

**TOWN BOARD MEETING
AUGUST 28, 2019
7:00 PM**

Supervisor Valentine opened the meeting at 7:10pm followed by a salute to the flag. Members present: Supervisor Valentine, Councilman Finizia, Councilman Perez, Councilwoman Smith, Councilman Wensley
Also present: Scott Bonacic, Town Attorney, Al Fusco, Town Engineer

O&R SMART METER PRESENTATION

Keith Strobo, General Manager and Michael Pinto, Program Manager provided a slide presentation on the SMART meter program, which is available in electronic format, on our website and at Town Hall. Public comments included concerns about opt-out provisions and increased rates, proper research, public health issues, proper notification, job elimination, and proper identification of technicians.

BOND RESOLUTION – HIGHWAY GARAGE TRUCKS

Councilwoman Smith offered the following resolution and moved its adoption

BOND RESOLUTION OF THE TOWN OF CHESTER, NEW YORK, ADOPTED AUGUST 28, 2019, AUTHORIZING THE ACQUISITION OF VARIOUS MACHINERY AND APPARATUS, STATING THE ESTIMATED TOTAL COST THEREOF IS \$660,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$660,000 BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION.

THE TOWN BOARD OF THE TOWN OF CHESTER, IN THE COUNTY OF ORANGE, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Town Board) AS FOLLOWS:

Section 1. The Town of Chester, in the County of Orange, New York (herein called the “Town”), is hereby authorized to acquire various machinery and apparatus. The estimated total cost thereof, including preliminary costs and costs incidental thereto and to the financing thereof, is \$660,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$660,000 bonds of the Town to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the Town in the principal amount of \$660,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (referred to herein as the “Law”), to finance said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness applicable to the class of objects and purposes for which the serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. 28 of the Law, is fifteen (15) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Town Board as to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to executing contracts for credit enhancements and providing for substantially level or declining annual debt service, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution is subject to permissive referendum and the Town Clerk is hereby authorized and directed, within ten (10) days after the adoption of this resolution, to publish or cause to be published, in full, in the official newspaper of the Town, a newspaper having general circulation in said Town, which newspaper is hereby designated as the official newspaper of the Town for such publication, and posted on the sign board of the Town maintained pursuant to the Town Law, a Notice in substantially the following form:

TOWN OF CHESTER, NEW YORK

PLEASE TAKE NOTICE that on August 28, 2019, the Town Board of the Town of Chester, in the County of Orange, New York, adopted a bond resolution entitled:

“Bond Resolution of the Town of Chester, New York, adopted August 28, 2019, authorizing acquisition of various machinery and apparatus, stating the estimated total cost thereof is \$660,000, appropriating said amount therefor, and authorizing the issuance of \$660,000 bonds of said Town to finance said appropriation,”

an abstract of such bond resolution, concisely stating the purpose and effect thereof, being as follows:

FIRST: AUTHORIZING said Town to acquire various machinery and apparatus; STATING the estimated total cost thereof, including preliminary costs and costs incidental thereto and to the financing thereof, is \$660,000; APPROPRIATING said amount therefor; and STATING the plan of financing includes the issuance of \$660,000 bonds of the Town to finance said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of \$660,000 bonds of the Town pursuant to the Local Finance Law of the State of New York (the “Law”) to finance said appropriation;

THIRD: DETERMINING and STATING the period of probable usefulness applicable to the purpose for which said bonds are authorized to be issued is fifteen (15) years; the proceeds of said bonds and any bond anticipation notes issued in anticipation thereof may be applied to reimburse the Town for expenditures made after the effective date of this bond resolution for the purpose for which said bonds are authorized; and the proposed maturity of said bonds will exceed five (5) years;

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, shall be general obligations of the Town; and PLEDGING to their payment the faith and credit of the Town;

FIFTH: DELEGATING to the Supervisor the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, and the renewals thereof, and other related powers; and

SIXTH: DETERMINING that the bond resolution is subject to permissive referendum.

DATED: August 28, 2019
Chester, New York

Linda Zappala
Town Clerk
Town of Chester
Orange County, New York

Section 8. The Town Clerk is hereby directed, after said bond resolution shall take effect, to cause said bond resolution to be published, in summary, in the newspaper referred to in Section 7 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

* * *

The adoption of the foregoing resolution was seconded by Councilman Perez and duly put to a vote on roll call, which resulted as follows:

AYES: 5

NOES: 0

The resolution was declared adopted.

INTERMUNICIPAL AGREEMENT FOR SNOW AND ICE CONTROL

The following resolution was offered by Councilman Finizia and seconded by Councilwoman Smith and,

BE IT RESOLVED, that Robert Valentine, Supervisor of the Town of Chester, New York, is hereby authorized and directed to execute the Intermunicipal Agreement with Orange County for Snow and Ice Control on Certain County Roads for the 2019-2020 Season within the Town of Chester.

VOTE AYES 5: Valentine, Finizia, Perez, Smith, Wensley

ADOPTED

SCHOOL RESOURCE OFFICER CONTRACTS

ON A MOTION OFFERED BY Councilwoman Smith and second by Councilman Finizia to approve the School Resource Office Agreement with the Chester Union Free School District and direct the Supervisor to sign same.

VOTE AYES 5: Valentine, Finizia, Perez, Smith, Wensley

ADOPTED

ON A MOTION OFFERED BY Councilman Wensley and second by Councilman Finizia to approve the Memorandum of Understanding between the Town of Chester and the Chester Union Free School District and direct the Supervisor to sign same.

VOTE AYES 5: Valentine, Finizia, Perez, Smith, Wensley

ADOPTED

SUGAR LOAF PERFORMING ARTS CENTER COMMERCIAL LEASE AGREEMENT

ON A MOTION OFFERED BY Councilman Finizia and second by Councilman Perez to approve the Commercial Lease Agreement with Community 2000 in the amount of \$10,500.00, subject to the proper certificate of insurance which has been received.

VOTE AYES 5: Valentine, Finizia, Perez, Smith, Wensley

ADOPTED

MODIFY FEE SCHEDULE FOR SUGAR LOAF PERFORMING ARTS CENTER

A discussion ensued about the possible use of the SLPAC beyond the stated hours in the fee schedule for weddings.

ON A MOTION OFFERED BY Councilwoman Smith and second by Councilman Perez to set an overtime rate of \$500 per

hour for the rental of the Pavilion up to 12 midnight for wedding receptions.

VOTE AYES 4: Valentine, Perez, Smith, Wensley, NOES 1: Finizia

ADOPTED

TEMPORARY SUSPENSION OF TOWN CODE

Supervisor Valentine explained that the Sugar Loaf Performing Arts Center will have several events coming up where alcohol will be served. As a result he recommends suspending the Local Law for the remainder of the year.

ON A MOTION OFFERED BY Councilman Finizia and second by Councilwoman Smith to suspend 33-2 of Local Law 3 of 1980 to allow alcohol on Town Property during properly insured and permitted events held at the Sugar Loaf Performing Arts Center through year-end 2019.

VOTE AYES 5: Valentine, Finizia, Perez, Smith, Wensley

ADOPTED

ASHFORD ROAD ESTATES SUBDIVISION ROAD DEDICATION

Upon recommendation of Town Engineer with small punch list and Town Highway Superintendent to accept the road within the subdivision and all documents for transfer having been approved by the Town Attorney;

ON A MOTION OFFERED BY Councilman Finizia and second by Councilman Perez to accept the road dedication of Ashford Estates Subdivision and direct the Supervisor to sign the associated documents for proper title transfer.

VOTE AYES 5: Valentine, Finizia, Perez, Smith, Wensley

ADOPTED

SUGAR LOAF WATER DISTRICT GRANT REDEVELOPMENT APPLICATION

ON A MOTION OFFERED BY Councilwoman Smith and second by Councilman Finizia to approve the resubmission of the Sugar Loaf Water District and direct the Supervisor to sign the associated documents.

VOTE AYES 5: Valentine, Finizia, Perez, Smith, Wensley

ADOPTED

WALTON LAKE WATER DISTRICT GRANT REDEVELOPMENT APPLICATION

ON A MOTION OFFERED BY Councilman Finizia and second by Councilwoman Smith to approve the resubmission of the Sugar Loaf Water District and direct the Supervisor to sign the associated documents.

VOTE AYES 5: Valentine, Finizia, Perez, Smith, Wensley

ADOPTED

REPORTS

Supervisor Valentine read the following reports into the minutes of the meeting.

Engineer's Development Report

CHESTERDALE:
Review SWPPP.

RIDGEVIEW:
Pending bond reduction.

WOODRIDGE:
Paved, small drainage problem, punchlist pending.

ASHFORD:
Letter for road acceptance; now have deeds of dedication, title policy, small punchlist certification by engineer, and are ready for dedication.

GREENS AT CHESTER:

Curbs, installation continuing, lateral installation, SWPPP continuing to be reviewed weekly.

HIGHWAY GARAGE:

Redevelopment to begin with ordering steel after insurance company approval, quotes to insurance company last week. Spoke with insurance; we have viable direction from them. Quotes to include add alternatives for extra work beyond insurance.

SUGAR LOAF WATER DISTRICT:

Grant redeveloped for \$3,000,000 upgrade. Paperwork prepared for Supervisor's signature; resolution requested to sign.

WALTON LAKE WATER DISTRICT:

Grant redeveloped for \$3,000,000 upgrade. Paperwork prepared for Supervisor's signature; resolution requested to sign.

SUGAR LOAF PERFORMING ARTS CENTER:

\$100,000 grant pending.

SENIOR PARK:

Being designed and grant for \$150,000 in contract with DASNY. Meet on site and are finalizing design.

MS4 OUTFALL:

Studies and mapping continuing, public participation ongoing.

August 28th Parks and Recreation Update

September 15-18: Rail Sail New England (Full 52 people)

September 21st: SAVE THE DATE - Grand Opening of SLPAC (details to follow)

September 26th: Winding Ridge Bethlehem (formerly Sands Casino) Full have waiting list

October 5th: Danny Mulvey Fundraiser @ SLPAC sponsored by Danny Mulvey Foundation

October 19th: Bobby Collins (stand-up comedian) @ SLPAC - ticket information to follow

October 27th: Halloween in the Enchanted Forest (Chester Commons) - more details to follow

- Fall Baseball begins in September at Carpenter Fields
- Soccer and Football are underway at the Chester Commons
- Basketball information coming out in October - registration will be online. If you haven't created an account yet please do so at chesterrecreation.com

ANNOUNCEMENTS

Supervisor Valentine made the following announcements. More information is available online and at Town Hall.

- September 13th – Chester Historical Society Penny Social – doors open 5:45pm - \$2 admittance donation.
- September 14th – Community Services Day – Chester Commons Park – Police Department and Highway Department sponsored event.
- September 28th – Bellvale Fall Festival – 1-5pm
- October 5th – Sugar Loaf Engine Company Oktoberfest – 5-10pm

EXECUTIVE SESSION

ON A MOTION OFFERED BY Councilman Finizia and second by Councilwoman Smith at 8:35pm to enter into Executive Session on a matter of attorney/client privilege. Motion carried 5-0.

ON A MOTION OFFERED BY Councilwoman Smith and second by Councilman Perez at 8:45pm to adjourn the Executive Session. Motion carried 5-0.

ATTORNEY RETAINER

ON A MOTION OFFERED BY Councilman Finizia and second by Councilman Perez to retain the law firm, Feerick Nugent MacCartney PLLC in conjunction with the Greens of Chester litigation.

VOTE AYES 5: Valentine, Finizia, Perez, Smith, Wensley

ADOPTED

TOWN BOARD COMMENTS

Councilwoman Smith announced the railings at the Senior Center will be completed by next Tuesday. She stated that at the Association of Towns meeting, a resolution was provided for the support of upgrading Route 17 in Orange and Sullivan Counties for Town consideration. She provided a copy to the Town Clerk for circulation. Councilwoman Smith said the County Exec reported sales tax is down and should be considered for the 2020 budget. She anticipated the adult exercise grant to be finalized to allow for spring time construction.

Councilman Finizia asked for the use of Carpenter Field on behalf of the Knights of Columbus.

ON A MOTION OFFERED BY Councilman Wensley and second by Councilwoman Smith to allow the Knights of Columbus use of Carpenter Field on September 14 from 12noon – 6pm for a picnic open to the public, subject to availability and required insurance.

VOTE AYES 5: Valentine, Finizia, Perez, Smith, Wensley

ADOPTED

PUBLIC COMMENTS

Janice Stevenson, 120 Conklingtown Road, Chester addressed the Board. She spoke on a matter that she had three years ago with then Supervisor Jamieson that had finally been resolved two months ago by Representatives Schmitt and Maloney and an incident that occurred in Town Hall on May 7 when she came in to speak with Supervisor Valentine about the matter. She commented that although there were no signs prohibiting entrance, she was told to leave an inner office by an employee and later was told by a police officer that no one is allowed to enter Town Hall offices. She said as a resident and taxpayer, she owns the Town Hall. She was upset with what occurred, stated that rules and laws need to be posted and was seeking an apology. Supervisor Valentine said he did everything he could do to assist and was the one responsible for solving the issue and apologized for not replying to Ms. Stevenson’s email.

Susan Bahren, 3102 Whispering Hills Drive, Chester asked the Board the status of water testing at the Greens of Chester since there has been a lot of speculation. Supervisor Valentine stated that the Town is not the issuing authority but the State and County have sent letters, and the Town will remain watchful. Al Fusco added that the Greens have hired a hydrologist to start testing.

Brendan Holdridge, 79 Sunfish Lane, Monroe addressed the Board about noise problems he said are emanating from the Camp Monroe property. He asked why the Town doesn’t have a noise ordinance as calls have been placed to the Police Department to report noise from loud speakers, bugles and yelling. He added that there have been incidents of speeding, littering and lifestyle intrusion, which he said was not neighborly. Supervisor Valentine said he would have the code enforcer look into the matter and also revisit a possible noise ordinance for the Town.

ADJOURNMENT

ON A MOTION BY Councilman Finizia and second by Councilwoman Smith to adjourn the meeting at 9:15pm, there being no further business brought before the Board. Motion carried 5-0.

Respectfully submitted,

Linda A. Zappala
Town Clerk
2019-08-28