

DRAFT

**TOWN BOARD MEETING
May 9, 2018
7:00 PM**

Supervisor Jamieson opened the meeting at 7:05 pm followed by a salute to the flag. Members present: Supervisor Jamieson, Councilwoman Smith, Councilman Valentine, Councilman Wensley, Absent: Councilman Medican

Also present: Scott Bonacic, Esq. – Bonacic, McMahon

VOTE AYES 4: Jamieson, Smith, Valentine, Wensley

ADOPTED

CONGRATULATIONS

Supervisor Jamieson offered his and the Town's congratulations to Brendan Medican on the birth of his son and read the following letter received from Councilman Medican.

Brendan W. Medican
PO Box 3
Sugar Loaf, NY 10981
May 9, 2018

Town of Chester Residents:

In case anyone is wondering why I am absent from the meeting tonight, it is because I am home with my wife taking care of my newborn son. I feel that it is most important for me to spend these first moments with my family. As I have during other family situations, I will continue to make myself available outside of regularly scheduled town meetings.

It was brought to my attention that several residents were wondering what my stance is on the proposed ward system vs. our current system. At this time, I do not feel that it would be a benefit to the town. A ward system would require each ward to come up with a representative; it may be difficult to find qualified individuals in each ward that want to do this job. As is, it is difficult to find good, qualified people, throughout the whole town, to make up the board. I feel the most beneficial thing is for the town to take a stand and voice their opinions. That said, everyone should register to vote, get out and vote, and unite regardless of party – Democrat, Republican, etc. If this is done, no outside influences will have a chance of dominating any election. The key being that everyone needs to participate and unite for common interests.

Even though this is my current opinion on this matter, I have no opposition to putting this on the ballot for each resident to decide whether or not a ward system will be put in place.

Regards,

Brendan Medican
Chester Town Councilman

AUDIT OF CLAIMS

ON A MOTION BY Councilwoman Smith and second by Councilman Valentine to approve payment of the bills from the following accounts.

GENERAL FUND	81,323.53
GENERAL - PART TOWN	36,063.15
HIGHWAY – TOWN WIDE	44,417.23
HIGHWAY – OUTSIDE	6,849.81
FIELDCREST WATER	1,141.33
LAKE HILL FARMS WATER	782.81
SUGAR LOAF HILLS WATER	640.27
SURREY MEADOWS WATER	556.86
GARBAGE DISTRICT	45,605.32
WALTON LAKE WATER	9,927.19
TRUST AND AGENCY	7,631.50
CAPITAL FUND	<u>72,509.34</u>
Grand Total	\$ 307,448.34

NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW (SEQR)

ON A MOTION BY Councilman Wensley and second by Councilwoman Smith to conduct SEQR on the matter of the Introductory Local Law adding Chapter 84, Entitled Community Preservation Fund to the Town Code of the Town of Chester.

VOTE AYES 4: Jamieson, Smith, Valentine, Wensley

ADOPTED

INTENT TO BECOME LEAD AGENCY

ON A MOTION BY Councilman Valentine and second by Councilwoman Smith to adopt of the following resolution with regard to the Town of Chester's Intent to be Lead Agency in the matter of the Introductory Local Law adding Chapter 84, Entitled Community Preservation Fund to the Town Code of the Town of Chester.

RESOLUTION PURSUANT TO NEW YORK ENVIRONMENTAL QUALITY REVIEW ACT (SEQR) DECLARING TO BE LEAD AGENCY

WHEREAS, the Town Board determines pursuant to 264-3 of New York State Town Law, the adoption of Zoning Regulations or amendment thereto, is subject to the provisions of the State Environmental Quality Review Act under Article 8 of the Environmental Conservation Law and its implementing regulations; and

WHEREAS, since the Town of Chester Town Board is the only agency with the authority to adopt the Local Law to amend its Zoning Law, it will serve as the Lead Agency; and

WHEREAS, Interested Agencies include the Orange County Planning Department pursuant to NYSGML Sections 239 l and m; and

NOW THEREFORE BE IT RESOLVED, that the Chester Town Board hereby declares it intent to serve as lead agency for SEQRA review and notification of lead agency status will be provided to all involved and interested agencies.

VOTE AYES 4: Jamieson, Smith, Valentine, Wensley

ADOPTED

RESOLUTION TO SET PUBLIC HEARING REGARDING THE INTRODUCTORY LOCAL LAW OF 2018

WHEREAS, the Town Board determines pursuant to 264-3 of New York State Town Law, the adoption of Zoning regulations or amendment thereto, is subject to the provisions of the State Environmental Quality Review Act under Article 8 of the Environmental Conservation Law and its implementing regulations; and

WHEREAS, since the Town of Chester Town Board is the only agency with the authority to adopt the Local Law to amend its Zoning Law, it will serve as the Lead Agency; and

WHEREAS, 284-3 of New York State Town Law requires the Town Board to hold a public hearing and provide at least 10 (10) day notice of the time and place of such hearing and shall publish in a paper of general circulation in such town said public notice; and

NOW THEREFORE BE IT RESOLVED The Town Board hereby authorizes the Town Clerk to refer the Introductory Local Law of 2018 to the Orange County Planning Board and Town of Chester Planning Board for General Municipal Law Section 239 l and m review; and

FURTHER RESOLVED that in consideration of the above the Town Board is hereby setting a Public Hearing at its regularly scheduled meeting on June 13, 2018 at 7:00pm at Town Hall to obtain public input on the Local Law.

VOTE AYES 4: Jamieson, Smith, Valentine, Wensley

ADOPTED

Supervisor Jamieson asked Al Fusco to explain the SEQR (State Environmental Quality Review) process. Mr. Fusco explained that SEQR is a generic form used for zoning changes and special projects. He added all impacts are considered in the process, including air, water, sewer, etc. The process also requires an intent to be lead agency which concludes with a declaration to the extent of a negative or positive impact. Supervisor Jamieson said, in this case, the Town would develop a list of properties to purchase development rights, and any bonds issued for the "PDR" would be required to be on the ballot and the imposition of a real estate transfer tax imposed on the purchasers of properties in the Town, after going through the legislative process in Albany would also appear on the ballot.

PARKS DEPARTMENT SUMMER HELP

ON A MOTION BY Councilwoman Smith and second by Councilman Wensley to appoint Chris Battiato and David Sakowsky as part-time summer employees for the Parks Department, effective May 14, 2018.

VOTE AYES 4: Jamieson, Smith, Valentine, Wensley

ADOPTED

PURCHASE OF POLICE VEHICLE

Supervisor Jamieson read the following request from Chief Doellinger concerning the purchase of a new police vehicle.

“I am requesting permission to purchase a 2018 Ford Police Interceptor Utility police vehicle. The vehicle will be purchased from Beyer Ford in Morristown, NJ, who holds the state bid contract. The quoted price for the vehicle is \$31,277.01. The vehicle will replace a 2014 Ford Police Interceptor Utility with over 118,000 miles on it. The vehicle purchase will be accomplished by a fund transfer of the surplus that is available in the 3120.1 account due to the state’s approval of Det. Ferrara’s disability retirement effective 4/3/18. The vehicle will have to be ordered and will be available in 10 to 12 weeks.”

ON A MOTION BY Councilman Wensley and second by Councilwoman Smith to approve the purchase of a 2018 Ford Police Interceptor Utility police vehicle from Beyer Ford in Morristown, NJ for \$31,277.01 accomplished by a fund transfer from the 3120.1 account.

VOTE AYES 4: Jamieson, Smith, Valentine, Wensley

ADOPTED

INTRODUCTORY LOCAL LAW NO. ____ OF 2018, A LOCAL LAW AMENDING AND REPLACING CHAPTER 71 ENTITLED “PEDDLING AND SOLICITING” OF THE CODE OF THE TOWN OF CHESTER, SAID CHAPTER TO BE RENAMED “PEDDLING, SOLICITING AND DO NOT KNOCK REGISTRY”

ON A MOTION BY Councilman Wensley and second by Councilwoman Smith to Introduce the following Local Law Amending And Replacing Chapter 71 Entitled “Peddling And Soliciting” Of The Code Of The Town Of Chester, Said Chapter To Be Renamed “Peddling, Soliciting And Do Not Knock Registry”

Be it enacted by the Town of Chester in the County of Orange, as follows:

SECTION 1. Title

This Local Law shall be referred to as "A Local Law Amending and Replacing Chapter 71, entitled “Peddling and Soliciting,” of the Town Code of Chester.

SECTION 2: Purpose and Intent

It is the purpose of this Local Law to amend and replace Chapter 71, entitled “Peddling and Soliciting,” of the Town Code of the Town of Chester, as it relates to peddling and solicitation, and to add regulations which create a “Do Not Knock” registry in an effort to further protect the inalienable right of the residents of the Town of Chester to personal safety, tranquility and privacy.

SECTION 3: Peddling, Solicitation and Do Not Knock Registry

Chapter 71 of the Code of the Town of Chester is hereby amended to read as follows:

Chapter 71. Peddling, Soliciting and Do Not Knock Registry

§71-1. Title.

This Chapter shall be known and may be cited as the “Peddling, Solicitation and Do Not Knock Registry Law of the Town of Chester”. This Chapter amends, replaces and supersedes the former Chapter 71, entitled “Peddling and Soliciting”.

§71-2. Purpose.

The Town Board of the Town of Chester determines that it is in the best interest of the public to afford a just protection from peddlers and solicitors by regulating door-to-door solicitation by licensed sales agents; establishing a Do Not Knock Registry; and promulgating reasonable time and manner restrictions on door-to-door solicitation, including enforcement of the Do Not Knock Registry, and to preserve the private property, good order, peace, health, safety, welfare and comfort of the citizens of the Town of Chester.

§71-3. Definitions

As used in this Chapter, the following terms shall have the meanings indicated:

APPEALS OFFICER

The Town Board of the Town of Chester, or its designee, responsible for receiving the information from the Town and applicant or licensed solicitor with respect to any denial, suspension or revocation of a license and issuing a decision as required by this Chapter.

CHARITABLE SOLICITOR

A person, corporation or institution engaged in the sale of any merchandise, the proceeds of which sale shall be given in whole or in part to a charitable and/or tax-exempt institution, which solicitation shall include solicitation for funds without the sale of any merchandise.

DO NOT KNOCK REGISTRY

A list of residential addresses in the Town of Chester, organized alphabetically by street name, indicating those residential properties where the owner or occupant has indicated that he or she does

not want to be solicited and does not want sales agents to enter onto his or her property.

LICENSING OFFICER

The Town Clerk of the Town of Chester, or other designee of the Town Board of the Town of Chester, responsible for receiving from an applicant or licensed solicitor the completed application and either denying, granting, suspending or revoking the application or license.

PEDDLER

A person commonly referred to as a “peddler” or a “hawker,” who goes from place to place by travelling on streets and/or from house to house and carries with him or her goods, wares or merchandise for the purposes of selling and/or delivering the same to purchasers.

PEDDLING

The vending or hawking, or offering for sale, including the itinerant transporting and/or the exposing or the offering for sale and for concurrent delivery, in any public street or place, or the vending or the hawking by sales calls from residence to residence in the Town of Chester, of any goods, wares, merchandise, provisions, groceries, meats, fish, fruits, vegetables, trees, shrubbery, potted plants and flowers.

SOLICITING

The soliciting upon the residential property in the Town of Chester for the purposes of vending, peddling or soliciting purchase orders for any merchandise, device, book, periodical or printed matter whatsoever; or for services to be performed in the future; or for purposes of seeking to make or facilitate a home solicitation sale; or for purposes of conducting any consumer or other surveys; or for soliciting alms; or for a subscription or contribution to any church, charitable or public institution; or for the purpose of distributing any handbill, pamphlet, tract, notice or advertising matter; or for the purpose of selling or distributing any ticket of chance.

SOLICITOR

One who, either individually, as a principal and on his or her own behalf, or in association with one or more other persons in a partnership or other unincorporated business relation; a corporation; and a person who, as an agent, officer, or employee of some other person or persons, engaged in the act of soliciting.

TOWN

The unincorporated area of the Town of Chester.

TOWN BOARD

The Town Board of the Town of Chester

TOWN CLERK

The Town Clerk of the Town of Chester

TRANSIENT MERCHANT

A person commonly referred to as an “itinerant vendor,” who engages or proposes to engage temporarily in merchandising personal property within the Town of Chester and who occupies a room, building, tent, lot or stand for the purposes of selling goods, wares or merchandise.

§71-4. Exemptions.

- A. The following are exempt from the license requirements of this Chapter:
- 1) Persons specifically invited to a residence by a competent individual prior to the time of the person’s arrival at the residence;
 - 2) Persons soliciting in good faith for the benefit of any bona fide fraternal, educational, religious, or charitable organization such as Girl or Boy Scout programs, Little League, Rotary Club, Lions Club or like-minded civic groups soliciting for the benefit of organizations that shall have otherwise been certified or duly qualified as required by law or by any competent governmental body or organization;
 - 3) An honorably discharged veteran who:
 - i. Is physically disabled as a result of injuries received while in the service as set forth in New York General Business Law §35; and
 - ii. Holds a license granted pursuant to New York General Business Law §32.
 - 4) Persons delivering goods to a residence pursuant to a previously made order, or persons providing services at a residence pursuant to a previously made request by a competent individual;
 - 5) Students soliciting contributions to finance extracurricular social, athletic, artistic, scientific or cultural programs; provided, however, that the solicitation has been approved in writing by the school administration and filed with the Town, and that such student solicitors carry current picture student identification from the educational institution for which they are soliciting;
 - 6) A child regularly attending any public or private school within Orange County;
 - 7) Sales conducted pursuant to statute or Court order; and
 - 8) Persons engaged in the sale of cosmetics or household goods within a residence; provided, however, that such sales occur solely and exclusively within a residence by the permission of the owner thereof.
- B. All persons and organizations who are exempted from the license requirements under this Chapter shall maintain and keep records identifying all persons soliciting funds within the Town, and such records shall contain at least the name and address of the person soliciting, the areas solicit-

ed and the date or dates of solicitation. Said records shall be made available for inspection by a law enforcement authority or other enforcement official investigating any solicitor or peddler.

§71-5. Solicitation Prohibited.

- A. Unless otherwise authorized, permitted or exempted pursuant to the terms and provisions of this Chapter, the practice of being in and upon a private residence, or property upon which a private residence is located, within the Town by solicitors, for the purpose of home solicitation sales or to provide goods or services is prohibited and punishable as set forth in this Chapter.
- B. It shall be unlawful for any person to solicit within the Town without first having registered with the Town Clerk and having received, and having in force and effect, a license for the same, as provided for in Section §71-6 hereof, if such is required by the Town Clerk.
- C. No person shall engage in the following acts within the Town:
 - 1) Promote, influence or attempt to promote or influence a property owner, occupant, or tenant to list for sale, sell, or remove from a lease of real property by referring to race, color, sexual orientation, ethnicity, or religious affiliation of neighbors, prospective buyers or other occupants or prospective buyers of real property;
 - 2) Induce directly or indirectly, or attempt to induce directly or indirectly, the sale or listing for sale of real property by representing that the presence or anticipated presence of persons of any particular race, religion or national origin in the area has resulted in or may result in:
 - i. The lowering of property values;
 - ii. A change in the racial, religious or ethnic composition of the block, neighborhood, or area in which the property is located;
 - iii. An increase in the criminal or antisocial behavior in the area; or
 - iv. A decline in the quality of the schools serving the area.
 - 3) Make any representation or misrepresentation concerning the listing for sale or the anticipated listing for sale or the sale of any real property in any residentially zoned areas for the purpose of inducing or attempting to induce the sale or listing for sale of other real property in such area.
 - 4) Make any representation to any prospective purchaser that any block, neighborhood or area has, will or might undergo an adverse change with respect to the religious, racial or ethnic composition of the block, neighborhood or area for the purpose of discouraging the purchase of property in a particular area.
 - 5) Place, canvas or distribute any letter, sign, note, pamphlet, advertisement, flyer, leaflet, placard or other written material to or upon a private residence purporting an offer for sale or purchase for any property that is not in fact offered for sale by the owner of said property.
 - 6) Advertise for sale or rental property which is non-existent or which is not actually for sale or rental.

- 7) Engage in or hire or conspire with others to commit acts or activities of any nature, the purpose of which is to coerce, create or play upon unjustified fear with the purpose of inducing or attempting to induce the sale or listing for sale of real property.
- 8) Solicit or canvas any person whose name and property address is included on the list maintained by the Town Clerk of persons requesting that they not be canvassed or solicited, or to solicit or canvas any occupant of a residence displaying a "No Solicitation" notice or sticker.
- 9) To engage in any economic reprisal or any other form of intimidation against any person because that person has filed a complaint, testified, assisted or participated in any manner in any investigation, proceeding or conference under the terms of this Article.
- 10) To aid, abet, incite, compel or coerce any person to engage in any of the practices forbidden by this Article or to obstruct or prevent any person from complying with the provisions of this Article.
- 11) Refer, directly or indirectly or by implication, to race, color, creed, ethnicity or sexual orientation in any advertisement or other solicitation offering real property for sale or rental.
- 12) Solicit or attempt to solicit the sale or rental or the listing for sale or rental of real property without furnishing in written form to the owner or occupant of such real property the name of the person or organization soliciting such sale, rental or listing.
- 13) Solicit on sidewalks.
- 14) Maintain any booth or stand, or place any barrels, boxes, crates or other obstruction upon any street, sidewalk or public place for the purpose of conducting business without the express advanced approval of the Code Enforcement Officer or the Town Board.
- 15) Willfully misstate any fact about any article offered for sale.
- 16) Willfully offer for sale any article of an unwholesome or defective nature.
- 17) Call attention to goods by blowing a horn, ringing a bell, other than a house doorbell, by shouting or crying or by any loud or unusual noise, except that peddlers of ice cream and ice cream products for immediate consumption are exempted from the foregoing prohibition of the use of a bell.
- 18) Frequent any street, sidewalk or public place so as to cause a private or public nuisance.
- 19) Fail to keep any vehicle or receptacle used by him in his licensed business in a sound, clean and/or sanitary condition.
- 20) Fail to keep any edible articles offered for sale well-protected from dirt, dust and insects.
- 21) Fail to deliver to every person to whom a sale is made or from whom an order is taken a legibly written receipt, signed and dated by the licensee, setting out the total price, a description of the goods or services sold or rendered and a statement of any payment received by the licensee.
- 22) Fail to leave the premises promptly upon request of any occupant of such premises.
- 23) Solicit or selling during hours other than between the hours of 9:00 a.m. and 7:00 p.m.

- 24) Conduct business in a Town right-of-way or on Town property.
 - 25) Conduct activities in such a manner as to interfere with the pedestrian or vehicular use of the public streets and places.
 - 26) Cause or permit the public streets and places to be littered with papers, wrappings or other debris or refuse.
 - 27) Conduct business within one hundred (100) feet of a street intersection.
- D. All solicitors shall immediately move from a location if so ordered by any police officer or Town officer on grounds that the location is unsafe. Refusal to obey such order shall be grounds for suspension or revocation of the license. Such order may be appealed to the Town Board in the manner set forth herein.

§71-6. Deceptive Solicitation Practices Prohibited.

- A. No solicitor shall intentionally make any materially false, fraudulent or otherwise misleading statement in the course of soliciting.
- B. A solicitor shall immediately disclose to the consumer during face-to-face solicitation the following information:
 - 1) The name of the solicitor;
 - 2) The name and address of the entity with whom the solicitor is associated; and
 - 3) The purpose of the solicitor's contact with the resident or occupant.
- C. The requirements of subsection (B) of this section may be satisfied through the use of a badge and informational flyer.
- D. No solicitor shall use a factious name, an alias or any name other than his or her true and correct name.
- E. No solicitor shall represent directly or by implication that the granting of a license implies any endorsement by the Town of the solicitor's goods or services or of the individual solicitor.
- F. The provisions of this section shall also apply to solicitors who are exempt from licensing requirements pursuant to the provisions of this Chapter.

§71-7. Do Not Knock Registry.

- A. A Do Not Knock Registry shall be established and maintained by the Town Clerk's office. Residents may submit their property addresses for inclusion on this list by submitting a form, the contents of which shall be approved by the Town Board. This form shall be made available to the public at the Town Clerk's office. The Do Not Knock Registry shall be updated quarterly and the updated registry shall be provided to the Town of Chester Police Department on a quarterly basis.
- B. Any resident who has requested to register their property address on the Do Not Knock Registry shall be able to purchase from the Town Clerk's office, for a nominal fee, a sticker for display at the premises, indicating enlistment on the Do Not Knock Registry. Display of this sticker shall be on or near the main entrance door of the residence. The display of such sticker shall consti-

tute notice to any solicitor that the inhabitant of the residence does not desire to receive and/or does not invite solicitors.

- C. Upon approval and issuance of a license for solicitation as provided for in this Chapter, each licensed solicitor shall be provided with a copy of the Do Not Knock Registry. The licensee shall not solicit at any premises identified in the most current registry.

§71-8. Registration of Solicitors and Application for License.

Unless otherwise exempt under this Chapter, all persons, corporations or institutions desiring to engage in door-to-door solicitations within the Town, prior to doing so, shall file with the Town Clerk an application, in a form to be determined by the Town Board, upon which the applicant shall give such information under oath as the application may require. Licenses shall be issued in a form prescribed by the Town Board and a record thereof shall be kept by the Town Clerk. Any false statement made on any application shall be grounds for denial or revocation of the license.

§71-9. License Fees.

- A. A license fee for peddlers shall be \$2 per day or \$10 per week or \$15 per month.
- B. The license fee for transient merchants shall be the sum of \$45 for the period of three months or any portion thereof.
- C. No license shall be required for a charitable solicitor's license. Upon an application duly made in accordance with the provisions of this Chapter for the same, the Town Clerk shall issue an annual license to any charitable solicitor seeking the same, provided that the charitable solicitor has an office or a residential address within the Town, including the incorporated area of the Town. Such annual license shall be issued on a calendar-year basis and will subject to all of the provisions contained in this Chapter.

§71-10. Denial, Suspension or Revocation of License.

- A. A license may be denied, suspended or revoked by the Town Board upon the following conditions:
 - 1) Any violation of the terms of such license;
 - 2) Information submitted by the applicant is found to be incomplete or incorrect;
 - 3) Since submission of the application, the applicant is subject to a previously undisclosed or unknown disqualifying status;
 - 4) Failure to remit the requisite payment of fees;
 - 5) Since the submission of the application, the Town has received a substantiated report regarding past or present conduct of the applicant;
 - 6) Since the submission of the application, the Town or other governmental entity has either criminally convicted or obtained a civil injunction against the applicant for violating this

Chapter or similar federal, state or municipal laws in a manner rising to the level of disqualifying status; or

- 7) Since the submission of the application, a final civil judgment has been entered against the applicant indicating that the applicant had either engaged in fraud or intentional misrepresentation or that a debt of the applicant was non-dischargeable in bankruptcy pursuant to 11 U.S.C. §§523(a)(2), (a)(4), (a)(6) or (a)(19).
- B. The action of the Town Board shall be made at a regular or special meeting of the Town Board upon notice to the applicant or holder of the license.
 - C. The Town shall cause written notice to be mailed to the applicant or holder of such license, at the address as set forth in the application, at least three (3) days prior to the regular or special meeting at which such denial, suspension or revocation of license is to be so considered. In the event that the Town deems it necessary to shorten the three (3) day period, personal service upon the applicant or holder or the license of a written notice of the Town Board meeting to be held less than three days from the date of the notice shall be deemed sufficient.
 - D. The applicant or holder of the license shall have the right to be heard at the Town Board meeting at which such denial, suspension or revocation is to be considered.

§71-11. Appeals.

- A. An applicant or licensed solicitor whose license has been denied, suspended or revoked shall have the right to appeal to the Town Board or its designee. Any appeal must be submitted by either the applicant, the responsible person or entity, or legal counsel for either who: (i) documents the relationship with the applicant or responsible person or entity or is licensed, or (ii) is authorized by the State of New York to do so and makes the assertion of an agency relationship.
- B. Any appeal must be submitted in writing to the Town Clerk, with a copy of to any Licensing Officer, within ten (10) business days of the decision from which the appeal is taken. Such appeal shall describe in detail the nature of the appeal, the action complained of and the grounds for appeal.
- C. Upon the request of the applicant or licensed solicitor, within one (1) business day, the Town will make available any information upon which it relied in making the determination to either deny, suspend or revoke the license.
- D. The Appeals Officer of the Town shall review, de novo, all written information submitted by the applicant or licensed solicitor to the licensing officer, any additional information relied upon by the licensing officer as the basis for denial, suspension or revocation, and any additional information supplied by the Town, applicant or licensed solicitor. Any additional information submitted by any party to the appeal shall be simultaneously submitted to the opposing party. If desired, any party shall have three (3) business days to submit rebuttal documentation to the appeals officer regarding the additional information submitted by the opposing party.
- E. The Appeals Officer of the Town will render a decision no later than fifteen (15) calendar days from the date the appeal was taken, unless an extension of time is agreed upon by the parties. In the event that any party to the appeal submits a rebuttal as allowed in subsection (D) of this sec-

tion, fifteen (15) calendar days shall be extended to include the additional three (3) days for rebuttal.

- F. The denial, suspension or revocation shall be reversed upon appeal if the Appeals Officer of the Town finds that the Licensing Officer made a material mistake of law or fact in denying the application or suspending or revoking the application or license.
- G. If the written appeal and information submitted indicates that the Licensing Officer properly denied the application or suspended or revoked the license, the denial, suspension or revocation shall be affirmed and will constitute a final denial, suspension or revocation.
- H. After the ruling of the Appeals Officer, the applicant or licensed solicitor shall be deemed to have exhausted all administrative remedies within the Town.
- I. Nothing herein shall impede or interfere with the applicant or solicitor's, or Town's right to seek relief in a court of competent jurisdiction.

§71-12. Penalties for Offenses.

Any person, corporation or institution violating any of the provisions of this Chapter shall incur a penalty in the amount of \$100.00 for each violation. In addition, the Town Board shall have the right to apply for and secure injunctive relief against any person, corporation or institution found to have violated the provisions of this Chapter.

§71-13. Enforcement.

Any police department with jurisdiction in the Town of Chester and/or the Town Code Enforcement Officer or other enforcement official as may be designated by the Town Board, is charged with enforcing the provisions of this Chapter and shall have the power, right and authority to issue an appearance ticket for the violation of any of the provisions of this Chapter.

SECTION 4: Severability

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

SECTION 5: Effective Date

This local law shall take effect immediately upon filing with the Secretary of State.

VOTE AYES 4: Jamieson, Smith, Valentine, Wensley

ADOPTED

NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW (SEQR)

ON A MOTION BY Councilwoman Smith and second by Councilman Valentine to conduct SEQR on the matter of the Introductory Local Law Amending And Replacing Chapter 71 Entitled “Peddling And Soliciting” Of The Code Of The Town Of Chester, Said Chapter To Be Renamed “Peddling, Soliciting And Do Not Knock Registry”.

VOTE AYES 4: Jamieson, Smith, Valentine, Wensley

ADOPTED

INTENT TO BECOME LEAD AGENCY

ON A MOTION BY Councilman Wensley and second by Councilman Valentine to declare the Town of Chester’s Intent to be Lead Agency in the matter of the Introductory Local Law Amending And Replacing Chapter 71 Entitled “Peddling And Soliciting” Of The Code Of The Town Of Chester, Said Chapter To Be Renamed “Peddling, Soliciting And Do Not Knock Registry”.

VOTE AYES 4: Jamieson, Smith, Valentine, Wensley

ADOPTED

APPROVAL OF EDMUNDS BOOKKEEPING PROGRAM

ON A MOTION BY Councilwoman Smith and second by Councilman Wensley to approve the payment of \$39,535.00 to Edmunds for the purchase of a new computer program for payroll and bookkeeping.

VOTE AYES 4: Jamieson, Smith, Valentine, Wensley

ADOPTED

TOWN HALL CLOSURE

ON A MOTION BY Councilman Valentine and second by Councilwoman Smith to close the Town Hall on June 13, 2018 from 8am-12 noon due to the annual mandatory training session for all employees.

VOTE AYES 4: Jamieson, Smith, Valentine, Wensley

ADOPTED

RESIGNATION OF PLANNING BOARD MEMBER

ON A MOTION BY Councilwoman Smith and second by Councilman Valentine to accept the resignation of Konrad K. Mayer, effective upon his replacement or his departure from Chester, whichever occurs sooner.

VOTE AYES 4: Jamieson, Smith, Valentine, Wensley

ADOPTED

ON A MOTION BY Councilman Valentine and second by Councilwoman Smith to direct the Town Clerk to cause to publish an ad for the position of Planning Board member.

VOTE AYES 4: Jamieson, Smith, Valentine, Wensley

ADOPTED

ETHICS BOARD APPOINTMENT

ON A MOTION BY Councilman Wensley and second by Councilman Valentine to appoint Mary Luciana as a member of the Ethics Board for the term ending December 31, 2019.

VOTE AYES 4: Jamieson, Smith, Valentine, Wensley

ADOPTED

Supervisor Jamieson explained that there is one vacancy remaining on the Board for a Chester resident, affiliated with the Republican Party.

ON A MOTION BY Councilman Wensley and second by Councilman Valentine to direct the Town Clerk to cause to publish an ad for the vacancy on the Ethics Board.

VOTE AYES 4: Jamieson, Smith, Valentine, Wensley

ADOPTED

Supervisor Jamieson said that the Ethics Board meets on matters ethically questioned by the Town Board for their opinion, but does not meet randomly.

Supervisor Jamieson also announced the vacancy that exists on the Board Of Assessment Review. He explained that the BOA meets to determine grievances of taxes. Sometimes, he explained, business that are allowed to bank assessments can cripple a town.

ANNOUNCEMENTS

Supervisor Jamieson acknowledged the Chester Kiwanis for the successful Chester Clean-Up event.

Supervisor Jamieson gave thanks and appreciation to the Chester Police and the other outside agencies for their professionalism and knowing exactly how to handle the situation at the Chester School District during the recent incident.

Supervisor Jamieson said his agenda is usually completed on Tuesday, but there are always things that come to his attention afterwards that he may add.

Supervisor Jamieson announced the opening of the Tap House restaurant in Sugar Loaf to rave reviews.

Supervisor Jamieson announced the upcoming Sugar Loaf Festival on May 26-28 and the latter on October 6-8 and their request for road closures and detours.

ON A MOTION BY Councilman Valentine and second by Councilwoman Smith to approve the road closures and detours by the Police Department for the Sugar Loaf Festivals on May 26-28, 2018 and October 6-8, 2018.

VOTE AYES 4: Jamieson, Smith, Valentine, Wensley

ADOPTED

Supervisor Jamieson announced the 5th Annual Touch-a-Truck on September 8, 2018 from 9am-2pm.

Supervisor Jamieson announced that a presentation of the Highlands Trail Opening would be scheduled for the next Town Board meeting on May 23, 2018.

Supervisor Jamieson announced the scheduled electric outage by O&R on May 14th affecting approximately 116 customers on Gibson Hill Road, Natures Trail and Field Lane to perform system improvement work.

Supervisor Jamieson read the notice from O&R concerning a new bill payment scam on Facebook. The scammers pose as consultants who offer customers to pay their debts but are thieves. For more information, customers can call 877-434-4100.

Supervisor Jamieson announced the major exterior renovations at Carpenter Park by Tom Atkins, Paul Davis Restoration and the Highway Department as well as interior work improvements to the concession stand by the Little League. He thanked the Little League for their patience.

Supervisor Jamieson gave an update on the Greens of Chester and ward system. He said he met with the builders and will be meeting with Jim Skoufis and the State tomorrow. He added he met with the County Executive to discuss the situation with the sewer capacity. He stated the Town's relationship with the County is strong and they are looking at different avenues, but the development was approved long ago and, ultimately, the development will fall into the hands of the Town. He added the developer is not too happy with the FAR law and they are in the process of filing with the state for the HOA while the sewer is going to the County for review. He said that because of concerns with the water, Al Fusco is to do an analysis of the water system so that Conklingtown Road will not be affected. He said although it's the county's responsibility, the Town will do its due diligence. He said he discussed with the developer some different options for the use of the property but his mind is set on building houses since he will make more money than with commercial.

Supervisor Jamieson said he met with the School Superintendent, School Board President Frank Sambetts and the owner of the Greens of Chester. He said if anyone has question about the School District that they should attend school board meetings and pose their questions there. He said he met with Whispering Hills residents and of the twenty questions they asked about fifteen should be directed to the School Board.

On the subject of the ward system, Supervisor Jamieson said our attorney advises that a local law would allow the Town to draw the lines of the wards. He added that of the 686 units in Whispering Hills, there are 24 owned by LLC's as reported by the assessor.

TOWN BOARD COMMENTS

Councilman Wensley asked for an update on the new Senior Center. Al Fusco explained that the grading and base for the asphalt would be completed tomorrow and the striping of the parking lot done next Monday. He said there is landscaping and kitchen items along with punch list items to be completed next week. Supervisor Jamieson added that the building is coming along very nicely and there is a lot more space than the existing senior center. He said that the parks department, highway department and

Bellvale community would be setting up tables and chairs tomorrow. He added the ribbon cutting ceremony with the County and State should be sometime in the first part of June.

Councilman Valentine said that if anyone in the Town is interested in selling their land they should approach the Town for possible inclusion in the PDR program.

Councilman Valentine asked for an update on the speed limit reduction. Supervisor Jamieson said the request for the speed limit reduction was sent to Poughkeepsie two to three weeks ago. He thanked Eric Denega of the County DPW for getting the work done on the bridge by Flynn's and fixing the potholes on Kings Highway and is fighting with the State to get the repairs done on 17M.

Councilwoman Smith explained that she was absent for the last meeting when the ward system was discussed due to family medical issues. She stated that although it would be a benefit to her so she would only need to canvass a small group of people than the whole town which would make her job easier, but she said the ward system may not work as to what the people would want. There is vacant property to be sold around the town including large farms like the Talmadge farm. She said she thought the ward system should be on the ballot to let the people decide.

Councilwoman Smith asked for an update on the fireworks. Supervisor Jamieson announced that the fireworks are scheduled for July 14, 2018. He said that since there is no field access on the school property that a site visit would be conducted on the black dirt fields behind Carpenter Park. He added that spectators would then be able to sit on the fields and allow vendors in the park. Supervisor Jamieson thanked Suburban Propane for their sponsorship this year.

Councilwoman Smith said that the Lobster Pier has not been sold.

Councilwoman Smith added that Gus of the Little League did the work on the counter tops and equipment for food service and it is going to be really nice.

PUBLIC COMMENTS

Christy Greco, 251 Pine Hill Road, Preserve Chester asked if the transfer tax was the only way to fund the PDR. Supervisor Jamieson said that initially a bond would be a tax burden to buy properties and the transfer tax would be used to offset the debt. Ms. Greco announced the upcoming public session to inform the public about the ward system and stop voter apathy.

Tara Fontana, Goshen, Preserve Chester asked for details of the meeting held with the school district and developers. Supervisor Jamieson said the discussion centered mostly on the school and student cost. He added that since the school district is a different entity he really did not have answers to most of the questions concerning school district costs.

Kerry Cambria, Meadow Avenue, asked what the protocol for an ethics issue as viewed from the public. The Town Attorney referred Ms. Cambria to Chapter 7 of the Town Code for more information.

Barbara Morrow, asked about the costs for the new senior center. Supervisor Jamieson said the costs were under or at budget. Ms. Morrow said the Town Board should consider Tracy Shuh for the Planning

Board vacancy as they make important decisions concerning developments and she is highly knowledgeable. She added that there is an ongoing issue at the entrance way to the trails on Bull Mill Road concerning the dumping of garbage.

Mary Luciano said she was asking Councilman Valentine on behalf of Steven Keahon whether he would support the ward system. Councilman Valentine replied that any issue of major importance should be placed on the ballot. He said he is not ready to commit to making that decision at this time. He added that it should be an informed decision and he is not informed enough to put it on the ballot right now. He said the Board only discussed it for two meetings. She then polled the Town Board. Councilman Wensley said he echoed the comment of Councilman Valentine but did not have all the information on how lines are drawn but feels the people should decide. He added that he hopes that getting more information brings 100% understanding to the Town. Supervisor Jamieson said he agreed that it should be placed on the ballot, but the Board has until August to make a decision to put it on the ballot. Councilman Valentine said the report out of Ramapo states that the Ward system doesn't work for small towns and Chester has only 8,000 registered voters. He said he needs more information before he is willing to support it. He is not for or against.

Steve Mann, Village of Chester voiced concerns over the athletic fields at the Commons Park. Supervisor Jamieson said the fields are on the Town's radar, but there has been water issues there and hope to get the work done in the early fall.

Walter Popailo, 16 Hulse Lane, asked about school taxes. Supervisor Jamieson said that is a question for the School Board.

Cindy Becker, 11 Sanford Avenue spoke on 191 Lehigh Avenue. She was informed that the Building Inspector went out and saw business no longer functioning. Mrs. Becker submitted pictures she said were taken yesterday. She said that there are cars and trucks going in and out and reels of wire covered by a tarp. She said this issue has been battled for over a year to get compliance. Supervisor Jamieson read the email received from the Building Inspector regarding items and boxes left outside. He said the owner acknowledged the concerns and would clean up the property. He said the Planning Board may or may not come to a different decision. They have the option to accept or agree with the Building Inspector or make a determination to send it back to the ZBA for interpretation. Ms. Becker said that she feels her words are falling on deaf ears and she is concerned with what we are facing with the big development coming to the Town.

County Executive Neuhaus said that previously the School Board had advocated for more students and now the average family will have 4-8 kids. He said the school district needs to conduct an economic analysis. He suggested that a meeting be scheduled with 2 members of the Town, Village and School Board to meet with himself and Legislator Vero to discuss sustainability, since the Town is out of sewer capacity. Councilman Valentine asked to receive paperwork to that affect. Attorney Bonacic commented that as part of the Moodna Sewer, the Town still has available capacity and the ability to purchase additional capacity, while the Village of Chester and Town of Monroe are over their allocation and would have to provide back to the Town the allocation they have used which belonged to the Town. Supervisor Neuhaus said a better alternative would be commercial, benefitting from jobs and rates.

Ms. Fontana asked about incentive zoning. Supervisor Jamieson explained that C&S received a 15-year tax abatement for building the project, and it benefits the company not the community. Councilman Valentine explained that the builder has not been receptive to a commercial change. Supervisor Jamieson said by court order we must provide sewer to the project and, if not, we are at risk to be sued. Supervisor Jamieson said the owner/investors stand to make \$80,000,000 on 400 homes and knowing that they can't be stopped and so why should they settle for less.

Susanne Bellanich thanked the Board for pursuing the No Solicitation law. Supervisor Jamieson said it does not apply to Whispering Hills. She asked about the Baroda development. Councilman Valentine said that project is wells and sewers.

Kerry Cambria asked if the settlement had any requirements for tests. Supervisor Jamieson the agreement calls for obligations to provide sewer and they are not subject to any new regulations. Councilman Valentine said the Town Board took the sewer plant off the table which is a great benefit.

Kevin Green, Trotting Drive, asked about the state of construction. Al Fusco answered that the clearing, grubbing and grading for roads are being worked on and erosion and drainage work has started. Supervisor Jamieson said they would like to have 100 houses per year and the first foundations to be in by September or October. He explained the HOA process is in review in Albany.

Tracy Shuh stated the HOA should be reviewed by the Town Attorney and the remaining lands be protected as intended. She said that sooner than later water would become an issue and, if not the Town, then maybe the County Health Department can do something about it. She said the EIS from 1996 had significant water draw down but was dismissed. She expressed concern about the marketing of the project. Supervisor Jamieson said the homes would be marketed on the MLS and that anyone could buy them. Ms. Shuh expressed concern that her letters are going unanswered and hopes the Planning Board addressed her concerns regarding the Hills of Chester, the Baroda property, and the flaws in the code. She said she implores the Town Board's attendance at the public hearing and to look at things carefully.

ON A MOTION BY Councilman Valentine and second by Councilwoman Smith to adjourn the meeting at 8:50pm, there being no further business brought before the Board.

VOTE AYES 4: Jamieson, Smith, Valentine, Wensley

ADOPTED

Respectfully submitted,

Linda A. Zappala
Town Clerk
2018-05-09