

**TOWN BOARD MEETING
OCTOBER 24, 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, Councilwoman Smith, Absent: Councilman Medicant

Also present: Scott Bonacic, Esq., Fusco Engineering

ACCEPTANCE OF MEETING MINUTES

ON A MOTION BY Councilwoman Smith and second by Councilman Wensley to accept the Town Board Meeting Minutes through October 11, 2018 as presented by Town Clerk Zappala.

VOTE AYES 4: Jamieson, Smith, Valentine, Wensley

ADOPTED

ADOPT 2019 PRELIMINARY BUDGET

Supervisor Jamieson explained that 2019 Budget process will be different this year because of the two propositions affecting the outcome which includes the purchase of the Sugar Loaf Performing Arts Center and the Library Budget vote. He said the Tentative Budget included a tax increase of 9.5% so there were some changes that had to be made to reach the goal of staying under the tax cap. He said a sampling of taxes over the years, shows a reduction in tax from 2014 to 2018. He said the 2019 budget includes the new debt from the renovation of the now Police Department building and new Senior Center but both mortgage and sales tax revenue have been under-anticipated which offsets the next year's budget, along with the change in Police Department personnel after two retirements and the potential of leasing equipment instead of purchasing. The Preliminary Budget includes an overall tax increase of approximately 3.5%, with the standard salary increase of 3%, across the board, except for union contracts which contain steps and longevity increases. He added that the tax cap of 1%+ would require the introduction of a tax cap override if the budget is adopted with the proposed increases. Supervisor Jamieson said the Preliminary Budget will be reviewed at the Public Hearing.

ON A MOTION BY Councilman Wensley and second by Councilwoman Smith to adopt the Preliminary Budget for 2019.

VOTE AYES 4: Jamieson, Smith, Valentine, Wensley

ADOPTED

SET PUBLIC HEARING – 2019 BUDGET

ON A MOTION BY Councilman Valentine and second by Councilman Wensley to set a Public Hearing on November 7, 2018 at 7pm, or as soon thereafter as the matter may be heard, at the Town of Chester Town Hall, 1786 Kings Highway, Chester, NY on the matter of the 2019 Budget and direct the Town Clerk to cause to publish same.

VOTE AYES 4: Jamieson, Smith, Valentine, Wensley

ADOPTED

INTRODUCTORY LOCAL LAW OF 2018 – TAX CAP OVERRIDE

ON A MOTION BY Councilwoman Smith to introduce the Introductory Local Law of 2018 – A Local Law to Override the Tax Levy Limit Established in General Municipal Law Section 3-C.

INTRODUCTORY LOCAL LAW OF 2018

A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW SECTION 3-C

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

Section 1. Legislative Intent

It is the intent of this Local Law to override the limit on the amount of real property taxes that may be levied by the Town of Chester, County of Orange, State of New York (hereinafter "Chester") pursuant to General Municipal Law § 3-c, and to allow Chester to adopt a town budget for (a) town purposes and (b) any other special or improvement district governed by the Town Board for the fiscal year 2017 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law § 3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law § 3-c, which expressly authorizes the Town Board to override the tax levy limit by the adoption of a local law approved by vote of sixty percent (60%) of the Town Board.

Section 3. Tax Levy Limit Override

The Town Board of the Town of Chester is hereby authorized to adopt a budget for the fiscal year 2019 that requires a real property tax levy in excess of the limit specified in General Municipal Law, §3-c.

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.

PUBLIC HEARING – INTRODUCTORY LOCAL LAW - TAX CAP OVERRIDE

ON A MOTION BY Councilman Valentine and second by Councilman Wensley to set a Public Hearing on November 7, 2018 at 7pm, or as soon thereafter as the matter may be heard, at the Town of Chester Town Hall, 1786 Kings Highway, Chester, NY on the matter of the Introductory Local Law of 2018 – A Local Law to Override the Tax Levy Limit Established in General Municipal Law Section 3-C and direct the Town Clerk to cause to publish same.

VOTE AYES 4: Jamieson, Smith, Valentine, Wensley

ADOPTED

SUGAR LOAF PERFORMING ARTS CENTER

Councilman Valentine provided additional information concerning the Town's interest in purchasing the Sugar Loaf Performing Arts Center. He said the Board has been involved in doing background work on the plans and obtain perspectives from expert consultants on how to run the theater. He said an appraisal ordered by TD Bank and performed by Valuation Consultants of Newburgh has established the fair market value of the center to be \$1,800,000. Councilman Valentine said a tour of the facility was conducted by members of the Board along with the Building Inspector and the former owner and builder, Richard Logothetis. He thanked Mr. Logothetis for the history and valued information about the theater that he shared. He said a summary of the mechanical systems was conducted by the Building Inspector, and as conditioned in the contract, a more extensive inspection will be performed if the proposition passes. Councilman Valentine added the County assessed property at \$3,000,000 that would be purchased for \$1,055,000 contains a beautifully overconstructed building, fully furnished with all equipment to run the theater, including 200 ellipsoidal spotlights, and a 40,000 watt amp system. The two theaters, one of 700 seats and the other with 270 seats, easily rentable for corporate or special events is set on 8 parkland acres, which will be available to all residents. He said the building, including the 2-fold outdoor stage with enclosure

couldn't be built for \$5,000,000 today. Councilman Valentine said the Town Board is considering all options and accepting presentations for the best vision of the theater to build the arts and tourism for the Town. He introduced prospective management personnel to speak further on the topic.

Mr. Steve Cirbus spoke on his recent conversations with Mr. Logothetis, university colleagues as well as industry administrators on the need to create an infrastructure of ideas and thoughts, for a clear and focused artistic vision, which he said he could provide and fiscal responsibility and financial management which would be handled by Jim Lipolito. He said Mr. Lobolito has 40 years' experience in the hospitality industry as a certified club owner and executive chef, as consulting general manager for the city owned Rye Country Club, as Vice President of Club Management of the City of New York, and as general manager of concert and stage production of the Capital Theater in Port Chester, along with experience in contract negotiation and budgeting. Mr. Lobolito addressed the Board. He said that his role would be to formulate the possibility for success of the theater using his background in the area of large event management to bring in headliner concerts, fundraisers, weddings, etc. and work at putting a successful budget together.

Councilman Valentine said that with a revenue stream in the budget, the vision is expected to cost the taxpayers \$0. The preliminary calculation for a 15-year note is at a cost of \$91,000 per year with electricity to cost \$2,500-\$3,000 and maintenance and lawn care expected to cost \$60,000 for a full time person. He added that liability insurance would be covered under the Town's policy and the structure insurance would cost approximately \$6,000. Councilman Valentine said the average tax increase, based on approximately 5,600 taxable parcels in the Town would be \$33.39. He provided the following examples of current (2018) tax comparisons for homes in the town's School Districts: Surrey Meadows - Chester School District tax up \$178.88 which was 3% increase with Town and County down 2%. Laroe Road - Monroe Woodbury School District tax increase \$184.18 (2%) with Town & County down under 1% at (\$20.42). Sugar Loaf - Warwick School District increased 4.1% with Town and County increased by \$12.23. Councilman Wensley clarified the overall financing cost to be \$187,000. Councilman Valentine said an exit strategy would include the building being paid off in 8 years as part of the seasoning requirement of the 15-year note. If not successful, he said the building could be sold at cost or more.

Councilwoman Smith added that the Town's goal is not to be in the theater business, but is seeking land preservation in this purchase. She said the theater sits on Creamery Pond and enjoys lake rights which would include fishing and recreation. The small hill could be usable for sleigh riding.

Supervisor Jamieson commented that the civic center has not been on the tax roll since 2012 when it became a not-for-profit. He added the center could be an immense help to the Recreation Department and for other community programs including school concerts and events.

TIN BARN BREWERY

Supervisor Jamieson said the Tin Barn Brewery is now considering the purchase of the Jenack property which currently is on a septic system. They would like connection to the sewer system. Councilman Valentine said he spoke with Brian Smith of Moodna who said they would be considered an outside user. Supervisor Jamieson said they would have to pay any past debt service and connection fees. The Board will clarify all with Moodna and obtain the information concerning expenses and consider approval at the next Town Board meeting.

CHANGE ORDERS

ON A MOTION BY Councilman Valentine and second by Councilwoman Smith to approve change order #8 with Rotolo Electric for the expense of the AV system at the Senior Center, in the amount of \$30,427.53.

VOTE AYES 4: Jamieson, Smith, Valentine, Wensley

ADOPTED

ON A MOTION BY Councilman Wensley and second by Councilwoman Smith to approve change order #9 with Rotolo Electric for conduits for pole lights for cameras at the Senior Center in the amount of \$956.69.

VOTE AYES 4: Jamieson, Smith, Valentine, Wensley

ADOPTED

FIRE ALARM SYSTEM – TOWN HALL

Supervisor Jamieson read the memo from Town Clerk Zappala concerning the State Bid proposal received from Red Hawk Security for the installation of a fire alarm system at Town Hall.

ON A MOTION BY Councilman Wensley and second by Councilwoman Smith to approve the proposal for the installation of a fire alarm system at the Town Hall by Red Hawk Security at the State bid price of \$32,311.50.

VOTE AYES 4: Jamieson, Smith, Valentine, Wensley

ADOPTED

INTERMUNICIPAL AGREEMENT – CHESTER FIRE DISTRICT

ON A MOTION BY Councilman Valentine and second by Councilwoman Smith to approve the Inter-municipal Agreement with the Chester Fire District for the purchase and storage of road salt.

VOTE AYES 4: Jamieson, Smith, Valentine, Wensley

ADOPTED

ANNOUNCEMENTS

Supervisor Jamieson announced the passing of the Senior Golden Age Club President, Lois Gordon and expressed condolences to Bob Gordon. He said she will be missed and asked for prayers for her family. He thanked Michele Deshler of the Recreation Department and the Chester Deli for their assistance at the repass.

Supervisor Jamieson read the recreation update.

- It is with great disappointment that Mother Nature is not cooperating with us regarding the Halloween Parade this year. However, we are excited to tell you that your costumes and treats will not be without notice. In conjunction with Walton Engine and Hose and our Halloween Movie Night, we will be having our treats as we would have for our parade. So join us for movie night on Saturday, Oct. 27, 2018 at Walton Fire House in your costumes and have a ghoulishly good time as you settle in to watch Hotel Transylvania #3.
- Art Classes: Mondays from 10:30-12:30. Beginning Oct. 29th-Nov. 19th. Limited Seating - rsvp to Lori or Michele.
- November 1, 2018 Senior Activity to include Medicare Plan and HEAP Information at 11:30 at the Senior Center.
- November 5, 2018 Narcan Training at the center. Irene from the Chester Library was instrumental in bringing this matter to the forefront and through Michele's affiliation with ADAC we were able to schedule an evening session.
- Basketball Signups:
11/6, 12, & 14 (6-8pm) Town Parks Office.
11/8 (6-8pm) Senior Center.
11/7 (10am-12pm) Town Parks Office
Call 469-7000 ext. 336 for more information
- November 8, 2018 Senior Activity to include Salsa and Merengue dance instruction.
- November 10, 2018 Imagine Arts for Kids in grades 1-5 (4 Sessions).
- November 15, 2018 Senior Activity to include Movie Matinee - doors open at 12:00 showing at 12:30 (Movie tbd).
- Children's Holiday Party is set for Friday, November 30 at the Sugar Loaf Engine Company.
- NYC Bus Trip is scheduled for December 1, 2018. Space is limited so please reserve your seat early.
- Additional Bus Trips for 2019 will be announced shortly.

- Commons: Paving was completed. Areas cleared for basketball, fitness trail, and outdoor exercise station. The field has seen much activity this 2018 season with involvement ranging from Men's soccer, Chester Soccer Club, School Teams and Football Leagues.
- Carpenter: Eagle Scout Project by Grant Stevenson is near completion. These fields have also seen a great deal of activity from various organizations such as: Women's Softball, School Teams, Little League, Chester Fire Department, and two travel teams. Work on the pavilion is ongoing (weather permitting) with hope that it will be available for events next season.
- Pulvirent: Received a face lift and was used by the CUFSD and Little League. Eagle Scout Project by Colin Murray was completed.

A list of classes can be found at www.chesterrecreation.com as well as Facebook. 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 open house tour of the Sugar Loaf Performing Arts Center scheduled for November 4th between the hours of 10am-2pm.

Councilwoman Smith asked the status of the water testing for the Greens. Supervisor Jamieson said the State has been communicating with the Greens for well testing which was planned for 1,800 residents. He said they may be required to add wells and a purification system.

Councilwoman Smith asked about the ADA doors for the Senior Center. Supervisor Jamieson said they have been ordered and should be installed soon.

Councilwoman Smith announced the upcoming Pancake Breakfast on Sunday, October 28th from 7:30am-11:30am at Walton Engine & Hose.

PUBLIC COMMENTS

Sue Bahren, 3103 Whispering Hills Drive, Chester, said she is against the purchase of the Sugar Loaf Performing Arts Center. She said she doesn't believe it will be profitable and the Town should not be in the lease business. Ms. Bahren said the consultants' cost, repair, snow removal, etc. is not being considered in the cost. She said \$60,000 for any employee does not include the cost of medical benefits. She added the Town would have to go out to bid for consultants. She asked why the Town is paying \$1,100,000 when the property was sold for \$504,000 to the Mid-Hudson Civic Center. Mr. Bahren said we shouldn't wait for the vote to see the revenue stream projections. She said the statement that they didn't pay taxes is incorrect.

Supervisor Jamieson explained the property has been off the tax rolls from 2013 to 2018 and the Mid-Hudson Civic Center took on the tax debt of the previous owner and will pay it as part of the closing. Councilman Valentine said that the Kings Theater group had a non-arm's length transaction of a swap of assets including \$504,893, which included a trade-in value of the existing debt and mortgage of the theater group.

Mary Luciana, 201 Chester Heights, Chester said that according to the County Tax record, the 2018 School Tax was \$73,393 and the County/Town tax bill was \$5,263. Supervisor Jamieson explained that is the amount that was owed and will be paid at closing. She asked what areas the comparables are from. Councilman Valentine said one of the comparables is the Colony Theater in Woodstock for \$1,650,000 from December 2015 and a movie theater located in Beacon for \$950,000 and the small Forestburgh Playhouse for \$550,000.

Chris Mauer, Creamery Pond Road, Chester thanked Councilmen Valentine and Wensley for their hard work and shares the vision. One former concern was the Brewery's proposal that she said didn't fit into the fabric of Sugar Loaf. She said the problem with the referendum is that it doesn't show the outcome of the theater after the vote. She said the referendum should say it would only be leased or sold for cultural arts purposes. Councilman Valentine said the wording cannot be changed at this date. He added that the Town Board works for the entire Town and has put it on the ballot for the residents to decide.

Vincent Finizia, 69 Pewter Circle, Chester said as a previous member of the SLPAC, he supports the purchase of the Sugar Loaf Performing Arts Center. He said the problem was that the Civic Center funded another project and the SLPAC was put on the back burner. He said he agrees with the use of preservation of open space for the Town as well.

Tracy Shuh – 94 Pickerel, Chester, thanked the Board for taking questions and providing answers. In regard to the Greens of Chester, she said she has asked several times about the conditional approval and two requirements before construction began. She asked about the water test requirements and notifications. She said she thought the Town was at 100% sewer capacity. Supervisor Jamieson answered that the Town has additional sewer capacity. She asked about Town representation at the Moodna Creek Watershed meeting. Supervisor Jamieson said he would be attending.

Ben Ostrer, 450 Laroe Road, Chester with regard to the bond proposition for the acquisition of the SLPAC, said the Town should not be in the real estate business but in the business of government, maintaining roads and plowing. He said the Town's priority should be purchasing highway equipment through an equipment replacement policy, instead of leasing. He said the Town hasn't put pen to paper to provide a profit and loss statement. He asked how many events would be held and at what profit. He said the move may be well intentioned but not thought out.

Richard Logothetis, 1405 Kings Highway, Chester said he owned the theater for 20 years and sometimes it was profitable and sometimes not. He established the Kings Theater Company to produce shows for which the Lycian was the landlord and ultimately when he decided to exit the business he did so by making a charitable contribution to the not-for-profit. He added that his stage lighting business often supplies many municipally owned theaters including the Metropolitan Opera House and the Amsterdam Theater, both owned by NYC. He said that municipalities own theaters as a means for bringing in tourism to their communities. He said that the Town take-over will bring stability to the area.

EXECUTIVE SESSION

ON A MOTION BY Councilman Wensley and second by Councilman Valentine to enter into an Executive Session at 8:35pm for the purpose of attorney/client privilege discussion. Motion carried.

VOTE AYES 4: Jamieson, Smith, Valentine, Wensley

ADOPTED

ON A MOTION BY Councilwoman Smith and second by Councilman Wensley to adjourn the Executive Session at 8:55pm.

VOTE AYES 4: Jamieson, Smith, Valentine, Wensley

ADOPTED

STIPULATION OF SETTLEMENT – CHESTER MALL

ON A MOTION BY Councilwoman Smith and second by Councilman Valentine to authorize the stipulation of settlement with Chester Mall Associates in the reduction of assessments for year 2014-2018 in the amount of \$614,900.

VOTE AYES 4: Jamieson, Smith, Valentine, Wensley

ADOPTED

Councilman Valentine spoke on a clarification of the proposition for bond financing for the purchase of the Sugar Loaf Performing Arts Center.

Respectfully submitted,

Linda A. Zappala
Town Clerk
2018-10-24