

**TOWN BOARD MEETING  
OCTOBER 10, 2018  
7:00 PM**

Supervisor Jamieson opened the meeting at 7:03pm followed by a salute to the flag. Members present: Supervisor Jamieson, Councilman Valentine, Councilman Wensley, Absent: Councilwoman Smith, Councilman Medican

Also present: Scott Bonacic, Esq., Town Attorney

**AUDIT OF CLAIMS**

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

GENERAL FUND	117,747.88
GENERAL - PART TOWN	70,967.90
HIGHWAY – TOWN WIDE	13,742.46
HIGHWAY – OUTSIDE	4,366.34
FIELDCREST WATER	4,050.53
LAKE HILL FARMS WATER	1,475.68
SUGAR LOAF HILLS WATER	2,235.37
SURREY MEADOWS WATER	1,272.94
GARBAGE DISTRICT	45,860.52
TRUST AND AGENCY	1,823.50
WALTON LAKE WATER	1,729.84
CAPITAL FUND	<u>147,784.34</u>
Grand Total	\$ 413,057.30

**VOTE AYES 3: Jamieson, Valentine, Wensley**

**ADOPTED**

**ACCEPTANCE OF MEETING MINUTES**

**ON A MOTION BY** Councilman Wensley and second by Councilman Valentine to accept the Town Board Meeting Minutes through September 12, 2018 as presented by Town Clerk Zappala.

**VOTE AYES 3: Jamieson, Valentine, Wensley**

**ADOPTED**

**ROUTE 17M BRIDGE REPAIRS**

Supervisor Jamieson read the following letter received from the DOT in reply to previous inquiries regarding the disrepair of the 17M bridge at Kings Highway. In response, Supervisor Jamieson suggests the public flood the DOT office with phone calls expressing their dissatisfaction with their reply.



**Department of  
Transportation**

**ANDREW M. CUOMO**  
Governor

**PAUL A. KARAS**  
Acting Commissioner

**LANCE MacMILLAN, P.E.**  
Acting Regional Director

September 13, 2018

RECEIVED  
✓ CC: TS, TB (ea)  
OCT 04 2018

TOWN CLERK  
CHESTER, NEW YORK

Dear Mr. George:

Thank you for your letter concerning the Route 17M (Brookside Avenue) bridge (Bridge Identification Number 1014580) over the Norfolk-Southern Railroad in the town of Chester, Orange County.

New York State Department of Transportation (NYSDOT) maintenance staff have been addressing the wearing surface with hot mix asphalt over the years and will continue to do so as needed. The bridge deck is beyond the repair phase and adding a hot mix asphalt overlay on the poor deck at this point is not an effective solution. The bridge is in poor condition and the scope of work for this structure is replacement.

The Region's five-year Capital Program does not currently include work on this bridge, however, the bridge is part of our capital program development process and will be programmed as a candidate for replacement. While the program funding has not yet been identified, this structure has been designated as a regional priority location. We continually monitor the bridges in the region to ensure they remain safe for the travelling public.

If you have any further questions, please feel free to contact our Regional Planning and Program Management Group at (845) 431-5723.

Sincerely,

Lance MacMillan, P.E.  
Acting Regional Director

## **PRESENTATION CONCERNING O&R SMART METER INSTALLATION**

Lydia Quadros and Chris Mauer made a presentation to the Town Board concerning the installation by O&R of Smart Meters, and stated that O&R would be sending all residents a postcard, from their point of view, with a 90-day warning of the replacements. They asked the Town Board to support the opposition of the opt-out fee and allow residents to keep their analog meters at no charge. Their presentation is attached hereto.

## **TIM BARN BREWERY PRESENTATION**

Dale and Lauren VanPamelen presented the Town Board with their proposal for the Sugar Loaf Performing Arts Center. The following is a letter of introduction. Their full presentation is attached hereto.

Hello, my name is Dale VanPamelen.

I have owned and successfully sold retail businesses for 38 years. The last one, NY Dog Spa & Hotel is an ongoing 13,500 sq.ft. dog hotel that employed 46-50 people regularly.

Our first preference would be an outright purchase of the Sugar Loaf Performing Arts Center from the Town of Chester. We would certainly be willing to discuss other options like a lease to purchase or long term lease.

I understand there might be some trepidation regarding an outside buyer so let me address a few concerns that I thought of. If I don't touch on any that do come up I can try to field them now or you can contact me in any manner so that I may address them.

### **1. What's to stop Tin Barn from turning around and reselling the property?**

- a. We will sign any guarantee you find appropriate against our doing this. We would be willing to offer the Town of Chester the first right of refusal for a satisfactory number of years *at our original purchase price*, no matter how much the property increases in value or how much money we have invested in it. This would be a horrible agreement for us if our intent was anything other than to grow the business while becoming a greater part of the community.
- b. We already have about 350K into the brewery which includes the entire system ready to install. We figure that it will take another 4-500K to open. The parking lots and grounds will likely run about between 50-100K with interior construction and installation making up the rest. Between the initial 750K and the purchase of the property, there would be no immediate profit on a sale. A brewery is also a very expensive business to relocate so the only play for us is long term tenancy.

### **2. How do we guarantee you keep to the Performing Arts Center's original mission?**

- a. We love the idea of the PAC remaining a performance theater. We intend to hire as locally as possible and would be happy to hold discussions with people who have the passion for the theater portion of the facility. We would be willing to lease the theater to a person or company that fits that bill. We would like to retain the option to hold some musical concerts. The facility and the parking lots are easily divisible during periods where both portions are operating at full capacity.
- b. We also think it's wise to house two revenue streams inside a facility this size, with the expenses it will generate. Since inception it has been solely a Performing Arts Center with two attempts to make it work on its own. It's a wonderful idea that simply requires an additional revenue stream to make it viable. Without that, it's possible the town may end up supporting the venture, not reaping benefits from it.

### **3. Why you and Tin Barn and not someone else?**

- a. We live and own homes here. We want to work here. I would love to see Sugar Loaf at full steam again.
- b. We have the experience and financial ability to take on this project, complete it and fund it through its ramp-up phase
- c. Preserving Chester's suburban/rural landscape is of utmost importance. If you accept us into the P.A.C., it would be owned by neighbors of yours who care the same way about the area as you do. It means that Lauren's home and property at 19 Lake Station, although only 23.5 acres, remains undeveloped and not for

sale. It also means that the Town of Chester can redirect funds earmarked for the P.A.C. toward purchasing other properties.

**INTERMUNICIPAL AGREEMENT - CHESTER FIRE DISTRICT**

Supervisor Jamieson read the request received from Highway Superintendent LaSpina by the Chester Fire District for the purchase and storage of road salt.

**ON A MOTION BY** Councilman Valentine and second by Councilman Wensley to authorize the Town Attorney to draw up an Intermunicipal Agreement between the Town and the Chester Fire District for the purchase and storage of salt up to 30 tons per annum.

**VOTE AYES 3: Jamieson, Valentine, Wensley**

**ADOPTED**

**POLICE DEPARTMENT FENCING BID**

Supervisor Jamieson presented the low bid received from the Police Department Fencing Bid opened at 3pm on this day for the Town Board's consideration. The following is the public notice as was published in the Times Herald Record on September 20th, September 30<sup>th</sup>, and October 5th, 2018.

**ADVERTISEMENT FOR BIDS**

**PROJECT**

**POLICE DEPARTMENT BUILDING - FENCING  
LOCATED AT 77 LAROE ROAD, CHESTER, NY 10918**

The Town of Chester (Owner) will receive sealed Bids for the above project until **3:00 PM prevailing time on Wednesday, October 10, 2018.**

**All Bids must be delivered to the Town Clerk's Office, Town of Chester, 1786 Kings Highway, Chester, New York 10918.**

Bids received after the aforementioned time will not be accepted.

All bid envelopes must be marked "**POLICE DEPARTMENT BUILDING FENCING - TO BE OPENED WEDNESDAY, OCTOBER 10, 2018.**" It is the responsibility of the bidder to ensure that their Bid is delivered to the Town Clerk's Office.

**A pre-bid meeting and walk-through is set for Tuesday, September 25, 2018 at 10:00 A.M. on site, at which time the bidders can inspect the property and ask any questions. The meeting is not mandatory.**

All interested parties are invited to attend the Bid Opening. Bids will be publicly opened and read aloud at 3:00 PM prevailing time on Wednesday, October 10, 2018, in the Town Clerk's Office at the Town of Chester Town Hall, 1786 Kings Highway, Chester, New York 10918.

The Bidding Documents may be examined at the following locations:

Town of Chester Town Hall  
1786 Kings Highway  
Chester, New York 10918  
(845) 469-7000

Fusco Engineering & Land Surveying PC  
233 East Main Street  
Middletown, New York 10940  
(845) 344-5863

Bona fide Bidders may secure copies of the Bidding Documents from the Town of Chester or Fusco Engineering and Land Surveying, P.C. beginning Monday, September 17, 2018 between the hours of 9:00 AM and 4:00 PM., Monday through Friday.

Contractors shall leave name, mailing address, phone number, fax number, and email address upon receipt of same, along with **\$50.00** for each set. The deposit shall be in the form of a **certified check or money order ONLY** and shall be drawn payable to the Town of Chester. Bid deposits will not be refundable. Prior actual bidders will receive plans gratuitously.

If bidding documents are to be mailed, provide contractor's FedEx number or enclose a **separate certified check or money order** for postage and handling in the amount of **\$50.00 payable to the Fusco Engineering and Land Surveying, P.C.**

There will be one (1) contract for this bid.

Bid bond in the amount of 10% of the Bid must accompany each Bid in accordance with the INSTRUCTIONS TO BIDDERS.

Successful bidder is required to furnish and pay for a Performance Bond and a Payment Bond in amount equal to 100% of his Contract in accordance with the INSTRUCTIONS TO BIDDERS.

No Bidder may withdraw their Bid within 45 days after date of the opening of Bids.

A non-collusion statement must be provided with Bid proposal.

The Owner reserves the right to waive irregularities and to reject any and all Bids.

Contracts for work under this project will obligate the successful bidder and his subcontractors to observe all applicable federal, state and local laws and regulations in accordance with the INSTRUCTIONS TO BIDDERS.

The Town of Chester is an equal opportunity affirmative action employer.

BY ORDER OF THE TOWN BOARD  
TOWN OF CHESTER  
LINDA ZAPPALA  
TOWN CLERK

The bid opening results follow:

Ketchan Fencing  
19 Borden Street  
Ottisville, NY                   \$53,980.00

Yaboo Fencing Inc.  
95 West Nyack Way  
West Nyack, NY                 \$60,263.00

Borderline Excavation & Fence  
149 Thumb Road  
St. Johnsville, NY             \$91,775.00

Giacorp Contracting  
11 Bradhurst Avenue  
Hawthorne, NY                 \$92,211.00

**ON A MOTION BY** Councilman Valentine and second by Councilman Wensley to award the Police Fencing Bid to Ketchan Fencing, 19 Borden Street, Otisville, NY as the lowest responsible bidder, in the amount of \$53,980.

**VOTE AYES 3: Jamieson, Valentine, Wensley**

**ADOPTED**

**STORAGE BARN ROOF**

Supervisor Jamieson read the request from Highway Superintendent LaSpina requesting the Board approve the roof repair of the highway barn. The three written bids obtained follow.

Michael Steven Roofing & Siding	\$ 7,400.00
Thom Woglam Construction	\$ 7,950.00
Paul Davis Restoration	\$ 10,012.00

**ON A MOTION BY** Councilman Valentine and second by Councilman Wensley to approve the repair of the highway barn roof by Michael Steven Roofing & Siding, as lowest responsible bidder, in the amount of \$7,400.

**VOTE AYES 3: Jamieson, Valentine, Wensley**

**ADOPTED**

**HARRIMAN STP O&M BUDGET RESOLUTION**

Supervisor Jamieson presented the Town Board with a resolution disapproving the proposed budget for 2019 as received from Orange County for operation and maintenance of the Harriman Sewage Treatment Plant for consideration.

**RESOLUTION**

The Supervisor and Council of the Town of Chester, having received from Orange County Department of Environmental Facilities and Services a proposed budget for the year 2019 for operation and maintenance of the Harriman Sewage Treatment Plant, and having considered the same, and having heard the views of Henry N. Christensen, Jr., counsel to Moodna Basin Joint Operation & Maintenance Commission, and deliberation having been had thereon, it was on Motion by Councilman Valentine, seconded by Councilman Wensley

**RESOLVED** that the Town of Chester disapproves the proposed budget for the year 2019 for the Harriman Treatment Plant Operation and Maintenance in the following respects:

1. The constituent communities of the Moodna Basin Joint Operation & Maintenance Commission (the Village of Chester, the Town of Chester, and the portion of the Town of Monroe outside Orange County's Sewer District #1) are entitled to credit on account of the 2017 operating surplus which is not accounted for in this budget.
2. The proposed budget seeks from Contract Users amounts toward administration expenses which have not been agreed to.
3. The proposed budget seeks unreasonable amounts, with no supporting explanation, for Bank run stone and Pipe Line; blacktop; auto parts; gas/diesel; tires and truck repair.
4. The proposed budget makes no explanation of the proposed allocation of labor expenses.
5. The proposed budget seeks \$112,575 for legal services

and \$220,000 for Consultant which have not been agreed to.

6. The proposed budget was not presented under cover of a letter making specific reference to the 1995 inter-municipal agreement;

**AND IT IS FURTHER RESOLVED** that the Supervisor is authorized to notify Orange County Department of Environmental Facilities & Services that the proposed budget is rejected;

**AND IT IS FURTHER RESOLVED** that if the items listed above shall be dealt with to the satisfaction of the Supervisor and the attorney for the Commission, the Supervisor is authorized without further action by this Board to approve a revised budget.

**VOTE AYES 3: Jamieson, Valentine, Wensley**

**ADOPTED**

**EDMONDS AND ASSOCIATES ANNUAL MAINTENANCE**

Supervisor Jamieson presented the Board with the maintenance agreement for the new software purchased for bookkeeping, payroll and accounts payable for approval.

**ON A MOTION BY** Councilman Wensley and second by Councilman Valentine to approve the annual maintenance agreement with Edmonds and Associates and payment of \$6,584. for the 2019 annual maintenance fee.

**VOTE AYES 3: Jamieson, Valentine, Wensley**

**ADOPTED**

**REFUND REQUEST DUE TO ROAD TRAP**

Supervisor Jamieson read the letter requesting a refund for property damage due to a police department road trap. A discussion ensued and the matter was tabled as it was determined that the insurance carrier would settle the claim on behalf of the Town.

**DEFENSIVE DRIVING COURSE**

Supervisor Jamieson read the request from the Highway Superintendent to hold a defensive driving class for town employees. Once scheduled, said class would be held in the Town Hall meeting room.

**RETIREMENTS**

Supervisor Jamieson read the retirement letters of Sgt. Eckert and Detective Oppmann. He extended his gratitude to both of them for their lengthy service to the Town.

**BI-WEEKLY PROJECT REPORT**

Supervisor Jamieson read the engineer's bi-weekly project report which follows in its entirety.

**CHESTERDALE:**

Reviewed weekly Stormwater Pollution Prevention Plan and inspected same. All in order.

**RIDGEVIEW:**

Proof rolled road to get ready for asphalt base. Phase II before Planning Board for signature. No changes.

**WOODRIDGE:**

Building homes, stormwater pollution prevention plan reviewed; weekly inspections. Hit rock in retention pond but they have almost completed the stormwater pond. No change.

**ASHFORD:**

Inspected roadway. Binder needs repair; some cracked curbs; expect they would like to dedicate before October 1, 2018. We sent new punch list for repairs. Need SWPPP reports, as-builts. Still working on.

**GREENS AT CHESTER:**

The violation of the Town’s stormwater ordinance has been corrected. We are in discussion with the Green’s Engineer regarding infrastructure installation.

**EDUCATION REQUESTS**

**ON A MOTION BY** Councilman Valentine and second by Councilman Wensley to approve the following education request:

When: October 26, 2018

Cost: \$60 each

Course: Full day Class - Land Use & Planning – Orange County Municipal Planning Federation

Who: Dot Wierzbicki  
Jackie Elfers

**VOTE AYES 3: Jamieson, Valentine, Wensley**

**ADOPTED**

**CHANGE ORDERS – POLICE DEPARTMENT BUILDING**

**ON A MOTION BY** Councilman Wensley and second by Councilman Valentine to approve Change Order 10 submitted by Harry Rotolo in the amounts of \$1,275.12 and \$425.53 for work at the Police Department building.

**VOTE AYES 3: Jamieson, Valentine, Wensley**

**ADOPTED**

**ON A MOTION BY** Councilman Valentine and second by Councilman Wensley to approve Change Order 11 submitted by Harry Rotolo in the amounts of \$8,027.25 and \$346.30 for work at the Police Department building.

**VOTE AYES 3: Jamieson, Valentine, Wensley**

**ADOPTED**

**ON A MOTION BY** Councilman Wensley and second by Councilman Valentine to approve Change Order 13 submitted by Harry Rotolo in the amounts of \$265.65 and \$622.45 for work at the Police Department building.

**VOTE AYES 3: Jamieson, Valentine, Wensley**

**ADOPTED**

**ANNOUNCEMENTS**

Supervisor Jamieson announced Highway Department pick-up of leaves commencing October 22, 2018 through December 7, 2018. Leaves should be placed curb side. They should be free of brush and debris and not bagged.

Supervisor Jamieson announced the Citizens Foundation’s “Placemaking Tour of Chester” on Saturday, October 12, 2018 from 9-11:30am starting at the Rustic Wheelhouse, 39 Main Street, Chester, NY.

Supervisor Jamieson announced the 9<sup>th</sup> Annual Toys for Tots, “Operation Toy Train” on Sunday, December 2, 2018 at 1:40-2:30pm at Anne Marie’s Country Deli, 1398 Kings Highway

Supervisor Jamieson announced the Kite Festival scheduled for Sunday, October 14<sup>th</sup> at Knapp’s View has been cancelled due to the amount of rain we have had recently. This event may be rescheduled in November.

Supervisor Jamieson announced the upcoming Recreation events:

October 18, 2018 - *Senior Movie Matinee* – Doors open at 12:00 show begins at 12:30. Please call the center for details.



October 27, 2018 - *Movie Night* at Walton Fire House - Showing: Hotel Transylvania #3  
October 28, 2018 - *Halloween Event* in the Village at 12:00 noon. Trunk or treat. Must register at [Halloween10918@gmail.com](mailto:Halloween10918@gmail.com). Parade to take place at the old Erie Train Station at 2:30 and ends at Carpenter. Light refreshments will be served.  
Art Classes have been added: 4 week class begins October 29, 2018 – November 19, 2018, Mondays from 10:30am-12:30pm.  
November 1, 2018 Medicare Plan Information at 11:30am at the Senior Center.  
NYC Bus Trip is scheduled for December 1, 2018.

A list of classes can be found at [www.chesterrecreation.com](http://www.chesterrecreation.com). In addition, we encourage all residents to create an account which will allow us to send out up to date information.

### **TOWN BOARD COMMENTS**

Councilman Wensley announced the upcoming Fall Festival at the Brudehoff Community, 359 Bellvale Road, on Saturday October 13, 2018 from 2-5pm.

### **PUBLIC COMMENTS**

Tracy Shuh, 94 Pickerel, Chester, asked the status of the CPP Local Law and whether the plan could continue without the transfer tax funding element. She referenced her letter submitted this night to the Town Clerk with regard to the County deed sales and the properties she noted that may be of interest to the Town for purchase. In regard to the Greens of Chester, Ms. Shuh thanked the Supervisor for the explanation regarding the Department of Health's well test requirement and request to be an active participant in the review. She asked that the public be kept aware and encourages those in the study area to take part. Ms. Shuh asked whether development would continue with the infrastructure before the study is complete. She thanked the Town for taking action on the storm water issues and hopes it will open the discussion of large area clearcutting and earth moving of big scale projects and their effect on runoff.

Susan Cleaver, PO Box 41, Goshen asked about a news article referencing another violation concerning discharge in September, but was interested in the occurrence on October 4<sup>th</sup> with Whispering Hills and whether another violation or letter was sent to the developer. Supervisor Jamieson answered that he would have to refer that to the engineer. She said she heard they are building bigger homes than what was approved. She commented that the SWPP should be redone and whether it would take the new impervious surface into account and whether the holding ponds in place would be adequate or not for the expansion of the development and if the public will be able to view and comment on the findings.

Ben Ostrer, 450 Laroe Road, Chester asked if there was an engineer or inspection report of the capital systems of the Sugar Loaf Performing Arts Center available for public review. He said the building department records show repair was needed to the sprinkler system. He asked about the development of a budget for the loss of Town and School taxes, snow removal and property maintenance. Supervisor Jamieson said there will be information made available to the public at the next Town Board meeting.

Vincent Finizia, 69 Pewter Circle, Chester said that the whole community should vote to support the Town's acquisition of the Sugar Loaf Performing Arts Center.

### **ADJOURNMENT**

**ON A MOTION BY** Councilman Wensley, second by Councilman Valentine to adjourn the meeting at 8:20pm, there being no further business brought before the Town Board. Motion carried 4-0.

Respectfully submitted,

Linda A. Zappala  
Town Clerk  
2018-10-10