

TOWN BOARD MEETING
August 22, 2018
7:00 PM

Deputy Supervisor Valentine opened the meeting at 7:05pm followed by a salute to the flag. Members present: Deputy Supervisor Valentine, Councilwoman Smith, Councilman Wensley, Councilman Medican arrived at 7:10pm. Absent: Supervisor Jamieson

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

WARD SYSTEM BALLOT PROPOSITION

ON A MOTION BY Councilwoman Smith and second by Councilman Wensley to direct the Town Clerk to certify to the Orange County Board of Elections, the following resolution to authorize the Town Board of the Town of Chester to submit a proposition for the establishment of a ward system to voters at the General Election, subject to the approval of the Orange County Board of Elections.

WHEREAS, the Town Board of the Town of Chester has been considering the establishment of a ward system of governance for the town; and

WHEREAS, the Town Board of the Town of Chester, upon its own motion and in accordance with Town Law §81(2)(b), desires to submit a proposition regarding a ward system to the qualified voters of the town at the next General Election.

NOW, THEREFORE, BE IT RESOLVED, that the following proposition be submitted to the Town’s qualified voters at the General Election to be held on November 6, 2018:

PROPOSITION NO. 1

“Shall a ward system be established for the election of Councilmen and Councilwomen in the Town of Chester?” and be it further

RESOLVED, that should the qualified voters of the Town of Chester vote to establish a ward system for the election of councilmen and councilwomen in the Town of Chester, the Town Board shall divide the Town into four wards and fix the boundaries thereof pursuant to the authority granted to it under New York Municipal Home Rule Law §10(1)(ii) (d)(3); and be it further

RESOLVED, that the Town Clerk of the Town of Chester is directed to transmit to the Orange County Board of Elections a certified copy of this Resolution and the submitted proposition on or before October 2, 2018; and be it further

RESOLVED, that the Town Clerk of the Town of Chester is further directed to publish and file all appropriate Notices of Proposition to be voted on as required by law.

VOTE AYES 3: Valentine, Smith, Wensley

ADOPTED

FRONTIER FRANCHISE AGREEMENT

Deputy Supervisor Valentine addressed the draft provided by Attorney Bonacic with regard to the Frontier Franchise Renewal and how it compares to the Cablevision (Altice) Franchise agreement. A discussion

ensued about the term differences between Frontier and the current Altice agreements. Councilwoman Smith asked if ghost pole removal could be added to the terms. The matter was tabled for counsel's continued negotiation with Frontier on behalf of the Town.

*Councilman Medican arrived.

COMMUNITY PRESERVATION PLAN DISCUSSION

Deputy Supervisor Valentine explained how the Town Board members are having one on one conversations and considering certain parcels for purchase for Town preservation. He said there has been discussions with bond counsel to make these purchases for any Town use and not limit to open space. He added that the Town needs public support to push this forward. Councilwoman Smith added that a recent study done by SUNY New Paltz indicates that land bought for open space affords feasible use and can also be profitable.

NYSEFC GRANT APPLICATION

Engineer Fusco explained that the grant application for \$3,700,000 submitted two years ago for the Sugar Loaf Hills Water District is still active but needed updating and resubmission.

ON A MOTION BY Councilman Wensley and second by Councilwoman Smith to authorize the Deputy Supervisor to sign the grant application.

VOTE AYES 4: Valentine, Medican, Smith, Wensley

ADOPTED

E-Z PASS RETAILER

The Town Clerk explained how the Town could become a retailer of e-z pass at \$25 p/pass and earn \$4 on each sold. She submitted the required application and resolution for Town Board consideration.

ON A MOTION BY Councilwoman Smith and second by Councilman Wensley to adopt the following Resolution.

RESOLUTION AUTHORIZING THE TOWN OF CHESTER TO ENTER INTO AN AGREEMENT WITH THE NEW YORK STATE THRUWAY AUTHORITY TO SELL E-ZPASS TAGS.

WHEREAS, Town of Chester Town Clerk's Office wishes to retail E-ZPass Tags through the New York State Thruway Authority's E-ZPass On-the-Go Program;

WHEREAS, Town of Chester Town Clerk's Office will purchase E-ZPass tags for the cost of \$21.00 per Tag from the Thruway Authority and sell the Tags at a cost of \$25.00 per tag, allowing the Town of Chester to keep \$4.00 per sale, and

THEREFORE BE IT RESOLVED that the Town Board of the Town of Chester hereby authorizes the Town of Chester Town Clerk's office to enter in an agreement with the New York State Thruway Authority to sell E-ZPass Tags provided all legal requirements are complied with.

VOTE AYES 4: Valentine, Medican, Smith, Wensley

ADOPTED

ZONING MATTER

Deputy Supervisor Valentine read the request from the property owner on Kings Highway whose property was in the Industrial Zone but is now showing in the AR-3. Engineer Fusco said that he is working on re-drafting the entire Town’s zoning map and will be ready next week to begin the SEQRA and review process prior to adoption.

E. TETZ & SONS

Deputy Supervisor Valentine read the request from Mr. Tetz for the Town to accept their quarry products for use on all projects within the Town of Chester. Attorney Bonacic said the matter should be referred to the Highway Superintendent.

EDUCATION REQUESTS

ON A MOTION BY Councilman Wensley and second by Councilman Medican to approve the attendance of Officer Gannon to the Radar/Lidar Operator Course at the academy in New Windsor from September 4th – 7th. There is no fee for the course.

VOTE AYES 4: Valentine, Medican, Smith, Wensley

ADOPTED

ON A MOTION BY Councilwoman Smith and second by Councilman Wensley to approve the attendance of Officer Santosky-Wright to a DWI Detection and Standardized Field Sobriety Testing refresher course. It will be held in Orange County on September 6th. It is designed to update officers who are already certified in SFSTs using proper procedures and protocols requisite with the NHTSA program. There is no fee for the course.

VOTE AYES 4: Valentine, Medican, Smith, Wensley

ADOPTED

ANNOUNCEMENTS

Deputy Supervisor Valentine announced the upcoming Touch-a-Truck event on Saturday, September 8th from 9am-2pm at the Highway Garage, 88 Laroe Road.

TOWN BOARD COMMENTS

Councilwoman Smith said she attended the last Moodna Sewer Commission meeting and pump station 3 electric work and sidewalk will be finished in one month. She added that two new bookkeepers have been hired and will be working out of the office in Monroe. Councilwoman Smith asked whether the Town would hold the kite festival. Lori Streichert said to refer to chesterrec.com for date and information.

Councilman Medican commented that some of the properties the Town is considering will offer uses such as ballfields and dog parks. He asks the public for feedback and use suggestions. He said we should include infrastructure work inside the financing. Deputy Supervisor Valentine said the Town will conduct public information sessions and be looking for ideas.

Councilman Wensley asked about the complaint received on August 20th concerning the sewer line installation along West Street and the inconvenience it caused area residents. He asked if people who live in the area could be informed of disturbances. Engineer Fusco explained the work was done by permit along an approved easement. He added the public could be notified in the future through the use of billboards, PD signage and the Town website.

PUBLIC COMMENTS

Cindy Becker, 11 Sanford Ave. referenced the Chronicle newspaper article, with regard to 191 Lehigh, in which Supervisor Jamieson was quoted as saying they “cannot have equipment”. She said that at 8:55pm the lot is full and unloading electrical supplies and the apartment appeared occupied but the owner is still three weeks away from getting final approval. Mrs. Becker stated Mr. Farr’s letter dated May 14, 2018 is incorrect as to the grandfathering in of the business as non-conforming use. She said she has made many complaints and wants an answer now. She added that she has been coming month after month without receiving any resolution. Mrs. Becker said they should be represented and protected by the Town Board.

Steve Keahon, 8 June Road, asked who the Building Inspector answers to. He said 191 Lehigh has no site plan approval and is not up to fire code and has no permits for sheds. He said one planning board member said they should hold off on approvals. He asked for a status update about the floods at the Greens of Chester, Whispering Hills and Surrey Meadows. Deputy Supervisor Valentine said he was at the Greens during a flooding event with the DEC and that they had not issued any violations, due to the excessive rains. Engineer Fusco commented on the erosion sediment plan at the Greens. He stated the overflow of the pond caused by backup of the storm drainage system that came out of the catch basins was remedied when the Highway dug a ditch to divert the water, the pond was re-stabilized and the developers are not able to open any new areas. Sewers and curbs have been installed and all is being monitored by his company and the DEC. Councilman Wensley said he will request Jim Farr attend the next Board meeting.

Water Popailo, 16 Hulse Lane said that the procurement policy was not followed earlier this year when only two written estimates were received for work done at Carpenter Park. He commented that the winning bid was Paul Davis Restoration, a former employer of the Town Supervisor.

Barbara Morrow asked Councilman Medican the status of the timeclocks. Councilman Medican said he thought Supervisor Jamieson was to speak with Chief Doellinger.

Tom Becker, 11 Sanford Ave. addressed the Board concerning 191 Lehigh and submitted written comments which appear below.

August 23, 2018

At the last two Town Board meetings I have requested an answer as to why 191 Lehigh Ave has not received a violation notice for running a professional office and an electrical supply yard. Without site plan approval they are not permitted to do so as per a violation letter written on Dec 7, 2017 by Jim Farr.

In a recent posting by the Chronicle Rick Golden the attorney for 191 stated the business is up and running because Jim Farr wrote a letter claiming that prior to 1974 the property was operating as a professional office and continuing to date.

That letter is complete garbage. These are the facts prior to 4/21/1993 191 was a farm workers tenant house owned by Stella Myruski. After that date until 1/23/2001 Tad and Michel Mapes owned the property {Michel is my Sister in Law}. They sold to Phil Conoy in 2004 and Phil sold to Rich Umbrino in 2015.

I have known all these prior owners and not one of them ran a PROFESIONAL OFFICE FROM THE PROPERTY.

Jim Farr's letter written on May 14, 2018 cannot be used to grandfather this property because it was never a professional office.

The building inspector has all these documents because they were all part of my written complaint dated June 7, 2018

With all of this information do you have any reason why 191 Lehigh has not received a violation?

Tom Becker

Vincent Finizia commented that his request for Ethics Board member contact information was not provided and he wants to meet with the members. He asked why the requests made to the Town Board for an ethics board review were not replied to. Attorney Bonacic said a written response was made to the two complainants, addressing Chapter 7 of the Town Code and the proper procedure to file complaints. Mr. Finizia asked why he wasn't invited to the zoning committee meetings. Deputy Supervisor Valentine said that the meetings are open to the public.

Suzanne Bellanich, 25 Wilson Road suggested disc golf and splash parks as a consideration for the use of newly acquired properties.

Kerry Cambria, Meadow Ave. asked if there were any remarks to the lease agreement submitted by the Library. Attorney Bonacic said that it was still under review. Ms. Cambria also advised of the petition circulating for the proposition to get the library budget placed on the ballot. She said if this proposition passes it will aid the library to protect funding in the future. She said it is available for consideration at Main Street Pizza or outside the library building.

Mary Luciana asked if the ward system proposition going to the County would be automatically approved. Deputy Supervisor Valentine said as far the Town knows, the County should not have an issue with it. Attorney Bonacic clarified that the Board of Elections have no context involvement but only approval for placement on the general election ballot. Ms. Luciana expressed concern over the management of building inspections of projects throughout the Town. She asked if the Board has any say in the matters of the Town besides the Supervisor. Councilman Valentine said each member has a vote. Councilman Medican said these matters will be discussed in Executive Session. Councilman Wensley said the Building Inspector requested to speak on the matter is a directive of the Town Board. Regarding the Ethics code, Ms. Luciana commented she didn't see any information in the code on how to write a letter. She asked how many letters were received. The Town Clerk replied there were two letters received to date.

Tracy Shuh asked if the upcoming zoning committee meeting dates could be announced. She asked the Board to revisit the committees and officially adopt members. She also suggested Department heads attend Town Board meetings and the Town Board go to the Planning Board meetings and public hearings. Ms. Shuh asked the status of the CPP and public hearing to adopt same. She commented that the flooding event of July 25th and last weekend's rains and the affect it has had and why the Town didn't violate the Greens of Chester. Engineer Fusco explained the Towns violations are minimal compared to the DEC fines of \$37,500 per/day, so they are deferred to in these matters. He added that mitigation is key. Ms. Shuh asked about the condition of West Ave. Deputy Supervisor Valentine said they have 7 days to stabilize the site. Ms. Shuh also noted the requirement for infrastructure to be completed first before any models were built. She said there are water infrastructure concerns and thought there was to be offsite well testing. She stated that the Town should intervene with the Health Department. She noted the resolution requirement for the creation of an HOA and Transportation Corp.

Barbara Morrow asked if he Building Inspector submits reports to the Town Board. Deputy Supervisor Valentine said the Town Board receives weekly reports.

EXECUTIVE SESSION

ON A MOTION BY Councilman Medican and second by Councilman Wensley to enter into an Executive Session at 8:30pm for the purpose of discussing the hiring of personnel. Motion carried 4-0.

ON A MOTION BY Councilwoman Smith and second by Councilman Medican to adjourn the Executive Session at 10:00pm. Motion carried 4-0.

HIRING OF POLICE PERSONNEL

ON A MOTION BY Councilman Medican and second by Councilman Wensley to hire Erik Grahn as part-time Police Officer, effective immediately.

VOTE AYES 4: Valentine, Medican, Smith, Wensley

ADOPTED

PLANNING BOARD APPOINTMENTS

ON A MOTION BY Councilman Wensley and second by Councilman Medican to appoint Larry Dysinger and Mark Roberson to the Planning Board.

VOTE AYES 4: Valentine, Medican, Smith, Wensley

ADOPTED

ON A MOTION BY Councilman Medican and second by Councilman Wensley to adjourn the meeting at 10:10pm, there being no further business brought before the Town Board. Motion carried 4-0.

ON A MOTION BY Councilwoman Smith and second by Councilman Medican at 10:11pm to reconvene the meeting. Motion carried 4-0.

TERMS OF PLANNING BOARD APPOINTMENTS

ON A MOTION BY Councilman Medican and second by Councilman Wensley to set the terms of the Planning Board appointees as follows:

Larry Dysinger – term ending December 31, 2019
Mark Roberson – term ending December 31, 2024

VOTE AYES 4: Valentine, Medican, Smith, Wensley

ADOPTED

ADJOURNMENT

ON A MOTION BY Councilman Wensley and second by Councilwoman Smith to adjourn the meeting at 10:15pm, there being no further business brought before the Town Board. Motion carried 4-0.

Respectfully submitted,

Linda A. Zappala
Town Clerk
2018-08-22