**Minutes of the Town of Chesterfield Town Board Meeting held on, Tuesday, April 5, 2016 at the Town Office, on the Corner of Clinton and Vine Streets, in Keeseville, County of Essex, State of New York, pursuant to due notice.**

Supervisor Gerald H. Morrow called the meeting to order at 7:00 p.m.

Everyone stood for the Pledge of Allegiance.

Those present were:

Supervisor: Gerald H. Morrow

Town Clerk: Lynn A. Jarvis

Councilman: Clayton J. Barber

Councilman: Russell L. Blaise

Councilman: David P. Gload

Councilman: Richard J. Klages

Town Attorney: Michael P. McCormick

Supt. of Highways: Philip W. Pray

Guests present were: Brent Morrow, William Hohn, Lorna Hohn, Bill Mitchell, Christine Morrow, Donna Pray and Shelley Davis; Clerk to Supervisor.

Upon a motion made by Councilman Richard Klages, seconded by Councilman Clayton Barber and unanimously carried it was

**47. RESOLVED** that the reading of the minutes of the meeting held on March 1, 2016 be dispensed with.

Supervisor Morrow offered the courtesy of the floor to the guests.

Donna Pray stated that she was there to complain about the insurance – she has been a diabetic for years, having trouble getting her supplies, she called the insurance company they gave her the numbers she needed, but she still couldn’t get her prescriptions, doesn’t seem to have her in the system.

Supervisor Morrow stated that we are between a rock and a hard place – we switched from Excellus to Blue Shield in the hopes of saving the Town some money – we were assured that the overage was good – but it turned out not to be very good coverage – we all share your concerns, the Supervisor stated that he is diabetic, also. He had an eye appointment for Wednesday, which he cancelled just in case he didn’t have his card. It is very frustrating – just make sure you keep after the insurance agent. Donna stated she can’t afford over the counter prices. Supervisor will contact the insurance agent tomorrow. Save all your receipts so you can get your money back.

Mr. & Mrs. Hohn both wanted to address the Board about separate issues.

Mrs. Hohn stated that she is concerned about the burned out buildings in Town –

The Supervisor assured her that the Town if doing everything they can do to remedy that situation – at the last meeting Councilman Gload asked this very same question.

Supervisor Morrow informed Mrs. Hohn that he addressed this issue with the State of New York Building Codes, at first it didn’t appear to be a concern because there wasn’t signs of imminent danger to the public, then he spoke with a neighbor who informed him that there was a smell coming from one of the burned structures, so he spoke with New York State Building Codes who came and checked the situation out himself, at that time it was decided that the Code Enforcement Officer had to issue both owners appearance tickets, they both came to court in November 2015 and were given a $50.00 fine each and told to remedy the situation – one had obtained a demolition permit prior to any of this, but hadn’t started the process – since that last court date they each have failed to remedy the situation, so they are both returning to court on April 11, 2016.

He stated that they were lucky he wasn’t the Judge they would have been paying $50.00 per day until the violation is removed.

Town Attorney Michael McCormick feels the Judge can give daily fines.

Supervisor Morrow isn’t sure – he knows the Judges also have to abide by the law.

Mr. Hohn then spoke about his neighbor on Schuyler Road who has been building his house for 20 years and still isn’t finished, yet, isn’t there a time limit as to when it has to be done?

Supervisor Morrow explained that there is no time limit – a permit is given for one year, if you have not finished before the permit expires you can renew it. He asked Mr. Hohn if he has spoken to Harvey the Code Enforcement Officer.

Mr. Hohn has spoken to him and it appears that Mr. LeCuyer likes his neighbor.

Supervisor Morrow will speak with Harvey tomorrow.

At this time Brent Morrow stated to the Board that the squeaky wheel gets the grease – so “squeak, squeak” – he lives on the Giddings Road – the speed limit at one time was 55 mph, but they approached the Board at that time and asked for them to lower it to 45 mph, that was done, the first mile from Route 9 on the street is the worst with hidden driveways, blind curves and upgrades, there are more kids on the street, he would like to ask the Board to consider lowering the speed limit to 30 mph.

Supervisor Morrow stated that he resides on the Mace Chasm Road where the speed limit is 45 mph and they go by his house at 65 to 70 mph. So what you are asking the Board for is to consider lowering the speed limit to 30 mph on the Giddings Road – the State never gives 30 mph unless it is in a hamlet.

He explained that to go through the proper channels it starts with the Town Board passing a resolution requesting Essex County DPW to request NYS Department of Transportation to consider lowering the speed limit.

Councilman Gload asked about the time frame?

Supervisor Morrow stated within a month to a month and a half.

Lynn asked Brent what section of Giddings Road he was talking about.

Brent stated from Route 9.

Councilman Gload stated to Brent that he lives on the road – he would know better than anybody how people are driving.

Upon a motion made by Councilman David Gload, seconded by Councilman Richard Klages and unanimously carried it was

**48. RESOLVED** that the Town Board request Essex County DPW to request New York State Department of Transportation to consider lowering the speed limit on Giddings Road to 30 mph, due to hidden driveways, blind curves, upgrades and more families residing on the road.

Supervisor Morrow gave the Town Board good news he found out during the unplanned Town of Chesterfield Water District Committee Meeting with NYS Department of Health, AES Northeast, Essex County Community Resources, Dave Winter and himself – our score is high enough – 130 points are needed to apply for a planning grant in the amount of $15,000 – to start the plans for a slightly over $6 million water plant repairs/update project – unfortunately the reason we scored high were the violation and concerns about our water plant – asbestos pipes in the ground and now there is a violation on the turbidity being too high. The letter that the Supervisor sent to Titus Falkenburgh of Rural Development requesting that they change the scoring process and allow the Town to use the 2010 median figures was okayed by Rural Development.

Supervisor Morrow read the resolution needed by Rural Development, authorizing the receipt, use and disbursement of the grant funds and authorizing the Supervisor to execute documents for the USDA pre-development planning grant.

Upon a motion made by Councilman Clayton Barber, seconded by Councilman Russell Blaise and unanimously carried it was

**49. RESOLVED** that the Town of Chesterfield Government hereby authorizes the receipt, use and disbursement of the USDA Rural Development Planning Grant Funds and authorizes Gerald H. Morrow, Town Supervisor to execute documents. The estimated project cost is $15,000 to cover review of the water source and distribution system which serves 1135 users of the Keeseville Water System.

Councilman Gload asked where the $15,000 comes from?

Supervisor Morrow replied from the Federal Government.

Supervisor Morrow informed the Board that Dave Winter, our Water Operator just came in with two proposals one from Liquid Engineering to perform an inspection of the water tank, clean the tank and add a mixer for circulation, the proposal was in the amount of $4,500 with an extra $300 for the diver and $425 per hour, they are saying it should only take around an hour.

The other proposal was from Conradly for the amount of $3,600 for the inspection of the tank only.

Councilman Klages asked how long it will take?

Supervisor Morrow said they figure an hour, but he feels they should figure a couple of hours just to be on the safe side.

Upon a motion made by Councilman Richard Klages, seconded by Councilman Russell Blaise and unanimously carried it was

**50. RESOLVED** that the Supervisor be authorized to hire Liquid Engineering to perform the tank inspection, clean the tank and add the mixer for circulation at a cost of $4,500, plus $300 for the diver and $425 per hour, for the water tank in the Town of Chesterfield Water District.

While discussing the Town of Chesterfield Water District, the Supervisor explained that he has had phone calls and people coming in about their new water bills, he is able to talk with most of them – they are upset about the $40 per quarter especially the ones that are not receiving water, he is explaining that this is for future use, the New York State Law states that everyone within the district must share the cost of the debt service, so in order to do this you take the amount of parcels in the district and divide them into the debt service which is $210,575 to come up with the charge per year, then by quarter. They have asked if the $40 will go away in 2021, the Supervisor tells everyone quite honestly probably not because we are going to have to borrow more money, hopefully a no interest loan, because we are never going to receive 100% grant for a $6 million project to repair and update the water plant and lines, that were left in such dire straits by the former Village.

When the Town took over the water in January of 2015, when the former Village dissolved the water district was were already in the red by $49,000 at the end of 2014, in November 2015 the Town Board had to allow the water district to borrow $50,000 from the General Fund to help pay one of the loans the former Village had, then again in February of this year the Town Board had to allow the water district to borrow $100,000 to pay for repairs – this money has to be paid back this year. He realizes that the people don’t care what Port Kent water users and non-users pay, but the users pay $650 per year and the non-users pay $300 per year.

People feel that are not saving anything by the dissolution, but the Supervisor talked to the owner of property in the hamlet of Keeseville with an assessment of $63,000 and he paid $472.00 in Village tax – the debt district fee the Town incurred was for the river bank project and unemployment insurance was $53 on his Town and County Tax Bill, the debt district was for debt the former Village incurred in the general and highway funds, not the water district – so the point is even though his water went up $200 per year – he still gained $200, by not paying Village Tax.

Councilman Gload stated that he had someone ask him about the $40 – this person owned the property 25 years ago, the water line went by their property, but they were denied access of the line – the then Mayor told them there would be a $30.00 one-time fee – so of course they have concerns.

Supervisor Morrow explained that the district was formed as a no-cost district in order to be able to apply for grant funding for water lines – meters, etc., for Soper Road, Prospect, Doty, Hollywood, Scott Lane, White Street, Thompson Road, Port Douglas R oad and Dusty Lane.

Then after the district was formed we were able to apply for grant funding, but there was no guarantee on grant money, we did receive funds from USDA and HUD – we put meters in before the former Village did – installed all brand new lines – service lines – many more people got on the water – the former Village was charging a $25.00 fee to the outside users for repair to lines, etc., but when there was a problem with a line leaking into a basement on the Port Douglas Road and it wasn’t fixed after a month, the Supervisor attended a Village Board Meeting, because the Town had an inter-municipal agreement with the Village to take care of repairs and we would be charged for their labor and parts, they just had to do the repairs.

They came up with some kind of an excuse why it didn’t get done – and the Supervisor told them to never mind he would have it taken care of and after that the Town started charging the users for maintenance.

People may say they will never use the water, just like the people did in Port Kent, now almost everyone is on the water in Port Kent.

It is a New York State Law that the debt service must be charged to all properties in a water district.

Councilman Barber stated the main problem is people don’t know it is a law.

Councilman Gload asked what happens if they refuse to pay it, if they do have a well.

Supervisor mentioned there was a person when we first starting charging the O&M charge

years ago that was verbally abusive about not paying the fee – and he was told that the Supervisor didn’t care if he paid it or not it would be placed on his land taxes the following year – the person then said he would deduct it from the taxes – and he was told to go ahead and try the tax collector can’t take partial payments.

Supervisor Morrow informed the Board that he received a letter from Darwin Nolan stating that he is interested in serving on the Zoning Board of Appeals – a position that was vacated by the death of poor Charlie Crowningshield.

Bill Mitchell stated that he asked Darwin Nolan because he wanted a constituent in the Port Kent area – where Charlie was from. Bill also feels he knows buildings and law – Bill was also wondering about an alternate member – especially during bad weather – couple times last year we didn’t have a quorum – because someone was out of town at the doctors – and Charlie had been too sick to come to the meetings – maybe Christine the Clerk could also act as an alternate.

Lynn Jarvis asked Bill who else is on the Board she forgets –

Bill stated Bob Armstrong, Tom Easter, Maurice Bressette.

Supervisor stated and Bill is the Chairman. Charlie sat on the Board for many years.

Supervisor Morrow isn’t sure about Christine – he will check.

Councilman Gload asked Bill what is a quorum.

Bill replied three out of five.

Upon a motion made by Councilman Russell Blaise, there was no second, then Supervisor Morrow asked why it is taking so long for a second, he hopes it’s not a personal thing, because that is not supposed to be brought to Board Meetings – finally Councilman Clayton Barber seconded the motion,

**51. RESOLVED** that Darwin Nolan be appointed to serve as Member of the Zoning Board of Appeals.

Supervisor Morrow informed the Board that a NYS Contract price of $4,039.40 had been received from Bobcat for a 68” angle broom for the bobcat.

Phil talked with Dave Winter, his own guys and Dave’s guys – everyone is in agreement that the broom would benefit to help remove debris from the sidewalks, etc., and as of right now he is down two brooms.

Supervisor Morrow stated that he was told there is one in-stock and we can get it quickly.

Councilman Gload stated if you need it, you need it.

Councilman Blaise said it is paid from Highway.

Lynn Jarvis said why not General.

Supervisor Morrow said well, it’s not coming out of water there is no money there.

Upon a motion made by Councilman Clayton Barber, seconded by Councilman Richard Klages and unanimously carried it was

**52. RESOLVED** that the Supervisor be authorized to sign the quote from Bobcat for the purchase of one 68” angle broom for the bobcat at a cost of $4,039.40, to be paid with Highway Funds.

Supervisor Morrow informed the Board that he received a call from Jim Dougan, Deputy Superintendent for Essex County DPW wondering if the Town would be interested in getting rid of the concrete vault on Prospect Road below the pumping station – evidently the former Village out it there years ago for a meter, but it was never used – the DPW would like to install the vault at the Public Service Building for a meter – the Supervisor spoke with Dave Winter who said he never plans to use it – he is total agreement to give it to the County for everything they have helped him with, especially when they were helping and ended up with a broken windshield and never charged the Town for it. Before the Board asked the Supervisor explained that yes we can give surplus property to a municipality without going out to bid, but we can’t do that for a private individual.

Upon a motion made by Councilman Russell Blaise, seconded by Councilman Clayton Barber and unanimously carried it was

**53. RESOLVED** that the Town Board agrees to deem the concrete vault on Prospect Road as surplus property and give it to Essex County DPW.

Supervisor Morrow has no update on Augur Lake Dam – still working on getting more information from the engineers – his main concern is that there are no grants out there – the good news is the dam is still there, but there is no “dam” money because it still works and hasn’t been damaged by storms.

Now for Butternut Pond, the weeds are up – the Supervisor has Mike Mascarenas researching grant funding for weed control.

When you have a chance read the report from Steve LaMere on Augur Lake – if you have questions you can ask the Supervisor or we could get Steve LaMere to come and explain the report.

Supervisor Morrow asked how the Board feels about spring brush pick up for the hamlet of Keeseville – just so you know the Supervisor is working on the former Village Zoning Law and he is going to continue to refer to the former Village as the hamlet of Keeseville.

We did brush pick up last year – they have no place to put it on their property like other people outside of the hamlet.

Pick up will be from April 15th to May 15th – Dave and his guys will take care of the brush pick up.

Upon a motion made by Councilman Richard Klages, seconded by Councilman Clayton Barber and unanimously carried it was

**54. RESOLVED** that there will be brush pick up in the hamlet of Keeseville, Essex County from April 15th to May 15th.

Supervisor Morrow mentioned that Green Up – Clean Up Day will be April 24th – he has already obtained the orange bags needed from the NYS Department of Transportation and delivered them for their use. Like last year they would like the Town to pick up the bags from the Town of Chesterfield side.

Upon a motion made by Councilman Clayton Barber, seconded by Councilman David Gload and unanimously carried it was

**55. RESOLVED** that the Town Board authorizes the pick-up of trash and brush generated from Green Up – Clean Up Day on April 24th.

Upon a motion made by Councilman Richard Klages, seconded by Councilman Clayton Barber and unanimously carried it was

**56. RESOLVED** that the Supervisor’s Financial Report for the month of March 2016 be accepted. The Financial Report can be found in the Town Clerk’s Office.

Upon a motion made by Councilman Russell Blaise, seconded by Councilman Clayton Barber and unanimously carried it was

**57. RESOLVED** that all bills be paid. Bills in the amount of $22,989.97 were audited and paid from Highway Acct., Claims 47 to 64. Bills in the amount of $11,725.47 were audited and paid from General Acct., Claims 47 to 67. Bills in the amount of $1,730.05 were audited and paid from PKWD Acct., Claims 49 to 53. Bills in the amount of $22,646.26 were audited and paid from TCWD Acct., Claims 54 to 72. The following bills were paid NYSSAWWA was paid $220.00, Verizon was paid $123.73, Charter Communication was paid $99.99, David Bashaw was paid $916.00, Frontier Communication was paid $1,400.14 and NYSEG was paid $2,528.78. Warrants can be found in the Town Clerk’s Office.

Upon a motion made by Councilman Clayton Barber, seconded by Councilman David Gload and unanimously carried it was

**58. RESOLVED** that all letters brought before the Board be filed.

Supervisor Morrow asked Lynn Jarvis, Town Clerk how the rabies clinic went –

Lynn replied that they vaccinated 100 animals in one hour, she thanked Zach and Molly for their help it took all four of them to keep up – Steve called to apologize he forgot all about the clinic – Phil was there.

Councilman Klages jokingly said yes and it took six to get him on the table.

Town Attorney Michael McCormick had nothing for the Board.

Councilman Gload doesn’t want to beat a dead horse, but he questioned Darwin’s appointment – are they normally posted.

Supervisor Morrow explained that names are brought before the Board - a vacancy to a Board has never been posted – he has been here 31 years – Shelley stated that she has been here 38 years – they have never been posted.

Supervisor Morrow stated that it is very hard to get volunteers.

Bill Mitchell stated that they are not paid for it.

Supervisor Morrow told them if someone complains about the appointment – we have never posted a vacancy tell them to come see me.

Bill Mitchell stated that he has served on both the Planning Board and ZBA for 15 to 18 years, that it has always been how new Board Members got on a Board – it is all about Zoning, Codes and APA.

Bill Mitchell thanked the Board for following him to attend the Code Enforcement Officer training – a four day course geared towards NYS Fire Codes and Building Codes. Whenever there is a variance application submitted he always calls the fire chief first to make sure the setbacks will allow emergency equipment through.

Bill explained that ICC – International Codes are looking at a bunch of changes – stricter – very overwhelming especially mobile homes and septic systems – need to be engineered - not Code Officer and not contractor – asbestos and mold in apartment buildings.

Councilman Gload jokingly said that’s where you were we thought you went to India with JoAnn – he then asked about training – is there training available.

Supervisor Morrow stated that there is training every year, that is put on by APA for the Planning Board and Zoning Board of Appeals – it is not mandatory, but it is still offered.

Bill explained that they hammered on septic systems – Elgin systems being engineered stamped not just taking the word of the contractor.

Supervisor Morrow explained that Essex County Public Health doesn’t get involved in septic

Systems like Clinton County Public Health does, and neither does the NYS Department of Health.

Bill said these would be big jobs – which the Code Officer would have to inspect and know what to be looking for.

Supervisor Morrow informed the Board that Phil would like authorization to attend the 2016 Highway School in Ithaca from June 5 – 8th, the registration fee is $110.00, plus his room, meals and any other necessary expenses, he goes to this school every year.

Upon a motion made by Councilman Clayton Barber, seconded by Councilman David Gload and unanimously carried it was

**59. RESOLVED** that Phil Pray; Supt. of Highways be authorized to attend the 2016 Highway School in Ithaca from June 5 – 8th, the Town to pay the $110.00 registration fee and all necessary and actual expenses.

Phil explained that it is different – now for attending school you obtain local highway credits – toward Highway Master.

He thanked Clayton, Dave and Jerry (had he not gotten sick) for attending Advocacy Day – he is not sure just what we are going to get in CHiPS Funding, but he will let the Board know.

The CH-5 is back – would have cost the Town into the six digits had we not had the extended warranty – it was a factory situation – it is running great.

Everything was going great with the tractor/broom then the transmission PTO went on it – the old sweeper had to be repaired should have that back this week – it need brakes and seals.

The brakes are hanging up on the gradall – we may want to look for another used one.

The VAC Truck has been delivered it is in the garage – the fumes are pretty nasty – needs repairs done to it – the Town of AuSable mechanic is going to take a look at it to see what it needs.

Councilman Klages told about the Local Foods and Food Places – gathering 9-5 lunch to be provided and then another from 6-9 considering a walking tour, but not sure about that, will be looking at the local farms on Mace Chasm Road and the brewery – maybe consider JayCee

Park for the farmer’s market.

Supervisor Morrow stated he appointed Rick to be on that Steering Committee.

Supervisor Morrow stated that he had planned on asking for an executive session to seek legal advice on a one page letter that Phil received from Art Bailey – the one page means nothing and the ball is in Mr. Bailey’s court. So the Supervisor figured there is no need to go into executive session.

Supervisor Morrow informed the Board that Dave Winter, Kevin Dennis, Shane Flora and Ed Taylor would like to attend the Annual Conference and Training sponsored by NYS Rural Water

Association in Lake Placid from May 16 – 19th – it will cost $350.00 for each to attend.

Upon a motion made by Councilman Russell Blaise, seconded by Councilman Clayton Barber and unanimously carried it was

**60. RESOLVED** that Dave Winter, Kevin Dennis, Shane Flora and Ed Taylor be authorized to attend the NYS Rural Water Association Conference and Training in Lake Placid, from May 16th – 19th. The Town to pay the $350.00 registration fee for each to attend and all other actual and

necessary expenses.

Councilman Klages asked what if there is an emergency and they are all gone.

Supervisor Morrow replied what if there is – we call you and you hold your finger over the leak, like the little boy and the dike. No, seriously they will be back every night and if there is an emergency we can call them and they will come back.

Supervisor Morrow explained that Shane Flora attended the Grade II Water Operator training and passed the course. He hasn’t received his license yet – but back when we first hired the two new guys – we told them that when they received their licenses they would receive a $1.00 more an hour. At this time Shane makes $12.00 per hour.

Upon a motion made by Councilman Russell Blaise, seconded by Councilman Clayton Barber and unanimously carried it was

**61. RESOLVED** that Shane Flora will receive a $1.00 per hour pay increase when he receives his Water Operator Grade II license.

Upon a motion made by Councilman Richard Klages, seconded by Councilman David Gload and unanimously carried it was

**62. RESOLVED** that since there is no further business to come before the Board this meeting be adjourned at 8:17 p.m.

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Lynn Jarvis, Town Clerk