

**TOWN BOARD MEETING
JULY 27, 2016
7:00 PM**

Supervisor Jamieson opened the meeting 7:07 pm followed by a salute to the flag. Members present: Supervisor Jamieson, Councilman Brischoux, Councilwoman Smith, Councilman Valentine, Absent: Councilman Murray

Also present: Al Fusco, Town Engineer, Donald Serotta, Planning Board Chairman, Daniel Doellinger, Police Chief, and Anthony LaSpina, Highway Superintendent

APPROVAL OF MINUTES OF JULY 13, 2016 MEETING

ON A MOTION BY Councilman Valentine and seconded by Councilman Brischoux to approve the minutes of the July 13, 2016 Town Board Meeting.

VOTE AYES 4: Jamieson, Brischoux, Smith, Valentine

ADOPTED

WALTON LAKE TANK CONTRACT

Supervisor Jamieson stated that Town Bookkeeper Sharon Conklin received a letter from Town Engineer Al Fusco along with a letter from Statewide Aquastore enclosing a check for \$5,424.00. The check represented a refund for an overpayment. The Town's 3rd payment application was for \$22,668.00; however, the Town paid Statewide Aquastore \$45,336.00. The refund is less the money applied toward the last payment due of \$17,244.00, which completed the contract for the Walton Lake Tank Project. A Certificate of Substantial Completion was received from Statewide Aquastore to close the project.

ON A MOTION BY Councilwoman Smith and seconded by Councilman Valentine to accept and allow Supervisor Jamieson to sign and return the Certificate of Substantial Completion with Statewide Aquastore and closeout the Walton Lake Tank project.

VOTE AYES 4: Jamieson, Brischoux, Smith, Valentine

ADOPTED

POSS REGISTRATION AND APPLICATION TO USE NY-ALERT

Supervisor Jamieson received a letter from the Moodna Sewer Commission, who runs the Town's sewer system, stating that if there is a sewage issue or pollution the New York State DEC needs a representative on the behalf of the Town. The letter requests for Moodna to register as representative for the Town, along with using Scott Greene and Brian Smith as emergency contacts for the NY-Alert System.

ON A MOTION BY Councilman Brischoux and seconded by Councilwoman Smith to appoint Moodna Sewer Commission as representative for the Town for sewer issues and to sign the agreement with the NYDEC to authorize Scott Greene and Brian Smith as emergency contacts for the NY-Alert System.

VOTE AYES 4: Jamieson, Brischoux, Smith, Valentine

ADOPTED

ORANGE COUNTY PLANNING DEPARTMENT GRANT

Supervisor Jamieson received an email from Kate Schmidt from the Orange County Planning Department regarding the New York State Climate Smart Communities Grant Program. She is asking for a letter of support and information from municipalities.

ON A MOTION BY Councilwoman Smith and seconded by Councilman Brischoux to write a letter of support to the Orange County Planning Board for the NYS Climate Communities Grant Program.

VOTE AYES 4: Jamieson, Brischoux, Smith, Valentine

ADOPTED

BUILDING MORATORIUM DISCUSSION

Supervisor Jamieson discussed that about a year ago the Comprehensive Plan for the Town was finished and the Town now needed to start to abide by those rules set forth. He discussed putting into place a building moratorium, and needed all opinions. He advised that another Town, which just approved a moratorium, had conditions that any development with conditional or final approval from their Planning Board was grandfathered in. He had received a list of 11 current subdivision projects from the Planning Board, with 7 having final and/or conditional approval, 2 with preliminary approval, and 2 that are still in the design stage. Planning Board Chairman Serotta commented on the 2 subdivisions that are in the design stages. He stated that the Baroda Realty subdivision, on Black Meadow Road, is still in the sketch stage. It has been around awhile and has a ways to go with being at least a year out with approvals. He also stated that the other design stage subdivision, Ridge Road Equity, was very preliminary and had just come in at the last Planning Board meeting. Both are AR3 zoned. A question was asked by Councilman Valentine that if the Town was going to go into a moratorium, it wouldn't preclude the last 2 subdivisions proceeding along as planned. Town Engineer, Al Fusco commented that it all depended on how it was written and what waiver is included. Supervisor Jamieson stated that some of the other Towns had that any residential development over 5 or 10 units would come into their moratorium. Councilman Brischoux asked how it would work if someone claimed a hardship to get around the conditions of the moratorium. Town Engineer, Al Fusco replied that the hardship exclusion to the moratorium, in a particular case, is usually quite difficult to get. He said you would have to have a hearing before the Town Board. Supervisor Jamieson said that there are not a lot of projects before the Planning Board, but with this moratorium it gives the Town the time to get the Comprehensive Plan up to date and get the zoning in accordance with the plan. He would like to give a deadline of a year and set a committee to go from zone to zone to see what is compatible for the Town, what is good for the Town, and what fits into the Comprehensive Plan. Town Engineer Al Fusco stated that himself, Planning Board Chairman Donald Serotta and Building Inspector Joe Mlcoch have already been putting a file together of all building and planning board issues. He suggested that they can get started on those issues right away, then once the committee is formed those issues can then be reviewed to see where they want to go with what they find. Supervisor Jamieson suggested bringing in Alan Sorenson to be on the committee because of his expertise and help with the Comprehensive Plan. Councilwoman Smith asked how long of a moratorium would the Town be looking into. Supervisor Jamieson suggested one year. Engineer Al Fusco said himself and Don Serotta have a good start to it and have drafted up the simple stuff to prevent duplication and contradiction; however a committee must come up with the policies and maybe include a floating zone. Supervisor Jamieson said it is important to clear up the "grey areas." Al Fusco suggested a couple of the Town Board members be on the committee. Councilman Valentine asked if the Town Board would be ok with exempting up to 5 lots as a guideline. Supervisor Jamieson answered that there would have to be some sort of guideline for a maximum number put in the moratorium. Councilman Valentine suggested every subdivision on the list, except for the 2 in the design stage, can be exempted from the moratorium, the last 2 can proceed with the process with the understanding that things may change at their own risk, with anything new being subject to the moratorium. Al Fusco recommended Attorney Scott Bonacic write up the moratorium.

ON A MOTION BY Councilman Valentine and seconded by Councilwoman Smith to allow Attorney Scott Bonacic to draft a moratorium plan to include an exemption for up to 5 lots, allowing for the 9 subdivisions already on the list of approvals to proceed, allowing for the last 2 subdivisions in the design stage to proceed with their current plans understanding there could be changes at their own risk, and to vote on the draft of the moratorium at the August 10, 2016 Town Board meeting with the 1 year time period starting from that date.

VOTE AYES 4: Jamieson, Brischoux, Smith, Valentine

ADOPTED

GARBAGE CONTRACT

Supervisor Jamieson announced that the garbage contract with Interstate Waste is due to expire at the end of this year on December 31, 2016. The original contract was 3 years and then was extended for 2 additional years. The process should start in August in order to have the numbers included in October for next year's budget. Attorney Scott Bonacic will write up a bid and have it ready for the August 10, 2016 meeting.

CAMP MONROE

Supervisor Jamieson had discussed with Planning Board Chairman Donald Serotta the dedication of property from Camp Monroe to the Town of Chester. The property was originally landlocked, but now the Town is going to have access to it. Camp Monroe needs the Town Board to approve the dedication, so the Planning Board can begin to proceed with the subdivision plan. Councilman Valentine pointed out that the property has a well that the Town now would have access to, and it will have some of the ridgeline for protection. Councilwoman Smith asked how many acres was the property. Chairman Donald Serotta answered 29.6 acres. He said Bill Keller has inspected the well on the property and is in support of it and that those 4 acres could also possibly be added to the Lake Hills Farm water district.

ON A MOTION BY Supervisor Jamieson and seconded by Councilman Valentine to put together a formal letter to the Planning Board approving the dedication of the 29.6 acres from Camp Monroe to the Town of Chester subject to attorney review.

VOTE AYES 4: Jamieson, Brischoux, Smith, Valentine

ADOPTED

DAVIDSON DRIVE

Supervisor Jamieson stated that the architect for Davidson Drive went before the Planning Board and requested that the surrounding AR-3 parcel zone from the property across Bellvale Road be extended into Davidson Drive. He stated Davidson Drive is surrounded by an Industrial Park Zone. Supervisor Jamieson said he felt he should call the architect and let him know that if they want to build there they have to build something conducive to the industrial park. The Town is not allowing for residential housing or spot zones. The Board agreed. Councilman Valentine felt Supervisor Jamieson should follow up with a letter instead of a phone call.

TOWN OF CHESTER POLICE DEPARTMENT BUILDING

Supervisor Jamieson stated that the Town is still in the process of moving the police department into the ambulance building. The company that put in the lowest bid for general contracting could not get the bond for the project, which threw the project up in the air. The difference between the lowest and the next highest bid was approximately \$400,000. Supervisor Jamieson met with Engineer Al Fusco to discuss plans to save money for a reasonable cost. Al Fusco sent a letter on July 25, 2016 to the Supervisor with a list of changes for a potential rebid of the station. Police Chief Daniel Doellinger said he had seen the list and most of the changes he was ok with. A meeting will be set up possibly on July 28 or 29, 2016 with the Supervisor, Engineer, and Police Chief to go over the changes and start moving forward before the August 10, 2016 Town Board meeting. Al Fusco stated that there is an approval on the electrical, plumbing and HVAC bids that will be held until October 5, 2016. The general contractor's contract bid will be rejected and there would be an authorized rebid which would be done through an addendum instead of drawing all new plans. The Supervisor would authorize a new bid based on the meeting with the Chief. When the rejection of bids is done the bid bonds should be released. He also suggested if a company rebids there should be no charges for the plans.

CORRESPONDENCE

An email was read by Supervisor Jamieson from Kristi Kerns Greco thanking the "everyday heroes" of the Town of Chester Police Department, Mobile Life Ambulance, NJ Helicopter crew, and Chester Fire Department for responding to a freak accident they had at their home on June 22, 2016 involving their teenage son who had to be flown to Westchester Medical Center by helicopter.

DOUBLE YELLOW STRIPING OF ROADS

Supervisor Jamieson read a letter from Highway Superintendent Anthony LaSpina requesting that 17.15 miles of Town roads be striped this year. The money is available; however, there aren't bids awarded for this project. Three prices from vendors were available, and Superintendent LaSpina asked the Board to make a motion to proceed with the lowest quoted price from Sealcoat USA. Sealcoat USA's pricing was \$5,433.12, Atlantic Pavement Marking's pricing was \$7,138.00, and Safety Marking Inc.'s pricing was \$7,717.50.

ON A MOTION BY Councilman Valentine and seconded by Councilwoman Smith to allow Highway Superintendent LaSpina to hire the lowest priced vendor Sealcoat USA for \$5,433.12 to do the double yellow striping on the 17.15 miles of roads in Chester.

VOTE AYES 4: Jamieson, Brischoux, Smith, Valentine

ADOPTED

FROZEN ROPES

Supervisor Jamieson brought up that the process of SEQRA needed to be done on the Frozen Ropes property on Black Meadow Road. Town Attorney Scott Bonacic had told Supervisor Jamieson that the contract has been going back and forth. The process needed to be done for the bond council.

ON A MOTION BY Councilwoman Smith and seconded by Councilman Valentine that SEQRA be done on the Frozen Ropes property.

VOTE AYES 3: Jamieson, Smith, Valentine

ABSTAINED 1: Brischoux

ADOPTED

TOWN BOARD COMMENTS

Councilman Brischoux mentioned that he had attended the Town of Monroe's Public Hearing regarding Henry Farms. After attending the meeting he still was unsure as to the impact it would have on the Town. He also mentioned Attorney Jay Myrow, who was in attendance at the meeting, represented Henry Farms and brought up that the project was filing for a hardship. The project's environmental impact study was completed. Councilman Brischoux was still unclear after the meeting as to what the final count would be and would like to still monitor the project further to see if it would affect Chester.

Councilwoman Smith had attended the Town of Chester Library board meeting and inquired about security cameras that the Town was to provide. Town Clerk Zappala responded that the grant money that was previously received did not cover cameras, but it was an option if the Town Board wanted to fund for the cameras; however, it has not been presented before the Board. She also cleared up that the security system upgrade proposal did not include cameras. The security alarm system upgrade was approved in both the Town Hall and Library buildings. There was not enough extra grant money for the cameras. Councilwoman Smith also mentioned that the Library was very pleased to see their Homebound Book program was expanding.

Councilwoman Smith asked if the Town was deeded any part of Ashford Estates. Engineer Al Fusco replied that the Town has the deeds and dedication for the roads but they are not accepted at this time until the final paving is done. There is also a bond for the commitment to pave the Town streets. He said the open space lot will be available to the Town, once the deeds are recorded.

Councilwoman Smith brought up "Zombie" properties, and that she had read in the paper that the banks are giving towns grant money to do something with them. Councilman Brischoux cleared up that New York State came out with new laws that the banks are responsible to maintain all of their foreclosed properties starting January 1, 2017. He also mentioned that banks have already beefed up manpower to cover the maintenance of these foreclosures. Councilwoman Smith mentioned a 1-800 number that she saw which a homeowner could call to report these properties to the municipalities that weren't being maintained. She also mentioned that she saw in the Times Herald Record from July, 22, 2016, New York State was giving out \$13 million in grant money for these properties and Chester was listed as one of the municipalities eligible. Supervisor Jamieson stated that the Town has not received any of the grant money mentioned. He also mentioned that the Building Inspector Joe Mlcoch has a list of all the foreclosed properties in the Town along with all the properties that he maintains and that the list keeps growing. The fees that have not been collected from the banks for maintenance is relieved into the taxes.

Councilwoman Smith asked if Primo Sports ever went through with buying the property they were seeking. Supervisor Jamieson answered that he received a call from the owner Luca Spensieri and that he and his partners were bought out by another owner, but the project was still moving forward with the same plans. Planning Board Chairman Donald Serotta mentioned that Attorney Michael Sussman had filed a lawsuit with the New York State Appellate Court which could delay the project up to 2 years.

PUBLIC COMMENTS

Tracy Schuh thanked Councilman Brischoux for attending the Town of Monroe's Public Hearing regarding Henry Farms. She also mentioned that Monroe's moratorium tackled all residential projects with exemptions for sheds, garages, and certain sized additions. She said it was extreme, but Monroe had some projects with conditional final approval for over a decade. The environmental impact studies are now outdated for traffic, water, and sewer. Those projects, such as Henry Farms, have applied for a hardship variance. Henry Farms is applying due to administrative reasons. She mentions there needs to be consideration taken for the final conditions of the projects before the Town, and a determination of what those final conditions are. The Comprehensive Plan, zoning plan and subdivision regulations often changes over a period of time. Particularly in the Henry Farms project, well head protection is one of the issues now. There should be a 200 foot buffer zone free of development around the well, which there is not. She also suggests to looking a little closer at the list of conditions the Town has proposed for the moratorium. The wording is important and a "severe hardship" is often hard to prove. She said the projects who apply for hardship often make a profit after the moratorium is lifted.

Tracy Schuh also mentioned she attended the Legoland Public Hearing in Goshen. Traffic is still one of the major issues. She asked what impact would there be with the traffic for the fire and police departments in Chester due to the project. Supervisor Jamieson replied that once the project gets closer to completion the fire department, police department and Mobile Life will get involved in the conversation. He also agrees traffic will be the biggest issue and not the noise. He also stated from what he understood New York State was supposed to be working with Legoland to try and expand the roads. The Supervisor had received a few phone calls and emails from Chester residents regarding the IDA and the tax breaks predicted, especially concerning the Chester Schools. Supervisor Jamieson did not have an answer for them at that time and will get back to the residents once an answer is determined.

EXECUTIVE SESSION

ON A MOTION BY Councilman Valentine and second by Councilwoman Smith to enter into Executive Session at 8:00 pm to discuss the hiring of personnel. Motion carried 4-0.

ON A MOTION BY Councilman Valentine and second by Councilwoman Smith to adjourn the Executive Session at 8:30 pm. Motion carried 4-0.

ON A MOTION BY Councilwoman Smith and seconded by Councilman Brischoux to sign the Town of Chester Police Department contract.

VOTE AYES 4: Jamieson, Brischoux, Smith, Valentine

ADOPTED

ON A MOTION BY Councilwoman Smith and seconded by Councilman Valentine to adjourn the meeting at 8:32 pm. Motion carried 4-0.

Respectfully submitted,

Linda A. Zappala
Town Clerk
2016-07-27