top of them, and then the milfoil grows on



top of the sediment. AIM has proposed removal of the mats at an estimated cost of \$5,610. Mr. Monroe had emailed the Board members, and based on the response he had gotten, he authorized them to go ahead and remove the mats.

**RESOLUTION #147: RATIFY REMOVAL OF BENTHIC MATS IN LOON LAKE BY AIM, FOR AN ESTIMATED COST OF \$5,610.**

Introduced by Mr. Monroe, seconded by Mrs. Durose, ratify the removal of benthic mats from Loon Lake by AIM for an estimated cost of \$5,610.

AYE 5 NO 0

**RESOLUTION #148: REPEAL RESOLUTION #2 OF 1999 FOR LIMITED PARKING ON MAIN STREET.**

Introduced by Mr. Packer, seconded by Mr. Durkish, repeal Resolution #2 of 1999 for restricted parking on Main Street opposite the former Health Center.

AYE 5 NO 0

**Justice Court.**

Town of Chester has had an agreement with the Town of Johnsbury with conflict cases. The Board wishes to rescind that Resolution and revoke that agreement, as it has not been utilized in a number of years.

**RESOLUTION #149: RESCIND AGREEMENT BETWEEN TOWNS OF CHESTER AND JOHNSBURG FOR TRANSFER OF JUSTICE COURT CASES.**

Introduced by Mrs. DuRose, seconded by Mrs. Wells, rescind agreement between Towns of Chester and Johnsbury for transfer of Justice Court cases.

**WHEREAS**, the Towns of Chester and Johnsbury entered into an Agreement providing for transfer of Town Justice Court cases in which the local Judges were unable to participate; and

**WHEREAS**, the Town Board is not aware of any cases having been transferred pursuant to the Agreement in many years; and

**WHEREAS**, this Agreement was adopted pursuant to provisions of the Uniform Justice Court Act which have been amended and revised; and

**WHEREAS**, there are existing procedures available for transfer and/or reassignment of Justice Court cases in which a local Justice is unable to participate;

**NOW, THEREFORE, BE IT:**

**RESOLVED** that the Town Board Resolution approving the Agreement with the Town of Johnsbury is rescinded; and

**BE IT FURTHER RESOLVED** that the Agreement between the Towns of Chester and Johnsbury for transfer of Justice Court cases is hereby revoked; and

**BE IT FURTHER RESOLVED** that copies of this Resolution shall be provided to the Johnsbury Town Supervisor and the Office of Court Administration, Fourth Judicial District.

AYE 5 NO 0

**Department of Health.**

Mr. Monroe stated that he had received a letter from the Department of Health to notify us of a violation at the Beach. Lifeguards had been observed using cell phones and distracted by applications of sunscreen. They threatened a \$2,000 fine, or pay a settlement of \$250 within 7 days.

**RESOLUTION #150: APPROVE PAYMENT OF \$250 TO DEPARTMENT OF HEALTH.**

Introduced by Mrs. Wells, seconded by Mr. Durkish, approve payment of \$250 to Department of Health.

AYE 5 NO 0

**Trunk or Treat.**

Mrs. DuRose mentioned that Nicole Howe had organized another "Trunk or Treat" for the kids for Halloween night. Last year there had been 6 "trunks", and this year there will be 15. They will be located in the parking lot of the former Railroads on Parade, at the Methodist Church, and some at the bottle redemption center. She will be looking for some kind of road patrol.

**Budget.**

Supervisor Monroe explained that as a result of the tentative budget meeting, he had made the changes that had been discussed. The review included staying within the tax cap, and what the rates would be. The General Fund and the Highway Fund will go up over what was originally stated, but the Loon Lake Park District has decreased substantially. Combined General and Highway Fund would equal \$1.48 per thousand. Mr. Monroe recommends increasing the paving budget to \$320,500, (from

\$290,000), and we also have money budgeted for a new truck and equipment in the amount of \$215,000. He noted that we also are paying much less for sand, about \$19,000, as compared to \$60,000 prior years.

It was discovered that no amount had been added for an assistant to the Bookkeeper/Supervisor under A1220.13, so an amount of \$2,000 was added, and also for a Deputy for the Town Clerk under A1410.11, to which \$4,000 was added. This will reduce the Highway paving budget by \$6,000 to \$314,500. The Board has asked for time to review the rest of the budget before the Preliminary budget hearing on November 5<sup>th</sup>.

**RESOLUTION #151: APPROVE PRELIMINARY BUDGET WITH MENTIONED ADJUSTMENTS AND SUBJECT TO ANY FUTURE CHANGES, AND AUTHORIZE CLERK ADVERTISE PUBLIC HEARING FOR SAME.**

Introduced by Mr. Monroe, seconded by Mrs. Wells, approve preliminary budget with noted adjustments, subject to any future changes, and authorize Town Clerk to advertise public hearing for November 5<sup>th</sup>.

AYE 5 NO 0

**RESOLUTION #152: AUTHORIZE PAYMENT OF ABSTRACTS AND CLAIMS PAID PRIOR TO AUDIT.**

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

General Fund	\$33,231.81	(415-468)
Highway Fund	\$63,030.33	(239-271)
Chester Water	\$ 727.23	( 52-54 )
Pottersville Water	\$ 683.22	( 50-52 )
Library	\$ 2,387.84	( 66-74 )
Loon Lk. Park Dist.	\$ 471.01	( 23-26 )
Schroon Lk. Park Dist.	\$ 956.55	( 20-21 )

AYE 5 NO 0

On a motion by Mr. Packer, seconded by Mrs. Wells, Board went into Executive Session at 9:10 pm to discuss the employment of a particular individual, Collective bargaining negotiations, and to have an Attorney/Client discussion.

On a motion by Mr. Monroe, seconded by Mr. Durkish, Board out of Executive Session at 10:15 pm. No action taken.

On a motion by Mr. Durkish, seconded by Mrs. Wells, meeting adjourned at 10:15 pm.

Respectfully submitted,

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Town Clerk