

**TOWN BOARD MEETING
MARCH 22, 2023
7:00 PM**

Supervisor Valentine opened the meeting at 7:00pm followed by a salute to the flag. Members present: Supervisor Valentine, Councilman Ardisana, Councilman Courtenay, Councilman Holdridge, Councilwoman Smith

Also present: Scott Bonacic, Esq., Town Attorney, Al Fusco, Town Engineer

PUBLIC HEARING – WARD DISTRICT BOUNDARIES

The following is the notice as appeared in the Times Herald Record on February 23, March 7, March 14, 2023 and in the Chronicle, Warwick Advertiser and Photo News on March 17, 2023 and mailed to all property owners of the Town of Chester.

**TOWN OF CHESTER
PUBLIC HEARING NOTICE**

PLEASE TAKE NOTICE that a public hearing will be held by the Town Board of the Town of Chester on March 22, 2023, at 7:00 P.M. at the Town of Chester Town Hall, located at 1786 Kings Highway, Chester, New York 10918, regarding the creation of Ward District boundaries.

At such public hearing, all persons in attendance will be given an opportunity to be heard. Written and oral statements will be taken at that time and in advance, in writing, to Attention: Linda A. Zappala, Town Clerk, Town of Chester, 1786 Kings Highway, Chester, New York or by email to lzappala@thetownofchester.org.

By Order of the Town of Chester Town Board:

Linda A. Zappala
Town Clerk
Dtd: March 9, 2023

ON A MOTION OFFERED BY Councilwoman Smith and second by Councilman Courtenay at 7:05pm to open the Public Hearing on the matter of the Ward District Boundaries.

VOTE: AYES 5: Valentine, Ardisana, Courtenay, Holdridge, Smith

ADOPTED

Supervisor Valentine asked if there were any public comments.

Joshua Koff, 1 Laure Drive, thanked the Town Board for holding the hearing. He said the Ward system is a long-time coming since the referendum passed in 2018. He said the Town did not accept the map the County had provided but as districts must be divided equally by population and be contiguous, the objections considered may have been unattainable. He contends the layout and population cannot be perfect. Certain areas should be kept insulated like Surrey and Sugar Loaf.

Tom Becker, 163 Lehigh Ave., commented that the Supervisor position is elected at-large and with the current layout, representation would have placed current council members in individual wards. Without the Ward system if 3 people are on the ballot from one location they could control the Board.

Sue Bahren, 3103 Whispering Hills Drive, thanked the Board for having the public hearing. She said she agreed with Mr. Koff and that many people are happy to see the wards put in place. She agreed that all Surrey Meadows should be within one ward, but there is no legal requirement for water or sewer districts to be divided. She added this has been a long time coming and was overwhelmingly approved. She noted that County Planning has the ability to create maps and draw ward lines. She was glad the initiative was taken after being on hold for two years and appreciates everyone working together to see it complete. Ms. Bahren stated that the wards are to be established by Town Law with one representative from each ward being elected by residents of that area and the Board would still work together the same way as is done now.

Gina Ferreira, 98 Hambletonian Road, thanked the Board for the public hearing. She asked how changes in population affect the ward. Councilman Holdridge explained it is based on the census which is decided every ten years.

Susan Miller, Paradise Lane, asked what the benefits would be. Supervisor Valentine said the Board doesn't have an opinion but was implemented based on the referendum that was passed.

Marion Holdridge asked once implemented if there was a legal process to get rid of the Wards. Councilman Holdridge said another petition would have to be filed following the establishment of the wards to force a referendum.

Robert Klein, 9 N. Hudson Street, asked about the time of the proposition and who oversees the map. Supervisor Valentine replied it was voted on in 2018 and the Town could seek a professional to draw the map for approval by the Board.

Chris Maurer, 43 Creamery Pond Road, asked what happens if there is no candidate for a Ward? She said that at the time, people probably didn't know what the Wards were. She added that it would work in big Cities but not in small Towns.

Megan Tannermann, Orange County Planning explained that the Ward system's purpose is to provide equal representation pursuant to the 1965 Voting Acts which set the variant of +/- 5% for each district to provide for 1-person/1-vote. She said the means are based on the 2020 population of an average 3,161.5 per Ward. The current map provides all to be within 5%. They are as follows:

Ward 1 – 3,210
Ward 2 – 3,010
Ward 3 – 3,309
Ward 4 – 3,117

ON A MOTION OFFERED BY Councilwoman Smith and second by Councilman Courtenay to closed the Public Hearing at 7:25pm.

VOTE: AYES 5: Valentine, Ardisana, Courtenay, Holdridge, Smith

ADOPTED

PUBLIC COMMENTS

Larry Dysinger, 46 Odyssey Drive, addressed the Board about the noise ordinance that he had suggested be changed in April, 2022. He asked the Board consider changing it to align with 10.7 of the Comprehensive Plan of 2015 which recommended a decibel level not to exceed 65 between 7-11pm and 55 between 11pm-7am, which could be applicable by residential or commercial zone. Mr. Dysinger said he attended the webinar on conservation subdivision by the State which was on cluster zoning 2.0 with emphasis on open space. He suggested the Town consider replacing cluster with conservation plan as Warwick has done successfully some 20 years ago. He said Chairman Serotta suggestion to the Board to make Davidson Drive a Town road for the benefit of the residents on Lake Station Road to keep trucks off was a great idea. Supervisor Valentine commented that there has been some movement between the owners. Mr. Dysinger said although he fully supports those who serve the community, he asks that criteria be established for the actual percentage of time the volunteers serve and if not an active member

that they shouldn't receive an exemption.

Linda Siegel, 13 Lori lane, asked the Board about the condition of Route 17M with all the tremendous potholes. She was advised it will be fixed sometime this Spring.

Tracy Shuh thanked the Board for sharing the March Madness schedule which addressed concerns such as protecting trees, wetland and streams and the recent webinar about the spotted lantern fly which causes damage to grapevines and any spotting should be reported to Ags & Markets. She asked if the SWPP information could be add to the website to help remind ourselves to conserve and protect resources and to deter negative behaviors.

Robert Klein, 9 N. Hudson Street addressed the Board on the matter of the volunteer personnel exemption to take into account the number of calls they respond to per year.

INTRODUCTORY LOCAL LAW NO. 1 OF 2023

ON A MOTION OFFERED BY Councilwoman Smith and second by Councilman Holdridge to Introduce:

A LOCAL LAW TO UPDATE AND AMEND CHAPTER 87, ARTICLE VI, OF THE TOWN CODE OF THE TOWN OF CHESTER TO AUTHORIZE PROPERTY TAX EXEMPTION TO VOLUNTEER FIREFIGHTERS AND VOLUNTEER AMBULANCE WORKERS IN ACCORDANCE WITH NEW YORK STATE REAL PROPERTY TAX LAW §466-a

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

Section 1. Purpose and Intent

It is the intent and purpose of this Local Law to update and amend Chapter 87, Article VI, of the Town Code of the Town of Chester, entitled "Exemption for Volunteer Emergency Personnel", to grant a partial real property tax exemption to qualifying volunteer firefighters, volunteer ambulance workers, and their qualifying spouses, residing in the Town of Chester, County of Orange, State of New York, as authorized by New York State Real Property Tax Law §466-a.

Section 2. Amend and replace §87-7, entitled, "Purpose and Intent", to read as follows:

§87-7. Purpose and Intent.

This article is to provide for certain partial real property tax exemptions on the assessment of real property owned by qualifying volunteer firefighters, volunteer ambulance personnel, and their qualifying spouses, in the Town of Chester.

Section 3. Amend and replace §87-8, entitled, "Legislative Findings; Statutory Authority", to read as follows:

§87-8. Legislative Findings; Statutory Authority.

This article is adopted pursuant to New York State Real Property Tax Law §466-a, which authorizes 10% real property tax exemption for qualified volunteer firefighters, volunteer ambulance workers, and their qualifying spouses. The Town of Chester currently provides for this exemption under Local Law No. 1-2006. New York State Real Property Tax Law §466-a requires a municipality that currently already provides for this exemption to adopt a local law, ordinance or resolution to conform to the new provisions of New York State Real Property Tax Law §466-a, as enacted December 9, 2022.

Section 4. Amend and replace §87-9, entitled, “Definitions”, to read as follows:

§87-9. Exemption Granted.

A. Any qualified member who has been certified by the authority having jurisdiction (hereinafter the “AHJ”) for the incorporated volunteer fire company, fire department or volunteer ambulance service as an enrolled member of such incorporated volunteer fire company, fire department or volunteer ambulance service shall be entitled to a 10% reduction in the taxable value of their real property for Town real property tax purposes so long as:

- 1) The applicant resides in the Town of Chester, which is served by the incorporated volunteer fire company, fire department or volunteer ambulance service;
- 2) The real property in question serves as the primary residence of the applicant;
- 3) The real property in question is used exclusively for residential purposes, provided, however, that in the event any portion of such property is not used exclusively for the applicant’s primary residence but is instead used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided for under this Section;
- 4) The applicant has been an enrolled member of incorporated volunteer fire company, fire department or volunteer ambulance service for at least 5 years prior to submitting an application for tax exemption; and
- 5) The applicant has submitted an Application for Volunteer Firefighters/Ambulance Workers Exemption to the Town Assessor or AHJ and has obtained a certificate from the Town Assessor or AHJ certifying to such membership and to participation and/or attendance levels established for such qualification.

B. Any member who has achieved over 20 years of accumulated service shall be considered a life member and the exemption shall continue for the remainder of their life if the real property serves as their primary residence.

C. Any un-remarried surviving spouse of a volunteer who was killed in the line of duty shall continue to receive the 10% real property tax exemption if:

- 1) The AHJ certifies that the un-married surviving spouse is eligible for the exemption;
- 2) The volunteer had accumulated at least 5 years of service;
- 3) The real property in question continues to serve as the primary residence of the surviving spouse; and
- 4) The deceased volunteer had been receiving the exemption prior to their death.

D. Any un-remarried surviving spouse of a volunteer that passed away shall continue to receive the 10% real property tax exemption if:

- 1) The AHJ certifies that the un-married surviving spouse is eligible for the exemption;
- 2) The deceased volunteer had accumulated at least 20 years of service;
- 3) The real property in question continues to serve as the primary residence of the surviving spouse; and
- 4) The deceased volunteer had been receiving the exemption prior to their death.

Section 5. Amend and replace §87-10, entitled, “Exemptions”, to read as follows:

§87-10. Terms and Conditions.

No such exemptions under this Section shall be granted until a volunteer firefighter or volunteer ambulance worker has achieved a minimum of 5 years of service.

Section 6. 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 7. Effective date.

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

SET PUBLIC HEARING - INTRODUCTORY LOCAL LAW NO. 1 OF 2023 - A LOCAL LAW TO UPDATE AND AMEND CHAPTER 87, ARTICLE VI, OF THE TOWN CODE OF THE TOWN OF CHESTER TO AUTHORIZE PROPERTY TAX EXEMPTION TO VOLUNTEER FIREFIGHTERS AND VOLUNTEER AMBULANCE WORKERS IN ACCORDANCE WITH NEW YORK STATE REAL PROPERTY TAX LAW §466-a

ON A MOTION OFFERED BY Councilman Holdridge and second by Councilman Courtenay to set a Public Hearing on April 26, 2023 at 7:00pm at the Town Hall on the matter of the Introductory Local Law No. 1 Of 2023 - A Local Law To Update And Amend Chapter 87, Article VI , Of The Town Code Of The Town Of Chester To Authorize Property Tax Exemption To Volunteer Firefighters And Volunteer Ambulance Workers In Accordance With New York State Real Property Tax Law §466-A.

VOTE: AYES 5: Valentine, Ardisana, Courtenay, Holdridge, Smith

ADOPTED

PUBLIC CONSUMPTION OF CANNABIS DISCUSSION

Supervisor Valentine read the following memo from Chief Doellinger:

Shortly after the State finalized the laws regarding the legalization of cannabis in 2021, I addressed the Town Board regarding concerns about potential complaints regarding the consumption of cannabis in public places. As the first legal dispensaries have begun to open, this concern is closer to becoming a reality since people can now purchase and possess cannabis legally.

The Town already has Chapter 33 in the Town Code which governs the public consumption of alcoholic beverages on public highways, in public parking lots or lands owned by the Town. I respectfully request you consider either amending this chapter to include cannabis or creating a new chapter with similar guidelines for cannabis consumption. As I discussed two years ago, the State laws will basically allow consumption of cannabis anywhere that it is legal to smoke tobacco, which currently includes the Town's roads, parking lots, parks and playgrounds.

Additionally, upon reviewing the current Chapter 33 regarding Alcoholic Beverages, §33-4 refers to permissions granted by the Park and Recreation Commission of the Town of Chester and Village of Chester, which I believe has been abolished. Chapter 33 should be updated to correct this section also.

If you have any questions or would like more information, please let me know.

ON A MOTION OFFERED BY Councilwoman Smith and second by Councilman Courtenay to direct Attorney Bonacic to draft an amendment to Chapter 33 to reflect these recommendations.

VOTE: AYES 5: Valentine, Ardisana, Courtenay, Holdridge, Smith

ADOPTED

SUGAR LOAF HISTORICAL DISTRICT DESIGNATION CONSULTANT PROPOSAL

ON A MOTION OFFERED BY Councilman Holdridge and second by Councilman Courtenay to approve the consulting services of Neil Larson in the amount of \$13,500 with regard to the Sugar Loaf Historical District Designation.

VOTE: AYES 5: Valentine, Ardisana, Courtenay, Holdridge, Smith

ADOPTED

SUMMER CAMP TENT PURCHASE

Supervisor Valentine explained that the rental for a tent for 6 weeks for the Town's outdoor camp would be \$6,000 as opposed to purchase for \$7,000.

ON A MOTION OFFERED BY Councilwoman Smith and second by Councilman Holdridge to approve the purchase of the tent from Orange County Rentals in the amount of \$7,000.00

VOTE: AYES 5: Valentine, Ardisana, Courtenay, Holdridge, Smith

ADOPTED

ACCEPTANCE OF MEETING MINUTES

ON A MOTION OFFERED BY Councilwoman Smith and second by Councilman Courtenay to accept the Minutes of the March 8, 2023, as presented by Town Clerk Zappala.

VOTE: AYES 5: Valentine, Ardisana, Courtenay, Holdridge, Smith

ADOPTED

PART-TIME EMPLOYEE – SUGAR LOAF PERFORMING ARTS CENTER

ON A MOTION OFFERED BY Councilwoman Smith and second by Councilman Courtenay to direct Town Clerk Zappala to post for a part-time employee for the Sugar Loaf Performing Arts Center.

DISCUSSION: Duties to include general repair and maintenance and flexible availability to fill in for shows. Councilman Courtenay stated this would alleviate the overtime paid for shows that are not covered within their contract. Supervisor Valentine said there has also been \$26,000 allocated to over-time in the budget available for this purpose.

VOTE: AYES 5: Valentine, Ardisana, Courtenay, Holdridge, Smith

ADOPTED

EMPLOYEES - SUMMER CAMP

ON A MOTION OFFERED BY Councilwoman Smith and second by Councilman Courtenay to direct Town Clerk Zappala to post for Camp Counselors, Camp Director and Camp Assistant Director.

VOTE: AYES 5: Valentine, Ardisana, Courtenay, Holdridge, Smith

ADOPTED

ETHICS BOARD MEMBER APPOINTMENT

Supervisor Valentine said he has checked with those previous interviewed for appointment to fill the vacancy on the Ethics Board. The following people are still interested in serving: Audra Cox, Steven Diffley, Tom Becker, David Stevenson.

ON A MOTION OFFERED BY Councilman Courtenay and second by to Councilman Ardisana to appoint Tom Becker to the Ethics Board.

VOTE: AYES 4: Valentine, Ardisana, Courtenay, Holdridge, NAY (1) Smith **ADOPTED**

FIREWORKS EXTRAVAGANZA CONTRACT

Supervisor Valentine said he is in receipt of the contract from Fireworks Extravaganza but it is an on-line contract.

ON A MOTION OFFERED BY Councilwoman Smith and second by Councilman Courtenay to approve the contract with Fireworks Extravaganza in the amount of \$19,000.00 and allow the Supervisor to sign.

VOTE: AYES 5: Valentine, Ardisana, Courtenay, Holdridge, Smith **ADOPTED**

ON A MOTION OFFERED BY Councilwoman Smith and second by Councilman Holdridge to approve the contract with the Fireworks Event performer, Omnipop, in the amount of \$2,500.00

VOTE: AYES 5: Valentine, Ardisana, Courtenay, Holdridge, Smith **ADOPTED**

DECOMMISSIONING AGREEMENT – GREYCOURT ROAD NY LLC (FORMERLY NY SOLAR 1001, LLC).

ON A MOTION OFFERED BY Councilwoman Smith and second by Councilman Ardisana to approve the Decommissioning Agreement with Greycourt Road NY LLC (formerly NY Solar 1001, LLC) and allow the Supervisor to sign.

DISCUSSION: Councilman Holdridge asked if the contract addressed the issues raised by Mr. Dysinger. Supervisor Valentine replied that the property would have to be returned to its original condition and that the Board has every right and authority as per the Town Code.

VOTE: AYES 5: Valentine, Ardisana, Courtenay, Smith, ABSTAINED 1: Holdridge **ADOPTED**

DROPBOX PURCHASE

ON A MOTION OFFERED BY Councilwoman Smith and second by Councilman Courtenay to approve the purchase of Dropbox in the amount of \$199.00 per year for the Bookkeeper.

VOTE: AYES 5: Valentine, Ardisana, Courtenay, Holdridge, Smith **ADOPTED**

REAL PROPERTY TRANSFER TAX

ON A MOTION OFFERED BY Councilman Holdridge and second by Councilman Courtenay to support the adoption of Senate Bill S4751 and Assembly Bill A5211 with regard to the Real Property Transfer Tax in the Town of Chester.

VOTE: AYES 5: Valentine, Ardisana, Courtenay, Holdridge, Smith **ADOPTED**

SWPP LINK

ON A MOTION OFFERED BY Councilwoman Smith and second by Councilman Courtenay to direct Town Clerk Zappala to create a link on the Town's website with regard to Storm Water Pollution Prevention.

VOTE: AYES 5: Valentine, Ardisana, Courtenay, Holdridge, Smith

ADOPTED

FIELDCREST WATER RATE INCREASE

Due to the increase cost by the Village of Chester for out-of-corps users to \$10.00 p/1,000 gallons, the Town would be deficient in revenue collected in the Fieldcrest Water District, currently at \$7.50 p/1,000 gallons.

ON A MOTION OFFERED BY Councilwoman Smith and second by Councilman Courtenay to increase the rate in the Fieldcrest Water District to \$10.00 p/1,000 gallons, effective on the October 1, 2023 billing.

VOTE: AYES 5: Valentine, Ardisana, Courtenay, Holdridge, Smith

ADOPTED

230 SPECIAL RESERVE

Councilman Holdridge had requested a special reserve account be established for donations to the Commons Park field improvements. Supervisor Valentine said it would have to be created under fund 230.

ON A MOTION OFFERED BY Councilman Holdridge and second by Councilman Courtenay to establish a 230 Special Reserve Account for the Chester Commons Park field improvements.

VOTE: AYES 5: Valentine, Ardisana, Courtenay, Holdridge, Smith

ADOPTED

EDUCATION REQUESTS

ON A MOTION OFFERED BY Councilwoman Smith and second by Councilman Ardisana to approve the attendance of Tanya McPhee, Julie Tiller, Nicole Griffin to the Annual Finance School in Albany, NY, May15-16, 2023 at a total cost of \$428 per person.

VOTE: AYES 5: Valentine, Ardisana, Courtenay, Holdridge, Smith

ADOPTED

ON A MOTION OFFERED BY Councilwoman Smith and second by Councilman Courtenay to approve the attendance of Zoning Board of Appeals member Dan Doellinger to the Orange County Municipal Planning Federation on March 30, 2023 at a cost of \$15.

VOTE: AYES 5: Valentine, Ardisana, Courtenay, Holdridge, Smith

ADOPTED

ON A MOTION OFFERED BY Councilwoman Smith and second by Councilman Courtenay to approve the attendance of Planning Board member Larry Dysinger to the Orange County Municipal Planning Federation on March 30, 2023 at a cost of \$15.

VOTE: AYES 5: Valentine, Ardisana, Courtenay, Holdridge, Smith

ADOPTED

ON A MOTION OFFERED BY Councilwoman Smith and second by Councilman Courtenay to approve the attendance of Deputy Clerk Heidi Schmid to the NYSTCA Annual Meeting on April 23-25, 2023 in Syracuse, NY at a cost of \$543.00.

VOTE: AYES 5: Valentine, Ardisana, Courtenay, Holdridge, Smith

ADOPTED

EXECUTIVE SESSION

ON A MOTION OFFERED BY Councilwoman Smith and second by Councilman Courtenay to enter into Executive Session at 8:25pm on a matter of personnel.

VOTE: AYES 5: Valentine, Ardisana, Courtenay, Holdridge, Smith

ADOPTED

ON A MOTION OFFERED BY Councilwoman Smith and second by Councilman Courtenay to adjourn the Executive Session at 8:50pm.

VOTE: AYES 5: Valentine, Ardisana, Courtenay, Holdridge, Smith

ADOPTED

REPORTS

Engineer's Development Report

1. Greens at Chester: SWPPP working well. Reports reviewed weekly. Reviewing offsite
2. water complaint.
3. Cappelli Sports (Primo Sports): Reviewing weekly SWPPP reports. Stormwater systems are adequate.
4. Surrey Meadows Sewer System grate: Did cost estimate awaiting any funding to continue with an in-depth Engineering report.
5. Walton Lake Pump House: Meeting with Chris from the Water Department to review.
6. Working on Water District expansions as required.
7. MS4 Report in progress.

ANNOUNCEMENTS

Chester Historical Society 30th Annual Yard Sale. May 20, 2023, 8:30am-1pm, 1915 Erie Station, Winkler Place. Donations accepted March 4 through May 13, 2023, 9am-12pm.

NY Transco informs the public of helicopter use for wire stringing on transmission monopole structures, starting March 6 and continuing for several weeks.

Pep Boys regrettably announces, pursuant to the WARN Act, the closure of the Chester DC located at 29 Elizabeth Drive on or about June 16, 2023 resulting in an employment loss of 35 employees.

Richard Hull will speak on Sugar Loaf Hamlet and Mountain on April 3 at 7pm at the SLPAC, sponsored by the Chester Historical Society and the Orange County Land Trust.

Town of Chester PBA Easter Bunny Egg Hunt will be at the Chester Commons April 1, 2023 with a Magic Show following at the SLPAC.

TOWN BOARD COMMENTS

Councilman Ardisana asked, with all the questions he has received concerning the Ward System, if people knew what they voted for in 2018.

Councilman Courtenay reported that beginning in April, the DOT will be cleaning the roadway through Goshen as per Assemblyman Maher. He said he had asked him to look into the hauling along 17M to the landfill as a possible contaminate. Councilman Courtenay reported he participated in the CDBG webinar and would provide the slides to the Board.

Councilwoman Smith said the dog park fence will be installed Thursday and Friday and the Parks Department will be planting seed and she will provide the straw. Benches being provided by Richard Logothetis will be set. She reported that the payphone in the Town Hall will be removed.

Councilman Holdridge said the Community Day at the Commons to fix the field is set for April 16th. More details are to follow but anyone with rakes and shovels are asked to bring them along. He announced the reduction by 5 miles p/hour within the next few months based on the Route 94 Traffic Study conducted by the DOT. He thanked Highway Superintendent for the two signs that were installed today in Windridge. He asked the status of the television channel. Michele said the equipment is obsolete and she will have information from sole source provided to the Town Board before the next meeting.

ADJOURNMENT

ON A MOTION OFFERED BY Councilwoman Smith and second by Councilman Courtenay to adjourn the meeting at 9:00pm, there being no further business brought before the Board. Motion carried 5-0.

Respectfully submitted,

Linda A. Zappala
Town Clerk
2023-3-22