

TOWN BOARD MEETING
February 28, 2018
7:00 PM

Deputy Supervisor Valentine opened the meeting at 7:00pm followed by a salute to the flag. Members present: Deputy Supervisor Valentine, Councilwoman Smith, Councilman Wensley, Absent: Supervisor Jamieson Councilman Medican arrived at 7:12pm.

Also Present: Scott Bonacic, Esq. – Bonacic, McMahon, Al Fusco – Fusco Engineering

BOARD OF ASSESSMENT REVIEW POSITION

ON A MOTION BY Councilwoman Smith and second by Councilman Wensley to appoint Catherine Henry to the Board of Assessment Review for the term ending September 30, 2020.

VOTE AYES 3: Valentine, Smith, Wensley

ADOPTED

HIGHWAY LAW SECTION 284

Deputy Supervisor Valentine read the request from Highway Superintendent to approve the annual repair and improvement of highways as listed therein.

ON A MOTION BY Councilwoman Smith and second by Councilman Wensley to approve and execute the Highway Law Section 284 Agreement with the Highway Superintendent for the calendar year 2018.

VOTE AYES 3: Valentine, Smith, Wensley

ADOPTED

MS4 ANNUAL CERTIFICATION REPORT

Engineer Al Fusco addressed the Board concerning the required annual report filing to the DEC each March. The report contains the results of weekly compliance monitoring of construction projects throughout the Town. He added that this requirement, through the Clean Water Act, is in place to prevent storm water pollution. Mr. Fusco asked the public to say something if they see something. A witness of bubbles in a stream may be a sign of illegal discharge.

PEP BOYS STIPULATION OF DISCONTINUANCE

Deputy Supervisor Valentine removed the item from the agenda since it is an automatic discontinuance and action is not required on the matter.

BUILDING PERMIT REFUND REQUEST

Deputy Supervisor Valentine addressed the request from Sunrun, referred by the Building Department, for a refund of a building permit fee. He explained that the permit was processed for a solar installation that was not completed. It was Deputy Supervisor Valentine's opinion that a refund might set a problematic precedent. The Board was in consensus, and no action was taken on the request.

FARM TO FORK FONDO

Deputy Supervisor Valentine read the request from Renegade Sports concerning their annual bicycle event and their request to traverse roads throughout the Town of Chester. A route map has been provided.

ON A MOTION BY Councilwoman Smith and second by Councilman Wensley to permit the Farm to Fork Fondo to traverse the Town of Chester during the bicycling event on June 10, 2018, subject to the receipt of the proper insurance certificate.

VOTE AYES 3: Valentine, Smith, Wensley

ADOPTED

EDUCATION REQUESTS

Deputy Supervisor Valentine read the request from Assessor Schuler to permit the assessor's office personnel to attend a class on exemption administration to help educate on the recent changes.

ON A MOTION BY Councilman Wensley and second by Councilwoman Smith to approve the attendance of Clerks Scalia, Burch, LeDuc and Assessor Schuler to attend the Exemption Administration class on March 26, 2018 at a cost of \$150 per person.

VOTE AYES 3: Valentine, Smith, Wensley

ADOPTED

*Councilman Medican arrived.

Deputy Supervisor Valentine read the training request from Chief Doellinger for Sgt. Vitale and Sgt. Eckert to the Leadership and Mastering Performance Management course. The Leadership and Mastering Performance Management course is a high-energy forty-hour course focusing on the first-line supervisor and mid-manager. It introduces The Leadership Test and the Six Layers of Success as tools that will improve the skills and abilities of supervisors and managers to both manage and lead.

ON A MOTION BY Councilwoman Smith and second by Councilman Wensley to approve the attendance of Sgt. Vitale and Sgt. Eckert to the Leadership and Mastering Performance Management course in Dutchess County from March 5-9, 2018. There is no fee for the course.

VOTE AYES 4: Valentine, Medican, Smith, Wensley

ADOPTED

Deputy Supervisor Valentine read the training request from Chief Doellinger for Officer Monsees to the Narcotics Enforcement and Trafficking Investigations in Hotels/Motels and Parcel/Freight Carriers course. The course focuses on hotel/motel and parcel/freight interdiction and provides an update on legal and constitutional issues related to each interdiction technique. Students will identify each of the seven exceptions to the search warrant rule with emphasis upon stop & frisk, search incident to arrest, probable cause, plain view, plain feel, inventory, and consent. The class will express a working knowledge of the parcel and freight carrier system and the labeling practices for each.

ON A MOTION BY Councilwoman Smith and second by Councilman Wensley to approve the attendance of Officer Monsees to the Narcotics Enforcement and Trafficking Investigations in Hotels/Motels and Parcel/Freight Carriers course to be held in Westchester County on March 6 and 7, 2018. There is no fee for the course.

VOTE AYES 4: Valentine, Medican, Smith, Wensley

ADOPTED

IMA FOR 2018 REGULAR POLICE OVERTIME

Deputy Supervisor Valentine read the request from Chief Doellinger to approve the 2018 IMA with Orange County concerning regular police overtime (STOP-DWI) program and pass a resolution.

ON A MOTION BY Councilwoman Smith and second by Councilman Medican to adopt the following Resolution,

**IMA FOR 2018
REGULAR POLICE OVERTIME
STOP-DWI PROGRAM**

RESOLUTION

BE IT RESOLVED, that Daniel J. Doellinger, Chief of Police of the Town of Chester, New York, is hereby authorized and directed to execute the Orange County IMA for 2018 Regular Police Overtime STOP-DWI Program for three preset periods from February 15, 2018 through January 11, 2019, with an assignment of up to \$3,357 to be used by the Town during the first enforcement period from March 15 to May 29, 2018, reimbursable by the County of Orange.

VOTE AYES 4: Valentine, Medican, Smith, Wensley

ADOPTED

POLICE BENEVOLENT ASSOCIATION SPONSORED EASTER EGG HUNT

ON A MOTION BY Councilman Medican and second by Councilwoman Smith to permit the Police Benevolent Association use of the Commons Park on March 24, 2018 to conduct their annual Easter Egg Hunt.

VOTE AYES 4: Valentine, Medican, Smith, Wensley

ADOPTED

COVIELLO LOT LINE CHANGE

Deputy Supervisor Valentine explained that this issue concerns a discrepancy in lot lines as was filed by the County Clerk. Since it requires attorney review, the matter was tabled.

CABLEVISION FRANCHISE AGREEMENT RESOLUTION

Deputy Supervisor Valentine addressed the email received by the Town Clerk regarding a request from Altice to adopt a resolution authorizing the Town to renew the cable franchise agreement. Said agreement has been reviewed and approved by the Town Attorney.

ON A MOTION BY Councilwoman Smith and second by Councilman Medican to adopt the following resolution,

RESOLUTION AUTHORIZING THE TOWN OF CHESTER TO RENEW A CABLE
FRANCHISE AGREEMENT WITH CABLEVISION OF WARWICK, LLC TO
OPERATE A CABLE SYSTEM IN THE TOWN OF CHESTER

WHEREAS, THE Town of Chester (the "Town") is a "franchising authority" in accordance with Title VI of the Communications Act of 1934, (the "Communications Act"), and is authorized to grant one or more nonexclusive cable television franchises pursuant to Article 11 of the New York Public Service Law, as amended, and Title 16, Chapter VIII, Parts 890.60 through 899, of the Official Compilation of Codes, Rules and Regulations of the State of New York, as amended (collectively the "Cable Laws");

WHEREAS, the Town executed a franchise renewal agreement on June 8, 2005 with Cablevision of Warwick, LLC ("Franchisee"), which was thereafter confirmed and made effective by the New York State Public Service Commission ("Commission") on December 21, 2006 for a term of ten (10) years (Case No. 06-V-0832), and

WHEREAS, Franchisee has submitted a proposed Franchise Renewal Agreement to operate a cable system within the Town; and

WHEREAS, The Town and Franchisee have mutually agreed to the terms of a Franchise Renewal Agreement; and

WHEREAS, the Town has determined that the Franchisee is and has been in compliance with all terms/provisions of its existing franchise and applicable law; and

WHEREAS, the Town has determined that Franchisee has the requisite legal, technical and financial capabilities to operate a cable system within the Town and that Franchisee's proposal for renewal of the franchise meets the cable related needs of the Community; and

WHEREAS, a duly noticed Public Hearing, affording an opportunity for all those interested parties within the Town to be heard on the proposed Franchise Renewal Agreement, was held before the Town on October 25, 2017.

NOW, THEREFORE, be it

RESOLVED, that the Town Board determines that it is in the best interest of the public to award a Franchise Renewal Agreement to the Franchisee; and be it

FURTHER RESOLVED that the Town Board hereby authorizes the Supervisor to enter into a Franchise Renewal Agreement with Cablevision of Warwick, LLC and to execute any other documents necessary to effectuate the granting of the franchise renewal on behalf of the Town of Chester.

Dated: October 25, 2017

TOWN BOARD COMMENTS

Councilwoman Smith asked for a buildings' update. Mr. Fusco said the police building is 98% complete and working on a punch list. The sally port is being upgraded. Cameras and servers are waiting to be installed. He said it is 2 weeks away from completion. The senior center has had the bathroom floors installed. The exterior requires digging for electric and gas expected to be complete next Wednesday. The asphalt and concrete to be done when the factories reopen. The last job's meeting went well. It is expected to be opened sometime between the 1st and 28th of April.

Councilwoman Smith reported that IWS has delivered recycle containers to Pulvirent, Carpenter and the Commons. Pick up is scheduled for Mondays. She said this is in conjunction with the Girl Scouts' and Teem Redeem's projects. The Town Clerk said she would advise them of the status.

Councilwoman Smith announced the corn beef dinner to be held at the Sugar Loaf Fire House on March 11, 2018.

Councilman Medican asked the Town Clerk if the Camp Monroe property had been titled. The Clerk said she would follow up on the matter since there was a discrepancy at the County level with regard to the subdivision filing.

Deputy Supervisor Valentine gave an update of the last Moodna Sewer Commission meeting. He said that the Village of Chester and Town of Monroe will have to buy allotments since they have been using the Town of Chester's. He said the audit review is being finalized. He also announced that Scott Green is expected to retire, and will be difficult to replace. Councilwoman Smith added that the pump station on Greycourt is expected to be rebuilt this April.

Deputy Supervisor Valentine said the Tax Receiver has reported that 95% of Chester residents have paid their taxes so far. He said Chester is a good place to live!

PUBLIC COMMENTS

Reggie Troncone, 3966 Summerville Way – Mr. Troncone said his property abuts the Greens of Chester and he would like more information about the project with regard to the community, engineering, well and septic. Deputy Supervisor Valentine replied that this project, originally approved in the 90's, has 431 approved units with 50% being duplexes and the remainder to be single family housing. He added that a new review was rejected by the Planning Board resulting in a legal action and court stipulation ordering the Town to approve the plans. Mr. Troncone asked why there aren't any plans for the houses. Councilman Valentine explained that a building plan is not required until a permit is applied for, just the same as any home to be built on an approved building lot. He said right now the infrastructure is being put in as planned with no changes and at some point the Town will get building plans. Mr. Troncone asked if the plans could be changed and whether the engineering is independent of KJ. Mr. Fusco said the infrastructure is the same as any other project in the Town of Chester from the final approved plans in 2014 by court order. He added the project must meet all current infrastructure and building codes and is being inspected to comply with the approved plans. The building department will issue permits for each unit to be built. It is the responsibility of the developer to put in the water system. The four existing wells were approved by the Orange County Health Department. Sewer capacity will be provided through Moodna. The project will extend from West Street to Conklingtown Road and the subdivision will be comprised of private Roads, maintained by an HOA. Deputy Supervisor Valentine said that according to the plan, there would be a boatload of landscaping going in. He added that all plans and documents for the project could be viewed by a request through the Town Clerk via the Freedom of Information Law.

Walter Popailo, 16 Hulse Lane, - Mr. Popailo said the December 7th issue of the Chronicle, quoted Supervisor Jamieson to say the Greens of Chester would be open to everybody to buy and a twitter post on October 29th by the Satmar stated that it would be a Hasidic community. Councilman Wensley said that the owner/developer could not market as such, as it would be discriminatory. Deputy Supervisor Valentine added that by Federal Fair Housing Laws, the developer must market to everyone. He asked if they were sold. Deputy Supervisor Valentine replied that there had been no building permits issued yet, and there has been no local advertising. Mr. Popailo asked if the Town knows who the owner is. Deputy Supervisor Valentine said the owner is Jewish. Mr. Popailo asked if it was a Jewish community. Deputy Supervisor Valentine said that is an assumption and as far as the Town is concerned it is available to all. He added that the purchaser had \$12,000,000 to purchase the development and is now moving forward with the plans. Deputy Supervisor Valentine said there is no approval process for a home. There is no architectural review in the Town of Chester except when it is regarding ridge overlay. The

only requirement is relative to size, percentage of coverage and zoning. He further explained how the subdivision is being built as a cluster, as per sub-code, with expansive open space. Mr. Fusco said that the project will have a municipal water system.

There were comments made from the audience concerning taxes and tree cutting on the property. Deputy Supervisor Valentine answered that tax will be paid to the Town of Chester, County of Orange and Chester School District based on the assessor's value of the unit. He added the assessor makes determinations concerning religious exemptions. Deputy Supervisor Valentine explained there is no tree code in the Town of Chester.

Jim Foley, 16 Jefferson Drive – Mr. Foley asked why there was no a tree code in place and if they are required to go back through the process since the plan was approved in 2009. He asked why there isn't a cut-off after 5 years. Attorney Bonacic replied that in regard to this matter, the federal lawsuit ordered that there could not be a required amendment to the plan, which was approved many years ago. Deputy Supervisor Valentine said that generally there are rules requiring approvals to be renewed or extended on a consistent basis. He added that the master plan was redone to protect the Town from large growth whereby most zones were changed to AR3 – 3 acre and local laws enacted to protect the Town from massive growth. Deputy Supervisor Valentine noted that there aren't many areas in the Town which will allow municipal water and sewer as well. He added that accessory apartments aren't allowed in any area except Sugar Loaf and tree clearing of over 1 acres requires a storm water prevention plan, which alerts the Town to any large scale tree clearing. Mr. Foley commented about the issues with the Henry Farms project in Monroe. Deputy Supervisor Valentine said he is hopeful that the Town Board of Monroe will handle the matter appropriately.

Tracy Shuh, Preservation Collective. Ms. Shuh addressed the tree clearing ordinance that requires no permit. She suggested the Board consider a code adjustment as it is addressed in the Comprehensive Plan. As far as the question on extension of approvals, she said the State changed the code concerning the cut-off in approval times, to help developers, back when there were problems in the housing market. She said she thinks that the State should re-address that issue. Ms. Shuh also addressed the Greens of Chester and her concern over water since the project was approved in 2009 and whether there were more recent studies and offsite monitoring, and whether there is adequate supply and quality. Mr. Fusco said that the OC Department of Health 5-year approval process may be near its end, and require review. Deputy Supervisor Valentine said a special district would be formed and be monitored by the OC Department of Health and maintained by the Chester Water Department. Ms. Shuh spoke of her concern over the Town of Monroe's Henry Farm project and its environmental impact on adjoining Chester residents. Ms. Shuh asked the status of the speed limit reduction on Route 94. Attorney Bonacic replied that the Town and County need to adopt a resolution to that end. Ms. Shuh also announced the upcoming Planning Board meeting on March 7 concerning the proposed cell tower in Kings Estates, the Baroda subdivision with environmental concerns including steep slopes, ridge overlay and flooding. She once again, recommended the Town Board members to attend.

Nicole Greco, 60 Hambletonian Avenue – Ms. Greco asked about the BT Holdings project. She was referred to the Village of Chester.

EXECUTIVE SESSION

ON A MOTION BY Councilman Medican and second by Councilwoman Smith to enter into Executive Session concerning a matter of attorney/client privilege, and there being no further business brought before the Board, the meeting was adjourned at 8:15pm. Motion carried 4-0.

Respectfully submitted,

Linda A. Zappala
Town Clerk
2018-02-28